



**Conflict Transformation in Post-apartheid South Africa**  
**From 1994 - 2013**

*By*

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*(B. Soc Scie Government, Business & Ethics, B. SocScie (Hons) International  
Relations)*

**Being a research paper submitted in fulfilment of the requirement for the  
degree of Master of Social Science in Conflict Transformation and Peace  
Studies (Thesis) at the School of Social Sciences,  
University of KwaZulu-Natal,  
Pietermaritzburg, South Africa.**

**November 2013.**

## DECLARATION

I, Redempta Kokusiima Rwebangira, declare that

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## DECLARATION BY SUPERVISOR

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Regular consultation took place between the student and I throughout the study. I advised the student to the best of my ability and approved the final document for submission to the School of Social Sciences' Higher Degrees Office for examination by the University appointed Examiners.

Supervisor: Sanele Nene

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Date

## ACKNOWLEDGEMENTS

I am deeply indebted to the following for their abiding support and encouragement:

**God Almighty:** The source and summit of all human understanding. You have been and will always be my pillar. You have been my pillar of support. Not only did you keep me sane throughout, you also gave me drive and motivation to push through.

**My lovely Parents, Mr. Leonce Kente Rwebangira and Mrs. Alvera Rwebangira:** For bringing me into this world and inculcating in me the priceless virtues of honesty and integrity. You have constantly supported and encouraged me to persevere even making a few suggestions along the way.

**Mr. Sanele Nene (Supervisor):** Not only did you trust in my intellectual aptitude to undertake such a study, but you continued to furnish me with insightful suggestions and essential guidance.

**My beloved Family:** Joannita Rwebangira, Mr & Mrs Ishengoma Rutashongerwa, Annelies Rwebangira, Kaiza Martin Rwebangira, and my precious nephew, Ethan Rweikiza Rutashongerwa. I am blessed to have you all in my life. You have provided me with enormous unconditional love, support and empathy when the light at the end of the tunnel seemed a little dimmed.

**Incredible friends:** - Reverend Sylvester Turner, Joseph Jere, Benjamin Maiangwa, Christian Ani, and Tella Oluwaseun who gave me academic advice. I am thankful for the support and insightful comments. My heartfelt appreciation to Irene Shubi Isibika and Nombono Dlamini; you walked with me on footprints in the sand. Also, I am particularly grateful to my friends and classmates; Doris Ngaiza, Arnauld Ishimwe, Grace Lutter, Chukwudum Eloboka Andrew, Stella Sabi, Kayonga Arnaud, Kavishe George, Mulokozi Francis, Kudzie Goto, Olimuyiwa Samuel, Sunday Paul, Nduka Victor, Nduka Jude, and finally the School of Social Science Postgraduate administrators; Miss Thenjie Duma and Madam Mudau Nancy.

**The School of Social Science (UKZN):** For their encouragement, leadership and most importantly for their support. I would not have achieved this master's degree without the concurrent two year scholarship of School of Social Science. I truly remain forever indebted.

**The staff and students of the University of KwaZulu-Natal:** For your priceless gift of camaraderie and intellectual fellowship.

I hope this research project serves as a foray into greater academic accomplishment ahead.

## **SPECIAL DEDICATION**

To

**Mr & Mrs Leonce Kente Rwebangira**

Determination, integrity, commitment and dedication would have remained fanciful words without any meaning if you both didn't implement them in your own lives to show me what they really mean. I thank you so much Dad and Mum.

To

**Ethan Rweikiza Rutashongerwa**

**Kaizage Martins Rwebangira**

**Annelies Byela Rwebangira**

Certainly, I pray that this serves as an inspiration to you all. I hope that you will follow my footsteps. My wish is that you may live to achieve greatness.

**And**

**In**

Loving memory of all the victims of apartheid, and to all other individuals who, each in their own way, has worked diligently to restore peace and helped in facilitating a non-discriminative populace in South Africa of today.

## QUOTATION

“Let there be justice for all. Let there be peace for all. Let there be work, bread, water and salt for all. Let each know that for each, the body, the mind and the soul have been freed to fulfil themselves.”

[Nelson Mandela](#)

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## **ACRONYMS AND ABBREVIATIONS**

ANC:	African National Congress
APO:	African People's Organization
AMCU:	Association of Mineworkers and Construction Union
AZAPO:	Azanian People's Organization
BBBEE	Broad Based Black Economic Empowerment
BEE:	Black Economic Empowerment
CCMA:	Commission for Conciliation, Mediation and Arbitration
COSATU:	Congress for South African Trade Union
CVSR:	Centre for the study of Violence and Reconciliation
GEAR:	Growth, Employment and Redistribution
HRW:	Human Rights Watch
IFP:	Inkatha Freedom Party
LRA:	Labour Relations Act
MMP	Media Monitoring Project
NIC:	Natal Indian Congress
NF:	National Forum
NP:	National Party
NUM:	National Union of Mineworkers
PCR:	Post-Conflict Reconstruction
RDP	Reconstruction and Development Program
RJ:	Restorative Justice
SAHRC	South Africa Human Rights Commission
SAPS:	South African Police Service
TRC:	Truth and Reconciliation Commission

UN: United Nations  
UNDP: United Nations Development Programme  
UDF: United Democratic Front

## **ABSTRACT**

With South Africa's momentous transition to democratic rule in 1994, the Nelson Mandela administration significantly underscored the need to erect the Truth and Reconciliation Commission (TRC) as a mechanism to address the grievances, racial discrimination and violence that characterized the apartheid era. The South African government and the TRC have initiated policies to expedite reconciliation among its different races with the primary objective to recompense those who were previously marginalized and abused by the apartheid regime. Such attempts include: economic and land restitution and affirmative action. Despite these strides however, there are still enormous challenges, especially with regards to socio-economic imbalances, racial skirmishes, violence, and unresolved grievances among the victims of the apartheid era. Conceived in this way, the primary purpose of this research is to offer a broad analysis of rationale to transform some of the apartheid structural arrangements to a more egalitarian structure.

1994 heralded a new era of democratization in South Africa after long years of apartheid regime. The transition from autocratic rule to democracy has often been an excruciating one. It is no doubt that the challenges of transformation and reconciliation have resulted in the changing of the character of conflict and violence in post-apartheid South African society. This study also intends to analyse the current nature of conflict in post-apartheid South Africa such as; black on black, political assassinations and taxi violence. Although the nature of violent conflict in South Africa has transformed since post-apartheid, ostensibly, these conflicts are nevertheless rooted in apartheid. Given the foregoing, it appears that the full recovery from the apartheid era is still a far cry. In order for this recovery to take place, some of the structures of the apartheid era must be removed and multi-racial groups fully integrated.

## CHAPTER ONE

### GENERAL INTRODUCTION

#### 1.1 Introduction

Following the demise of apartheid, 1994 will always be honoured and cherished by the majority of South Africans as history was made in the rebirth of the nation. For freedom fighters such as Nelson Mandela, Oliver Tambo, Goven Mbeki, Desmond Tutu, Chris Hani and many others, it was a dream come true seeing South Africans united together in a non-racial democratic general election after a long time of state-supported apartheid. The first democratic elections in 1994 led to the victory of the African National Congress (ANC) resulting in Nelson Mandela becoming the first elected black president. On his inauguration in 1994, President Mandela said “the moment to bridge the chasms that divide us has come... we must therefore act together as a united people, for national reconciliation, for nation-building, for the birth of a new world” (Mandela, 1994). Subsequently, the government of South Africa has wanted to augment unity and cooperation through their nation-building program and has deliberately functioned for the construction of a new, broad, united national identity among its citizens.

Many endeavors have been made by successive post-apartheid governments to confront the violent and fractious history of apartheid. These endeavors were aimed at bringing about transformation in the post-apartheid South Africa. This study defines Post-apartheid South Africa as the period (1994) from which South Africa transitioned from the system of autocracy that is apartheid to democracy (majority rule). There were several damaging repercussions that came out as a result of the apartheid era. These detrimental effects are still with us today. These include black on black violence, taxi violence, crime and general violence. To bring about a transformation in the post-apartheid era, South Africans were given the liberty to redefine and reassess what exactly it meant to be a “South African”. To be a South African in the post-apartheid era entailed equality regardless of race, tribe or gender (Kriel, 2007). According to Eaton (2002: 46), “for a newly-democratized, multicultural state such as South Africa, national legitimacy and a subjective sense of shared group membership among citizens is crucial for the establishment of effective democratic governance and civil stability”. I concur with Eaton (2002) in that post-apartheid South Africa is trying to put the past behind it and overcome the inequalities, cleavages and prejudices of apartheid which is

crucial for an incorporated national identity (Kriel, 2007). Through an incorporated national identity, different races are encouraged to integrate, thereby creating a non-discriminating society.

In addition to bringing about transformation in the new democratic South Africa, the government and some non-government organizations, established a mechanism for reconciliation. The reconciliation process comprised revealing facts about historical events. In addition, clemency and compensation were given to help reinstate human community in a spirit of respect for human rights and democracy (Kriel, 2007). This required the formation of an atmosphere where the likelihood of gross violations of human rights that happened in the past are decreased to the barest minimum (Simpson, 1998). These violations of human rights dehumanized the people who were previously marginalized and denied them sufficient and proper basic needs such as shelter and health services. Basic services were provided but they were not sufficient and not to the standards of the minorities.

Subsequently, the evaluation of the constitutional arbitration process, mechanisms of the themes used for the recompensing of the past, incapacitating the apartheid legacy and nation-building played their role and are correspondingly if not more significant (Graeme, 2000). The provision of Bills, in collaboration with some other sections of the constitution, is a significant building block in the process of transformation and reconciliation. Putting into place the existing constitutional provisions and views surrounding that process also has significant effects on the real transformation and reconciliation process (Ibid). With this act of political liberation, the transition from autocracy to democracy has been a painful one (Simpson, 1998). Nevertheless, South Africans were determined to start the difficult and agonizing process of transforming the political, economic and social framework of a State that was for a long time afflicted by partition, violence and discrimination (Graeme, 2000). The then President Nelson Mandela and the Government of National Unity were devoted to facing the challenges of transformation in the post-apartheid South Africa with an aim of attaining the goal of national unity (Ibid).

Attaining national unity in a post-apartheid society is vital in transforming the malicious tendencies of apartheid. The truth for most South Africans was not only understated but also included unconcealed daily humiliation and the undermining of dignity. Mortification, in the contemporary human rights discourse, is the, 'compulsory lowering of any individual or

crowd by a method of suppression that harms their dignity; 'to be humiliated' is to be placed in a situation...in a demeaning and damaging way' (Lindner, 2006:14). As a result, this has left unfathomable psychological scars that are going to take a long time to restore. What is not often acknowledged is that offenders are psychologically damaged. There is evidence that people who commit atrocities are not able to rid themselves of their post-traumatic stress symptoms (Ibid). Studies focused on the offenders found that several individuals involved in intense violence against others are severely affected by their own actions (Staub, 2005:300). In South Africa, previous victims and offenders have to live and make sense of the past together. This has led to a complex and traumatic post-apartheid legacy (Ibid). In the demise of apartheid and over eighteen years later, in the words of leading South African academic, Mamphela Ramphele (2008:15), "...we still struggle to find closure on many issues related to the past. This is in part because the wounds are still raw. It is also because we have difficulty acknowledging the depths of our trauma."

## **1.2 Statement of the Problem**

The new trends and elucidations of conflict in post-apartheid South Africa, in conjunction with the tenacity of the old patterns of violence (during apartheid) tend to pose a threat to the already fragile South African democracy (Bronwyn, 2008). The continuing violence within South Africa highlights what has been referred to as a 'culture of violence' within the country. 'Cultural violence' according to Galtung (1990:291) refers 'to features of culture that can be used to validate or legitimize direct or organizational violence, and may be demonstrated by religious conviction and ideology, language and art, pragmatic and formal science'. In cultures where violence is advocated as a primary solution to the day to day problems and challenges there is a need for identity and group norms together with the structures and factors into an understanding of violence during the political transition (ibid).

Conflicts in post-apartheid South Africa are evidently linked to the old patterns of violence during apartheid. Conflicts such as political and taxi violence are traced back from the apartheid era. They are still happening and it is these conflicts that trigger cultures of violence. The only approach to getting rid of these conflicts in contemporary South Africa is by getting rid of the structural arrangements of apartheid. This study serves the purpose of examining the rationale for transforming apartheid's structural arrangements.

### **1.3 Hypothesis**

Although the nature of violent conflict in South Africa has been transformed since apartheid, the conflict is nevertheless rooted in apartheid. The only way to get rid of these conflicts in the post-apartheid era is by getting rid of the structural arrangements of apartheid.

### **1.4 Objectives of the Study**

The tenacity of the old patterns of violence (during apartheid) is still evident and poses greater threats to the already fragile South African democracy (Bronwyn, 2008). Most authors have referred to the prevalence of violence in the country as a consequence of a 'culture of violence' that has taken deep root in the society. Harris Bronwyn (2003:1) argues that poverty, lack of justice and inequalities are huge impediments to establishing a human rights culture that will counteract the culture of violence.

The primary purpose of this research is to offer a broad analysis of rationale to transforming some of the apartheid structural arrangements to a more egalitarian structure. Also, the study seeks to critically analyze the nature of conflicts in post-apartheid South Africa. The research further aims at assessing the link between the apartheid regime and the current nature of present day South Africa. The study further intends to ponder on the challenges that emerge in the process of transformation. The study goes on to look at some mechanisms that can be adopted in conflict transformation in today's South Africa, while investigating the link between conflict, truth and reconciliation in post-apartheid conflict. Lastly, it will propose some structures that can help facilitate non-discriminative populaces and help resolve conflict.

### **1.5 Key Research Objectives**

The research seeks to fulfill specific issues and these are:

1. To understand the rationale for transforming apartheid's structural arrangements;
2. To examine the nature of the conflict in post-apartheid South Africa;
3. To assess the link between the current nature of conflict in the South Africa of yesterday and today;
4. To ponder on the challenges that emerges in the process of transformation in South Africa today;

5. To propose some structures that can help facilitate non-discriminative populaces and help resolve conflict; and
6. To probe the link between conflict, truth and reconciliation in post-apartheid conflict transformation.

## **1.6 Methodology**

A qualitative research approach was used when carrying out this study. This includes literature reviews, newspaper reports, podcasts, television and the news media. The study intends to specifically analyze the existing data on conflict transformation in post-apartheid South Africa from 1994 to 2013. The literature surveys will provide a systematic understanding of South African history on conflict, but with a particular focus on apartheid, considering that conflicts in South Africa can be traced back to before colonization. The review starts with a description of the nature of conflicts that existed in the pre-colonial era (the tribal and village cleavages), and then on to how these conflicts have transformed into racial conflicts during the apartheid time and will eventually analyze the current nature of conflicts in the post-apartheid era.

The methodology in studying conflict transformation in post-apartheid is done by analyzing the existing data of different scholars and philosophical ideas. The study also looks at other scholars' views on conflict and conflict transformation in the apartheid and post-apartheid eras. In the literature review, there are clear definitions of the terms such as conflict and conflict transformation, apartheid and post-apartheid era quoted by other scholars. Brummer (2005: 342) argues that secondary sources consist of data and information that have previously been published, and therefore is supplied via a data recovery method from intellectual sources, such as published books, journal articles, magazines, newspapers, inter alia. (Denzin & Lincoln, 2003: 4). Dissimilarities are normally put in mind when it comes to social research between primary and secondary data. Alan Thomas (2004) also remarks that principal data have been made by the researcher in the framework of their own research project. According to Welman et al (2009: 6), secondary data have been made by others, who probably may or may not be fellow researchers, for intentions which may necessarily not be researched.

Welman et al, (2009: 8) argues that research engages in secondary data seeing that it helps a broad assortment of interpretive practices to bring together an improved understanding of the area under discussion. The reason why a qualitative method was chosen as the principal method for this study is because it allows the author to go deeper into the study of conflict transformation in post-apartheid in South Africa and to bring out the rationale for transforming some of apartheid's structural arrangements to a more egalitarian structure.

## **1.7 Theoretical and Conceptual Framework**

The Post-Conflict Reconstruction (PCR) and Restorative Justice (RJ) are theories that basically lay strategies through which a nation or community, that has just come from violence of varying degrees, can be reconstructed to a peaceful state. These theories support the principle that what has been destroyed through violence has to be mended. For post-apartheid South Africa to achieve this goal, it has to set objectives that would support the transition from any conflict to peace, and economic and social development, human and institutional capacity building, and creating distinct investment funds to sustain communal solidarity during the era of economic modification and poverty alleviation and reorganization (Jean-Claude, 2009: 40). Furthermore, the author states that reconstruction is about building better secular societies and economy, culture, ethics, aesthetics, spirituality, and ecumenism.

### **1.7.1 Restorative justice (RJ)**

Given the underlying definition of RJ that tends towards an amicable healing of hurts of both the victimized and the victimizer, and that of the community of which they are part, this theory is seen as instrumental in the South African scenario though not all conclusive. Batley (1997) observes that RJ is congruent with the South African experience in two ways:

- The theory of RJ offers a pragmatic, comprehensible and all-encompassing retort to the moral challenge towards crime, and the attention is known by the Moral Regeneration Movement (ibid).
- This method of justice suggests a much more pragmatic mechanism for smaller groups of people within society, such as families and communities, to also be included in responding to conflict and to restore its effects. Based on these grounds, it develops democracy and offers an opportunity for a participatory democracy (ibid).

RJ is seen as a theory that has the capacity to bring about practical and concrete measures to restore moral decency and bring families and communities under the same umbrella, whereby each member of the community has a role to play in governance because of being sensitive, and responsive to the violence that is prevalent in the country. The Dalai Lama, in Braithwaite (2002: 80), pointed out that “learning to forgive is much more useful than merely picking up a stone and throwing it at the object of one’s anger, the more so when the provocation is extreme”. This is to say that however much harm was caused to a victim, it is pointless for the victim to take revenge since it perpetuates, rather than heals the hurt that seems unforgivable.

RJ on the other hand deals with the pains and necessities of the sufferers and the wrongdoers in a manner that all the parties are healed (Batley 1997). This theory comprises of three principles: crime is viewed as the major cause of injury to victims, offenders and communities (ibid). In the spirit of Ubuntu the unfair justice process should seek the healing of pains or wounds, the redressing of inequalities and the reinstatement of destroyed relationships (ibid).

- RJ calls on the government, victims, offenders and their communities to be enthusiastically involved to the fullest extent in the criminal justice process from the beginning (ibid).
- In a bid to promote justice, it is the duty of the government to maintain order and the community’s responsibility to establish peace (ibid).

Batley (1997) has conceptualized “five Rs” that are essential to RJ which, when measured together, link both the offender and the offended, making the healing of the broken relationship possible to the point that the victims are willing to forgive. This puts the responsibility for restoration on the offender (ibid).

- Facing the truth is a critical step on the way to freedom and it is from here onward that restoration begins (ibid).
- Willing to take responsibility: Facing the truth identifies the reality of a given situation, but the offender must also accept responsibility for his or her actions.
- Articulating remorse or repentance: Willing to be accountable for the effects of one’s actions results in an articulation of remorsefulness. This establishes grief and genuine regret for the wrongful actions and the awareness that the actions were truly unjust and should

therefore not have happened. The typical method in which this is done is by making an apology to the person who has been wronged, and by asking for forgiveness from the supernatural being to which the offender relates (ibid);

- Knowing reconciliation: This entails being prepared to look at the full force of wrongfulness, and not being allowed to take refuge in justifications or validations which make it likely to accept reconciliation with the person who has been offended (ibid). There is no assurance that the person who has been victimized will be ready or able to offer reconciliation, but full reconciliation is not likely if the wrongfulness has not been confronted (ibid); and
- Making compensation: At this point, it is a pragmatic mechanism of confronting the penalties of behaviour (ibid). It is a technique of demonstrating the believability of the words that were articulated when making an apology and of articulating gratitude for reconciliation (ibid).

RJ, when understood broadly, not only deals with notions of crime prevention, deterrence, incapacitation, and rehabilitation but also it means, according to Braithwaite (2002: 81), “transformed foundations of jurisprudence and of our notions of freedom, democracy, and community”. The understanding or definitions we assign to notions such as freedom, democracy, and community influence the quality and degree of our reaction to hurts especially to our offenders and those who may be victims of circumstances. The ancient Palestinian restorative justice institution of the Sulha, says Braithwaite, is one of the richest survivors of the ideal of using the lesser evil of crime to build a greater good of a loving community. As it stands in the Sulha today:

“If a serious crime such as a murder occurs, the first step in a Sulha is that the offender’s family approaches a number of different individuals respected as peacemakers and begs for their help. If they offer it, the peacemakers visit the victim’s family. We are asked by the offender and his family to come and pay a visit in order to have the honour of offering their repentance, to express their sorrow for what has happened and to ask you to be kind and honourable and to let us take the case into our hands and see how we can restore peace between us... “

Admitting to the fury of the victims with love no matter what they do, and of mediators forfeiting themselves to soak up the anger, can lead victims to a point of acceptance. The

unpaid peace broker helps make the families of the victim and perpetrator feel more praiseworthy.

Barrett T. & Barrett P (2004) in their work “A History of Alternative Dispute Resolution: The Story of a Political, Cultural, and Social Movement” traced the history of RJ from as early as 1800 B.C. with the Mari Kingdom (in modern Syria) that used mediation and arbitration in disputes with other kingdoms, up to 2001 with the U.S. v. Microsoft antitrust case mediation effort. Eglash in Helsinki (2007:21) differentiated three types of criminal justice: retributive, distributive, and restorative. He asserted that ‘... the third one, however, focuses on restoring the harmful effects of these actions, and actively involves all parties in the conflict process. With RJ, Barrett T. & Barrett (2004) provide a “deliberate opportunity for offender and victim to restore their relationship, along with a chance for the offender to come up with a means to repair the harm done to the victim”. In due course both the offender and the victim need not feel belittled and angered, which in many instances blocks the peace process. Harm in such cases may be repaired either through apology, compensation or repentance.

Marshall (1999:6) outlined the aims of RJ as follows:

- The victims (as well as those close to this person) need material, monetary, emotional and social support (ibid).
- To avoid re-offending by reintegrating offenders into the community (ibid);
- To allow offenders to undertake active accountability for their actions (ibid);
- To restore a working society that encourages the convalescence of victims’ perpetrators and is active in averting crime (ibid); and
- To offer ways of avoiding intensification of legal justice and the related costs and deferrals (ibid).

McCold & Wachtel (2003:1) state that, ‘The foundational purpose of RJ is that violation harms persons and relationships and that justice necessitates the restoration of the damage as much as possible. Out of this plain premise arise crucial questions: who is injured, what are their necessities and how these necessities can be met?’ It is paramount to define and understand the depth of these questions otherwise those who felt harmed will continue from generation to generation. Identifying the needs of the harmed, and the way to meeting those needs, is another powerful means to restoring peace and unity among a conflict ridden society. If all these are not clearly stipulated, the RJ theory does not work. McCold &

Wachtel (2003:3) argue that any damage or harm to individuals and relationships much be restored as much as possible (ibid). RJ is done not only because it is deserved, but because it is needed (ibid). Ideally, it is attained through a supportive process that involves all the principal participants in influencing how best to restore the damage already done by a wrongdoing (ibid).

RJ is needed for the healing of harm done in the post-apartheid era, although attention must be paid to the shortcomings of this theory. Many views have been advanced to this end and it is imperative to see them. ‘Often times, RJ is overextended to accommodate the fundamentals that are necessarily not curative in nature, which in other incidents, are constricted to a concept that cannot take in all the indispensable aspects that describe its thought’ (Helsinki 2007:15). This absurdity arises sometimes due to the complexity and difficulty to clearly define what RJ is. Helsinki (2007) says that ‘a lot of people have tried to simplify a consensual comprehension for RJ. The fact is that it is not likely for its proponents to articulate a much clearer description to which everyone would be able to contribute. (Helsinki 2007:37).

The RJ theory relies mainly on voluntary operations, and it is limited by its scope in achieving its goals. It is crucial to consider that one party may not be ready to take part in the process of healing; the result is that participation will be reduced. Worst of all, if all parties, offender and victim are unwilling, the only alternative is to allow the formal legal system to take its course. This means that RJ is curtailed. Christie in Helsinki (2007: 22) argues that the details of what society does or does not authorize are often times problematic to decipher, and that “the degree of blameworthiness is often not expressed in the law at all” (Christie, 1977: 8). Helsinki (2007) further argues that the government has ‘pilfered the conflict’ among citizens, and therefore has deprived society of the “opportunities for norm-classification”. In social problems the conflicts and troubles are unavoidable parts of daily life. Helsinki (2007) states that this should not be delegated to professionals and specialists who claim to provide solutions but Christie (1977) on the other hand believes that through controlling the criminal procedure and law, to a strict narrow legal definition of what is significant and what is not, the victim and the offender cannot explore the extent of their culpability and the real effects of the case. Helsinki (2007) explains that the most significant variance between the conventional criminal justice system and RJ is the contrasting values that lie beneath them.

The law itself is insensitive to many things especially when it comes to blame and understanding what people do in different cultural milieu. Even when amnesty was granted ‘to those who acknowledged gross human rights violations is an intrinsically unfair policy in the manner that evil deeds appear to be excused, if not rewarded. Amnesty also appears to make Retributive Justice elusive, if not impossible’ (Gibson, 2002: 541). Rewarding those whose human rights were violated is not enough. How does one expect reconciliation to take place when the structure that is supposed to facilitate excuses some gross evils that have been committed?

Gibson (2002:545) observes that because amnesty is permitted, it does not necessarily mean that one perceives it as fair. However, there were questions as to whether amnesty is just to four groups: the people who passed on during the struggle for freedom, the victims and the “ordinary people like you” (ibid). Depending upon the frame of reference, the judgments of justice differ significantly (ibid). Gibson (2002) goes on to state that a great preponderance of South Africans (72.7 percent) trust amnesty is biased to the people who passed on in the struggle, and utmost (65.2 percent) trust is biased to the victims (ibid). In addition, a mainstream (52.6 percent) of South Africans find amnesty to be unfair to ordinary people, and only 33.5 percent of South Africans take the view that it is fair (ibid). Regarding the question of fairness to ordinary people, the racial dissimilarities hardly attain a low level of statistical significance and the strength of association among races and opinions is undeniably slight ( $\alpha, 0.05 = 17$ ) (ibid). Consequently, amnesty can be acceptable for a majority of South Africans but then again its injustice renders it a necessary evil (ibid).

There is a huge social gap between the cultures and age groups (ibid). Greater community participation would have broadened the knowledge of some communities more than others but the restriction for RJ is the presence of social unfairness and discrimination in and between communities (ibid). If RJ involves the community as a main player, there needs to be a community (Ibid). The extent to which effective societies exist depends mostly on other social policies rather than from criminal justice. Gibson (2002) gives an example of victims and their families who are given a chance to confer their grievances and injuries openly can do much to resolve fury instead of allowing of amnesty to offenders. This is simply because RJ is, by its nature, more manageable and attractive to persons because it offers them flexibility and are more easily understood than legal procedures (ibid).

According to Batley (2001:24) RJ is not desirable because of the following outlined reasons:

- This theory does not apt the rational of legal practitioners;
- The RJ theory is a lenient choice that overlooks the necessity for chastisement;
- Also, the theory results in a clear broadening meaning that more perpetrators get drawn into the system than would otherwise be the case;
- In general, this theory is not inventive and sophisticated enough in its applications to tackle the concerns it claims to;
- Numerous of the individual victims are not willing to partake in RJ processes but are instead willing to settle for compensation directly. Seemingly, the victims want retribution and not restoration;
- RJ is not applicable when it comes to handling of more serious cases such as rape, murder and domestic violence; and
- RJ ignores and underestimates the significance of crime. Every single charge against RJ is concisely conferred.

### **1.7.2 Post-Conflict Reconstruction theory (PCR)**

The Post-Conflict Reconstruction theory (PCR) is vital for the peace building process most especially for the countries that are recovering from conflict (Albert, 1995). In this study, the tenets of PCR are instrumental in measuring and assessing the achievements and shortcomings of post-Apartheid reconciliation in South Africa. PCR engages programs of reconciliation and development and advocates for participation of every citizen of that society (Adekanye, 1997). PCR entails the repairing and rebuilding of physical and economic infrastructure in a country that has just faced a prevalent violence or where the preoccupation of the state is armed warfare or where a substantial part of the population is involved with armed struggle with the state (Albert, 1995).

Anderlini and El-bushra (2004: 52) advocate for the social and economic dimensions of restoration. These include reconstructing the functional constituents of a society by reinstating internal security, structuring administrative and governance capacities, repairing physical infrastructure such as constructing roads and bridges, houses/homes, hospitals, recreation centres; reinstating supplies such as water, electricity and fuel, renovating basic facilities such as schools, markets and hospitals, conscripting personnel, and offering training that is necessary for operations and maintenance (ibid). Instituting functioning financial

infrastructures and economic reformation, such as creating a credible banking and financial system, fiscal planning and budgets, reinstating an economic base focusing on both traditional agricultural and pastoral production and also the prevailing industries, and creating an environment favorable to producing new sources of income and economic growth (ibid). It also entails providing credits and endowments to businesses or new projects, skills training, development of novel industries and commerce, eradicating delinquency and regulating armed actors over significant sectors of the economy; creating a trustworthy and effective judicial system. All this involves a number of processes for conscripting legislation, restructuring courts and judicial processes, employing personnel, providing training and introducing a national legal and literacy program (ibid).

Task framework (2002:3) states the four distinct issue areas, or “pillars” in Post-Conflict Transformation and these are:

- Security: This addresses all aspects of public safety, in particular the establishment of a safe and secure environment and the development of legitimate and stable security institutions (Ibid). Security encompasses the provision of collective and individual security, and is the precondition for achieving successful outcomes in the other pillars. In the most pressing sense, it concerns securing the lives of civilians from immediate and large-scale violence and the restoration of territorial integrity (Ibid).
- Justice and Reconciliation addresses the need for an impartial and accountable legal system and for dealing with past abuses; in particular, creation of effective law enforcement, an open judicial system, fair laws, humane corrections systems, and formal and informal mechanisms for resolving grievances arising from conflict (Ibid). These tasks encompass the provision of mechanisms to redress grievances, exact appropriate penalties for previous acts, and build capacity to promulgate and enforce the rule of law. Incorporating the concept of restorative justice, they include extraordinary and traditional efforts to reconcile ex-combatants, victims, and perpetrators (Ibid).
- Social and Economic Well-Being addresses fundamental social and economic needs; in particular provision of emergency relief, restoration of essential services to the population, laying the foundation for a viable economy, and initiation of an inclusive, sustainable development program (Ibid). Often accompanying the establishment of security, well-being entails protecting the population from starvation, disease, and the elements. As the situation

stabilizes, attention shifts from humanitarian relief to long-term social and economic development (Ibid).

- Governance and Participation addresses the need for legitimate, effective political and administrative institutions and participatory processes; in particular, establishing a representative constitutional structure, strengthening public sector management and administration, and ensuring active and open participation of civil society in the formulation of government and its policies (Ibid). Governance involves setting rules and procedures for political decision-making, and delivering public services in an efficient and transparent manner. Participation encompasses the process for giving voice to the population through the development of civil society that includes the generation and exchange of ideas through advocacy groups, civic associations, and the media (Ibid).

The state institutions tend to be weakened in the post-conflict situation in that they show little ability to carry out their traditional functions. Post-conflict reconstruction also involves a number of critical external interventions directed to rebuilding the weakened institutions (Adekanye, 1997). These included reviving the economy, restructuring the framework for democratic governance, rebuilding and maintaining key social infrastructures and planning for financial normalization. In Adekanye's words:

“Post conflict intervention tends to have explicit objectives such as supporting the transition from war to peace, resumption of economic and social development, reconciliation and reconstruction, human and institutional capacity building, and establishing special investment funds to maintain social cohesion during the period of economic adjustment and poverty reduction and decentralization...”(Adekanye, 1997).

As mentioned above, it is clear that PCR operations necessitate thorough monitoring to ensure their continued relevance, effectiveness and efficiency (Diamond & John, 1996). There are four pillars that are all inextricably linked and have a positive outcome in each area depending on the extent to the success of integration and interaction across them, and these include post-conflict reconstruction-security, social and economic well-being, justice and reconciliation and governance and participation (ibid). Francis Fukuyama in (2004) describes PCR as the first stage of nation-building, which is applicable to failed states after violent conflict and where the international community has provided security and all essential needs and/or services. The second phase of nation-building, according to Fukuyama (2004), is the creation of self-sustaining state institutions which provide security and all essential needs

with the help of the international community (Fukuyama, 2004). This normally starts after the completion of the first phase and once the international forces have assured security and stabilized the situation. Strengthening of weak states is the third phase (Fukuyama, 2004, pp. 135-136).

Hamre and Sullivan, (2002:89) argued that “PCR is only needed when the international community is dealing with failed states, the government institutions of which are not functioning effectively”. The authors added that, “As a term, PCR was first defined by the World Bank in 1995 as “the rebuilding of the socioeconomic framework of society and the reconstruction of the enabling conditions for a functioning peacetime society [to include] the framework of governance and rule of law” (Hamre and Sullivan, 2002:89). If the PCRs are not efficiently implemented and all stake holders sufficiently re-integrated into the state (in the post-conflict era), there is a possibility of a re-occurrence of a war (Diamond & John, 1996).

Adekanye (1997) states that certain issues are identified as key issues in the post-conflict environment due to the fact that there are empirical interconnections which should not be ignored between the “conflict and “post conflict stage”, between “violence” and “politics” between “war” and “peace” (Adekanye, 1997). So the key issues that are appropriate to the peace process are identified as follows: the contradiction of three transitions in one, reintegration of ex-combatants; problems of illegal surplus arms; making committed electoral players out of former guerrilla leaders, power-sharing versus political inclusion, reconciliation versus justice; market-driven liberalization versus post-conflict peace building and countering the phenomenon of “return wars” (Adekanye 1997).

## **1.8 Thesis Outline**

Chapter one introduce the theoretical framework; chapter two follows by critically analyzing the literature review and defining the concepts of conflict and conflict transformation. Chapter three will state the rational for transforming the apartheid structural arrangement and chapter four examines the nature of post-apartheid conflict. The study will focus on black on black violence, xenophobia, taxi violence, economic & social conflicts and political assassinations. This chapter also examines the current nature of conflict in post-apartheid linked to the apartheid era. Chapter five assesses the challenges that emerge in the process of

transformation in the post-apartheid era and will also probe the link between apartheid and the Truth Reconciliation Commission in the post-apartheid conflict transformation. Chapter six sums up the study by presenting recommendations that can bring about reconciliation in conflict transformation in post-apartheid South Africa. This chapter will give a summary and conclusion to all the findings.

## **1.9 Conclusion**

This chapter started off by giving a general introduction and background. It also highlighted the problem of the study stating that, ‘the new trends of conflict in the post-apartheid South Africa, in conjunction with the tenacity of the old patterns of violence (during the apartheid era), tend to pose a threat to the already fragile South African democracy (Bronwyn, 2008). This chapter also examines the methodology that will be used later in the study that is a qualitative research approach. The chapter also started the hypothesis, key objectives and the theoretical framework of the study.

## CHAPTER TWO

### LITERATURE REVIEW

#### 2.1 Introduction

The literature review for this study aims at providing a systematic understanding of South African history on conflict but with a particular focus on apartheid. Considering that, conflicts in South Africa are traced back even before colonization. Many scholars have written on the various conflicts that existed in pre-colonial times, the apartheid regime and in the post-apartheid period.

Such conflicts included tribal conflicts, the apartheid era, black on black, political assassinations, xenophobia and so on. As such, the literature review of this study fills in the missing gap of elucidating in depth as to how the conflicts in colonial/apartheid and post-apartheid eras are linked together the apartheid regime and most of all, traces the conflicts from pre-colonial South Africa. It will start by looking at what other scholars argue about the concepts of both conflict and conflict transformation. A qualitative research approach is used when critically analyzing the literature review of this study. The approach used mainly includes articles and books written by other scholars and authors on conflict particularly in South Africa. There are also sources obtained from newspaper reports, podcasts, television media, and magazines that will be used. The study determines to specifically analyze the existing data on conflict transformation in post-apartheid South Africa from 1994 to 2013.

#### 2.2 Concept of Conflict

Draman (2003: 4) defines conflict as “an interaction between interdependent people who perceive incompatible goals and who expect interference from the other party if they attempt to achieve their goal”. Conflicts are found everywhere in human society making them common, normal and bound to happen in human relationships. There is generally an aim we are trying to achieve through conflict and there are various possible means of attaining our goals (Dahrendrof & Collins 2006). The presence of the likelihood of different paths creates opportunities for negotiation and different types and levels of conflict (ibid). Since conflicts are a functional part of human life, they are regarded as a motor of change (Lederach &

Michelle, 1995). Each time ideas, activities, structures and people's relations to each other change, conflict is expected to be experienced. Considering that change is inexorable and at the same time desirable so is change inevitable, conflict can be handled either cooperatively or competitively (Francis, 2002).

Swanstrom & Weissmann (2005: 9) define conflict as "a situation in which two or more parties strive to acquire resources at the same time". Conflict is visceral for us, so we find conflict with each other if there is unequal distribution of scarce resources. Resources are not only economic in nature but also involve class, status and power (Wallenstein, 2002). Dahrendrof & Collins (2006) cited in Weber (1995) and Simmel (1998) states the significance of the crosscutting influences that are invented with the various structures of inequality. An example is given by Dahrendrof & Collins (2006: 216) of 'a working class black person who may not share the same political interests as a working class white person'. Dissimilarities in the status between these two persons may cut across their similar class interests. Therefore the fact that this tends to become vital as a source of conflict is the covariance of these three systems of stratification (ibid). Once the public identifies that a certain set of people controls accessibility to all three resources, there is a huge possibility that the legitimacy of the system is being questioned considering the fact that people see their social mobility to be disadvantaged (ibid). In addition, Dahrendrof & Collins (2006), argues that conflict in its nature fluctuates and it may vary by its level of violence. If people perceive conflict as a means to attaining evidently conveyed rational goals then they tend to be less violent and sometimes not even violent at all. For example, workers may go on a strike to attain express goals such as an increment in stipend.

Conflicts on the other hand can be violent (Dahrendrof & Collins 2006). There are two major factors that trigger violent conflict and this includes emotional involvement and transcendent goals (ibid). For a conflict to be regarded as violence there has to be an engagement emotionally. Scholars such as Durkheim maintain that group interaction has a possibility to escalate emotional involvement and even create moral boundaries around group values and goals (ibid). Dahrendrof & Collins (2006: 217) go on to state that, "the more involved we are with a group, the greater is our emotional involvement and the greater the likelihood of violent conflict if our group is threatened".

The violence associated with conflict such as cultural, tribal, ethnical or racial context is classically aggravated by differences among the conflicting individuals or group of people. The dominating motives imputed by others, and “otherness” is regarded as a threat (Francis, 2002). Once there is a connotation with difference in power irregularities, fear and mistrust escalates. As those in power anticipate insurrection, it makes the ones underneath them feel threatened and marginalized. Subsequently, racial difference is not a source of amelioration but that of alienation, misapprehension and misconception. It is affiliated with discontentment or non-respect with a feeling of victimhood, bitterness and affront on the other (ibid).

When it comes to conflict, there are forceful factors in human life that all of us live and as such they compel us apart and even provoke disjointed groups to fight each other. Some of these factors like ethnicity or religion may not appear to be conflict-ridden. The same factors may also harbour lenient and cooperative prospects (Malan, 2008). Conflict is a common part and parcel of human relations and therefore conflict is an instrument of alteration (Lederach & Michelle, 1995). Every single time ideas, activities, structures and people’s relations to each other alter, some type of conflict is likely to be experienced. Since that change is inescapable and at the same time desirable, so is change inevitable, conflict can be handled either cooperatively or competitively (Francis, 2002).

Wallenstein (2002) states that conflict refers to when two or more parties endeavor to obtain at the same time an existing set of already limited resources, which can be either material or immaterial. It is argued by Malender & Pigache (2000), that conflict in itself is frequently a constructive element of a dynamic society though it becomes detrimental and problematic when the involved parties opt for violent means to advance their causes (Ibid). Essentially conflicts are not only about economic resources in nature but also involve class, status and power (Swanström & Weissmann 2005). In most cases, conflicts are based on perception rather than on attitudes or behaviour (Ibid).

Lastly, intergroup conflict exists between groups in the same society or organizations. Bornstein (2003; 129) states that it is unavoidable to have tensions between the interest of the individual researchers and the collective interest of the group. It stems from the fact that the benefits associated with the outcome of intergroup conflicts (e.g., territory, political power, status, pride) are public goods that are non-excludable to the members of a group, regardless

of their contribution to their group's effort.' There are three sources of intergroup conflict; Cohesion- "sticking together" within a group usually causes out-group hostility, structure type of leadership and status within a group are factors that tend to escalate the conflict (Swanström & Weissmann, 2005). A conflict between states can fall under the above three categories that is out-group hostility, structure type of leadership and status due to the various causes of conflict between states which subsists from the three categories. Such causes include the following: contrasting capabilities and interests (precise sociocultural similarities and differences between the parties), contact and salience (awareness), significant change in the balance of powers, individual perceptions and expectations, a disrupted structure of expectations, and a will-to-conflict. These are aggravated by coercive state power, sociocultural dissimilarity, status difference, cognitive imbalance (Rummer, 1979).

According to Mitchell (2002) conflicts are changing all the time. They arise from incompatible interests in the parties' consciousness through the mobilization of support for the accomplishment of shared objectives. There is also an increase in coercive and violent behavior between the sponsors, allies and intermediaries.

The structure of conflict has three parts; attitudes, behavior and circumstances and they correlate and create conflict amidst actors (Mitchell, 1981). Swanström & Weissmann (2005) argue that often the circumstances tend to impact the behavior. The failure to accomplish the targeted goals, particularly central goals, generates frustrations and escalates the willingness to reach these goals at all costs even if it means through conflict (Ibid). The circumstances also affect the attitudes in such a manner that discordant goals escalate the suspicion and cynicism amidst the actors. Behavior on the other hand effect the circumstances in that success can present new questions in the conflict as demands intensify. Also, the behavior impacts the attitudes in a way that destruction proliferates hatred. Eventually success impacts the group solidarity and the idea of "us" (Swanström & Weissmann 2005). Also, attitudes impact the behavior in that, as expectations such as "our traditional enemies will attack again", will impact the defensive planning and preventive actions. Finally, attitudes impact the situation in such a manner that the conflict continues and the more questions will be presented (Ibid).

According to Swanström & Weissmann (2005), a conflict is not a static situation. The level of intensity transforms over a conflicts' life cycle (ibid). Conflicts tend to have different

stages and for one to have a full understanding of the conflict cycle, it is crucial to comprehend how, where and when to apply different strategies of conflict prevention and management (Ibid). Scholars have come up with many suggestions and models of conflict patterns and among these models and suggestions there are a number of patterns that stand out. Usually, conflicts are described as cyclical in terms of their intensity levels (ibid). They intensify from relative stability and peace into crisis and war and subsequently into relative peace (ibid). These cycles are occurring and durable, making peace an extra stage in which the conflict is considered to be resolved. Likewise, most models divide both the escalation and de-escalation of the conflict cycle into phases.

The divisions into phases and the reoccurring perception of conflict have become the starting point of investigating conflict prevention, management and resolution (Swanström & Weissmann, 2005). Conflict prevention, conflict management and conflict resolution in principle are considered as appropriate measures of different phases of conflicts that is escalating from (relative) stability and peace into crisis and war, thereafter de-escalating into relative peace (ibid). Conflict prevention is significant as it is intended for the early phases before a conflict has become overt. Conflict management on the other hand, is important as it is applicable to the later stages when a conflict is manifest but before the occurrence of violence. Conflict resolution is applicable in the de-escalation phase after an intense conflict has transpired (ibid).

### **2.3 Concept of Conflict Transformation**

Conflict transformation according to Hugh (2004), refers to a process of engaging with and transforming the relationships, interests, discourses and, if necessary, the very constitution of society that supports the continuation of violent conflicts. With conflict transformation, it is not merely enough to resolve one set of issues among parties who then continue in a mental frame of mutual suspicion and resentment, in relation to loathed interdependence and protected in a structure from which major salient contentions will unavoidably arise (Mitchell, 2002). Transformation in a society like South Africa is vital as it brings into focus the horizon towards which we journey, especially in the building of healthy relationships and communities both locally and globally (Lederach & Michelle, 1995). The term ‘transformation’ certainly suggests coming up with some changes in some aspects of the conflict or the social-political system in which it is embedded (Mitchell, 2002). The central

concept of transformation includes some sort of significant change. A major problem is that conflicts themselves are intrinsically a forceful phenomenon much as they are in the initial phases when no-one either involved in the conflict or observing it is even considering to settle, resolve, terminate or change it (ibid).

Conflict transformation does not recommend that we eliminate or control conflict but rather recognize and work with its dialectic nature. Social conflict is naturally created by individuals who are involved in relationships. However, as soon as it happens, it transforms the events, people and relationships that created the initial conflict. Therefore, the cause-and-effect relationship goes both ways. That is from the people and the relationships to the conflict and back to the people and relationships. Consequently, conflict transformation is a natural occurrence and as a result conflicts change relationships in expected ways, altering communication patterns and patterns of social organization, changing images of the self and the other.

Similarly, conflict transformation is a prescriptive concept. It advocates that left alone, conflict can have dire and destructive consequences. Conversely, the consequences can be adjusted or changed so that self-images, relationships and social structures improve as a result of conflict rather than being affected by it. This frequently involves changing perceptions of issues, actions and other people or groups. Conflict Transformation tends to improve mutual understanding since conflict itself usually changes the perceptions by accentuating the differences between people and position. As much as people's interests, values and needs differ and may even be non-reconcilable, progress can be made so that each group gains a relatively accurate understanding and an indulgence of each other.

Transformation involves transforming the way conflict is articulated. It may be uttered competitively, antagonistically or pugnaciously or it can be uttered through nonviolent advocacy, conciliation, and cooperation. Unlike several conflict theorists and activists, who recognize mediation and advocacy as being in disapproval to each other, Lederach (1989) perceives advocacy and mediation as being different stages of conflict in raising people's awareness of an issue. Therefore activism uses a nonviolent advocacy to intensify and confront the conflict. When awareness and concern is generated, mediation can be used to change the expression of conflict from "mutually destructive modes toward dialogue and interdependence" (Ledereach, 1989; 14). Thus, such transformation must take place at both

the personal and the systemic level. Conflict transformation at the personal level, entails the pursuit of awareness, growth and commitment to change which may happen through recognition of fear, anger, grief and bitterness. The author also advocates that emotions need to be outwardly acknowledged and dealt with so as to attain an effective conflict transformation.

Peace-making necessitates a systemic transformation. The process of increasing justice and equality in the entire social system may require the elimination of oppression, improved sharing of resources and the non-violent resolution of conflict between groups of people. Each of these actions reinforces the other. That is to say, transformation of personal relationships simplifies the transformation of social systems and systemic changes enables personal transformation (ibid). Truth, justice, mercy, empowerment and interdependence are core concepts to both kinds of transformation. In as much as the core concepts are observed to be in contrast to each other, they must come together for reconciliation or peace to happen (Lederach, 1995).

#### **2.4 The natures of conflicts during the pre-colonial and apartheid eras**

The nature of conflict in post-apartheid South Africa is considered to be a violent one and this possibly contributed to the history of South Africa. They are traced back to before colonization. Prior to colonization, the conflicts were characterized as tribal and village cleavages. According to Uzoigwe (1975: 23), “warfare appears to have been rare, and when it did occur, it was usually a struggle for power between a chief and his relatives”. The pronounced conflict that existed in the pre-colonial times was the Zululand civil war that took place from 1808 to 1818 and argued to have significantly changed the situation (Uzoigwe 1975: 24). Some of the changes included the; enlargement of political scale and instigated a tradition of militarism among the Zulu which exists to the present day (ibid). Some scholars do not concur with Shaka’s much vaunted revolution and state that it is not as original as his numerous admirers like to advocate (ibid). In fact, it has been noted that, “he duplicated in his great new nation early Nguni tribal organization, though on a much larger scale and with a deeper hierarchy of officials” (Uzoigwe 1975: 24).

Uzoigwe (1975) further states that the political organization of the pre-ShakaNguni state, was no different from the southern Bantu states. It was headed by a hereditary chief, abetted by

sub-chiefs (usually members of the royal family) who administered the districts together with the other officials called indunas. Senior indunas also had the rank of deputy chief and were powerful officials; they were not chosen from among the ranks of the royals eligible to the throne (ibid). The chief and his officials were superiors of their people in war and political leaders in war and peace. Ordinarily, the chief was a great warrior and his officials were appointed in large measure, as a consequence of their military valour (ibid). In the pre-Mfecane Zulu state for instance, the military and politics were perilously fused. The normal citizens had no means of removing an unpopular government. A “palace revolt” occasionally transpired, but the system of government did not change (ibid).

There was progressive change from power conflict between a chief and his relatives during pre-colonial South Africa to a racial conflict during colonial times. The nature of conflicts intensified to racial groups during the colonization when the first settlers arrived in 1652 and when the Dutch East India Company established a refreshment station at the Cape of Good Hope (Maharaj 2008). Initially these settlers originated from Netherlands and Germany and also involved the French Huguenots absconding from religious persecution in Europe. At the beginning, they identified themselves as, ‘ burgher’ and later as, ‘boers’ their descendants, over a period of over 150 years developed the trappings of a new identity known as Afrikaners, creating an adaptation of Dutch called Afrikaans (ibid). Slavery followed immediately after the settlement of the Dutch and the slaves were brought from the Indonesian archipelago, Bengal, South India, Ceylon (Sri Lanka), Madagascar and the East African coast (ibid). Under the British rule in 1815, slavery ended with 36,000 slaves in the Cape. Descendants of the slaves and the indigenous population, the Khoisan and the offsprings of the initial mixed relationships were referred to as, ‘Coloureds’ (ibid).

There was contention among European powers that resulted in the control of the southern corner of Africa changing hands at different times, ultimately leading to the rise of a single state (South Africa) in 1910 within the sphere of British hegemony. Under the domination of the British, the social hierarchy was the foundation on which racial discrimination was established in South Africa from the period of its creation. There were numerous divisions that occurred among the Afrikaners and the English-speaking whites, the two groups were united in their willpower to ensure that blacks stayed in a state of ever-lasting subordination (ibid). The Cape was under the control of the Dutch East India Company from 1652 to 1806 and while under their rule, social hierarchy developed (Maharaj 2008). During this time,

individual rights rested on one's place in the company's hierarchy of employees: settlers, mixed races and the slaves (ibid). The social hierarchy was the foundation on which racial discrimination was established in South Africa from the period of its creation. Even though there were numerous divisions that occurred among the Afrikaners and the English-speaking whites, the two groups were united in their willpower to ensure that blacks stayed in a state of ever-lasting subordination (ibid).

Under the rule of the National Party in 1948, apartheid was developed and this was used as a mechanism to cement their control over the economic and social system (Maharaj 2008). Originally the main objective was to sustain white domination and increasing racial separation. Apartheid was implemented, emphasizing territorial separation and police repression. With the enactment of the apartheid laws of 1948, racial discrimination was institutionalized. The race laws affected every facet of social life including a prohibition of marriage between non-white and white and the endorsing of "white-only" jobs (ibid). By the 1950s, the Population Registration Act necessitated "that all South Africans be racially classified into one of three categories: White, Black (African) or colored (of mixed decent). The colored category included major subgroups of Indians and Asians" (Maharaj 2008). Classification into these Categories was based on appearance, social acceptance, and descent (Ibid).For example, a white person was defined as "in appearance obviously a white person or generally accepted as a white person" (Maharaj 2008). A person was only considered to be white if both parents were white people while taking into account his or her "habits, education, speech, deportment and demeanor." A black person would be accepted as a member of an African tribe/race, while a colored person was one that was not black or white (ibid).

The department of native affairs was in control of the cataloguing of the populace. Defiance of the race laws led to arrest, beatings and even death (Price 1991). The black populace carried pass books showing fingerprints, photo and individual information when entering non-black areas. By 1951, the Bantu Authorities Act established a basis for ethnic government in African reserves referred to as "homelands". The intention was to have independent states to which each African was allotted by the government according to the record of origin (this was frequently inaccurate). All the political rights that involve voting, held by an African, were restricted to the designated homeland. This was on a presumption that they would be citizens of the homeland, losing their citizenships in South Africa and any

right of involvement with the South African parliament, which held complete hegemony over the homelands. From 1976 to 1981, four of these homelands, Transkei, Bophuthatswane, Venda and Ciskei were created, denationalizing nine million South African people (ibid).

Generally, the system of apartheid was characterized and imposed by a sequence of laws that banned most inter-racial social contacts, imposed discrimination of public facilities and the separation of educational standards, shaped race-specific job classifications, restricted the powers of non-white unions and curtailed non-white participation in the government. With the help of the Population Registration Act of 1950, the Group Areas Act of 1950 allocated races to dissimilar residential and business sections in urban areas, and the Land Acts of 1954 and 1955 restricted non-white residence to specific areas. The laws controlled the formerly limited right of black Africans to the ownership of land, embedding the white minority's control of over eighty per cent of South African lands (Price 1991). As though that was not enough, in 1953 the Public Safety Act and the Criminal Law Amendment Act were passed.

In these acts the government was empowered to declare stringent states of emergency, and increased penalties for protesting against or supporting the repeal of a law. The penalties included fines, imprisonment and whippings. In 1960 this resulted in the Sharpeville massacre of a large group of blacks after they refused to carry their passes forcing the government to declare a state of emergency. The emergency lasted for 156 days leaving 69 people dead and 187 wounded. The white regime had no intention of altering the unjust laws of apartheid when they exerted the Public Safety Act and the Criminal Law Amendment Act (Prince 1991). Such penalties that were imposed on political protest were severe, even though they were peaceful. Through the state of emergency period that went on to 1989, any person was likely to be detained without a hearing by a low-level police official for six or more months. Thousands of individuals lost their lives in custody, frequently after horrific acts of torture by the white minority. Those who were tried, were sentenced to death, banished or given a life imprisonment, such as Nelson Mandela (ibid).

Even though racial discrimination was predominantly conflict based during apartheid, there were also other conflicts triggered by the structure of apartheid. These included inter-political conflicts, black on black violence and taxi violence. Some of these conflicts are still in existence today. The main objective of apartheid was to sustain white domination and lengthening racial separation. One of the mechanisms used to attain this goal was to

implement the Population Registration Act that which, according to Maharaj (2008), meant that all South Africans be racially classified into one of three categories: White, Black (African) or colored (of mixed decent). The colored category included major subgroups of Indians and Asians. Considering the black population was the majority, they were still subdivided into their tribal groups; IsiZulu, Tshwana, Pedi, Sotho, Venda, Xhosa, and so forth. Even with separation already in place, apartheid employed the divide and rule strategy to sustain their domination. Also the Afrikaner right wing found it impossible to create a depoliticized stability considering that they were aiming at entangling blacks in ideological and strategic conflicts (Heribert & Moodley, 1986). Prior to 1994, in the struggle against the principle of white supremacy, the black population who were oppressed was so determined to attain national liberation at any costs.

As a result, different political parties emerged from the oppressed group (blacks) in a bid to fight against supremacy and attain freedom. In bids to fight against the white supremacy, they ended up fighting each other. The National Party used the divide and rule mechanisms to incite hate feelings and further their parochial games. This was aimed to create conflicts among the blacks and prolong white supremacy. In the wrath of apartheid, the difference between political and criminal conduct was indistinct. The opposition (the marginalized blacks) who regarded themselves as 'freedom fighters' justified their conduct as legitimate and an appropriate weapon against the racist regime (Heribert & Moodley, 1986). Although, there was a common goal of fighting for unity, there were numerous disarrays amongst the black opposition which in turn resulted in conflicts amongst them. For instance, the emergence of the National Forum (NF) in 1983 and of the United Democratic Front (UDF) a few months later, revived the debates amongst the Congress-oriented careerists and black consciousness adherents (ibid). Also, in the mid-1980s, violence in the Eastern Cape and in the Witwatersrand industrial complex, between supporters of Black Consciousness (AZAPO followers who came to be named ZimZims), the United Democratic Front (UDF) and the African National Congress (ANC). In KwaZulu-Natal, there was an all-out turf war among the supporters of the Inkatha Freedom Party (IFP) and the ANC, UDF and COSATU alliance.

## **2.5 Post-apartheid conflict transformation**

Given the foregoing racial discrimination, the struggle and transformation from autocratic rule to democratic rule has often been a painful one (Graeme, 1998). The race-based structure of South Africa encouraged a sense of separateness among the black communities and a sense of unity based on common experience. The two propensities towards disparity and assimilation determined the conformation of the freedom struggle in South Africa. Each black community established separate political organizations to champion its cause. The Natal Indian Congress (NIC) was formed in 1894; the African People's Organization (APO), which came to be identified with the Coloured population, in 1906 and the African National Congress (ANC) in 1912.

Ever since 1994, under the rule of the ANC, some South Africans believe that, since apartheid is a thing of the past, racism too is a thing of the past (Puttick, 2011). Yet the reality is that racism remains a minefield in South Africa and 'race' still impacts on the lives of all South Africans (ibid). Over 18 years after the abolition of apartheid, provides an opportune moment to consider new and changing contexts of 'race' radicalized identity and racialization in South Africa (ibid).

Some scholars like Obasanjo (1991) argue that South Africa has not reached the post-apartheid era although it is shifting slightly to a volatile manner to the extent that apartheid can be avowed dead even if not buried. As South Africa is emerging from a history considered to be violent and repressive, the country faces new challenges with the slow maturation of democracy (Harris 2001). Conflict today is intricate, dynamic and creative in form shaped by both apartheid and the mechanisms of transition itself (ibid). Post-apartheid South Africa is notable for the intensity of its racial and ethnic antagonisms (Puttick, 2011). Among others, the nature of conflict includes xenophobia, taxi violence, political assassinations, violent service delivery protests and labor unrest as part of the nature of the conflict in post-apartheid South Africa. These conflicts are in some way or another to the historical conflict of apartheid in South Africa.

According to Neocosmos (2006: 1), "South Africa has experienced a massive problem of xenophobia since its liberation in 1994, a problem which is particularly shocking given the massive international support for the struggle against apartheid particularly during the 1980s." Kollapan (1990), Tshitereke (1999) use the term xenophobia to signify a strong

dislike of foreigners. In this way, xenophobia is an aversion or fear characterized by negative attitudes towards foreign nationals, or even animosity.

As such, racism in post-apartheid South Africa would not be complete without an elaboration on the issue of xenophobia (Fine & Bird: 2006). Xenophobia according to SAHRC (1998) is referred to as the deep dislike of non-nationals by nationals of a recipient state. Media Monitoring Project (2003) in Fine & Bird (2006) points to the connection between racism and xenophobia:

Racism and xenophobia are independent concepts but invariably support each other and share discriminatory discourses. They are both anti-democratic, the abuse of human rights, and promotion of unfair and unjustified discrimination. Racism and xenophobia operate on the basis of the profiling of people and making negative assumptions about them. While the former profiles individuals in terms of their race, the latter profiles individuals in terms of their nationality. These profiles are often negative and lead to the creation and perpetuation of generalizations and stereotypes (MMP, 2003:82-83).

In light of the above, Fine & Bird (2006) assert that issues of xenophobia in the post-apartheid South African state would not be complete without an elaborate narration on the account of racism and selective discrimination perpetuated by the apartheid regime. According to Nhala (2003: 1) Xenophobia equals the deep dislike of non-nationals by nationals of a recipient state. Xenophobia in South Africa is accounted for as a comparatively topical singularity that has attracted much attention, most notably since the end of apartheid (Fine & Bird, 2006). This explains why in 1996, a study conducted by the Human Rights Watch (HRW) cited in Fine and Bird (2006) categorized South Africa as a decidedly xenophobic state. The country turned progressively xenophobic in recent years, with an enormous fraction of South African nationals identifying foreigners, specifically black immigrants from elsewhere in Africa, as a direct menace to their overall welfare and future economic well-being. The same groups are also blamed for the troubling rise in violent crime in South Africa (Fine & Bird, 2006).

Neocosmos (2006) argues that the intensification in xenophobic enmity is directed at those who are believed to be non-citizens amounts to a denial of rights and entitlements, expressed through prejudice and stereotypes. It reveals itself through incitement to and actions of

obvious exclusion, hostility and violence against people just because of what is believed to be their foreign status (ibid). The intense tension and violence by South Africans towards immigrants from elsewhere in Africa is on the alleged grounds that black African immigrants pose a threat to their jobs, health care, education and so on.

It was evident on the 11th May 2008 when the world woke to reports of shocking attacks on foreign nationals of African descent by South African nationals (CRAI 2009). The violence started in poor neighborhoods of Alexandra in Johannesburg and rapidly spread to other cities including Cape Town and Pretoria (Ibid). Over 62 people were reported dead by the end of May and a vast majority were in Gauteng Province, where the country's economic capital, Johannesburg and administrative capital Pretoria are situated (ibid). As a result, thousands of migrants and Africans were victims of criminal violence; women and children were attacked and raped and thousands had their houses and belongings either looted or destroyed. The most severely affected groups were Africans from Mozambique and Zimbabwe, although the migrants from elsewhere in African countries such as Somalia, Nigeria, and Ethiopia together with a substantial number of the South African nationals also became victims of the conflict (ibid).

Taxi violence is another form of conflict in the post-apartheid era. It emerged in 1987 in the wake of the apartheid rule's policy of economy deregulation (Sekhonyane & Dugard, 2004). Before deregulation, the taxi operators, who were black, had to repel apartheid rules and the severe principles that were disadvantageous to blacks (ibid). Transport regulations were mainly embodied in the 1930 Act of Motor Carrier Transportation. It stipulated that no transportation of goods or passengers were allowed without permission from the Local Road Transportation Board (ibid). Due to the discriminatory control system, it was impossible for black operators to procure a permit from the LRTB. It was impossible to prove that they had a good formal employment record. Most of the black operators survived in the magisterial district as lawfully registered tenants for decades and even owned a daily labourer's permit (ibid). This meant that the system had over 90% of taxi permit applications by blacks were disallowed. In these difficult conditions most black taxi operators worked illegally using private saloon vehicles as taxis (ibid).

Even if an applicant was eligible for a taxi license, this act only sanctioned the use of particular cars that are small (limited to transporting only four passengers) and there was a

quota system where only a limited number of licenses were issued each year (ibid). Buses and trains were insufficient and extremely costly and so there was a high demand for taxis that far surpassed the supply. In the 1980s and onwards, taxi operators started to use bigger 'kombi' minibuses that carried approximately 15 passengers. Such taxis were banned until the formal deregulation in 1987 (ibid). Nevertheless they were prevalent among the black commuters simply because their services ran late at night, unlike the other means of transport options, journeyed to places that were considered to out-of-the-way; collected the commuters from their homes and dropped them back and made expedient stopovers on elongated distances. The fares charged were quite reasonable and saved a lot of time spent in lengthy queues at bus and train stations (ibid).

Considering that there was an increasing number of illegal kombi taxis, there were changes happening in the apartheid government that had intense effects on the industry. In the early 1970s the apartheid regime started to observe its near-monopoly on the public transportation sector, which had originally been used to defend and prop up the South African Transport Services (SATS), as an economic burden (ibid). The 1977 Van Breda Commission of Inquiry into the Road Transportation Bill found that South Africa "had reached a stage of economic and industrial development which enabled it to move towards a freer competition in transportation". The Commission's findings reflected a neo-liberal shift in economic policy that resulted in generalized deregulation, commercialization and privatization, beginning in the late 1970s.

Sekhonyane & Dugard (2004) mentions that in the period between 1987 and 1994, the formal endeavors to tackle the taxi industry were close to not existing. As soon as the violence exploded, the South African government consistently became a part of the problem (ibid). It is as though in the best of times, the police attitude and behavior was remiss during the period when apartheid was concluding and at the worst of times the police were already used to their positions of power to support rifts amongst associations and to subvert the marginalized black communities (ibid). In numerous regions within South Africa, the police were connected in attacks or somehow were at least in other forms partisan (ibid). Also, at large, their premeditated inactions that encompassed a failure to disarm the attackers or even at least to answer to forewarnings of innate attacks instead, the police increased the conflict (ibid). Nonetheless, despite the numerous expectations, the sequences of taxi violence stimulated in the period when apartheid was concluding did not necessarily end with the demise of

apartheid (ibid). Undeniably, among the different forms of political violence that vanished or disappeared after 1994, taxi violence actually worsened in the immediate post 1994 era (ibid).

In a conflicting society like South Africa, transformation is vital as it brings into focus the perspective towards which we take a journey especially in creating strong relations and societies both in the vicinities and universally (Lederach & Michelle, 1995). Conflict transformation according to Hugh (2004), refers to, “a process of engaging with and altering the relations, discourses welfares and, if essential, the very constituents of society that supports the continuance of violent conflict”. With conflict transformation, it is not merely enough to resolve one set of issues amidst parties who then continue in a mental frame of mutual suspicion and resentment, in relation to loathed interdependence and protected in a structure from which major salient contentions will unavoidably arise (Mitchell, 2002).

Mitchell (2002) and Hugh (2004) argue that conflict transformation suggests a lot more than merely finding a solution to one set of conflicting interests and standards required. The notion of ‘transformation’ suggests bringing about some key changes in some aspects of the conflict or the socio-political system in which it is surrounded or in something else while the idea of ‘resolution’ suggests the process of finding a solution to some problem. Nonetheless, the conception of profound change is implied (Mitchell 2002 & Hugh 2004). Lederach (1995, 15) states that nonviolent resistance and conflict transformation strategies have a conjoint commitment to a collective change and increased justice through peaceful means. Essentially, the discipline of conflict management or resolution initially ascended from peace movements and social justice activism (Dukes 1999, 169).

Dudouet (2008) argues that a nonviolent resistance should be perceived as an integral part of conflict transformation proposing a potential approach to attaining peace and justice together with other methods of conflict intervention concentrating on dialogue, problem solving and the restoration of cooperative relationships, for instance mediation, negotiation, restorative justice and so forth (Dudouet, 2008). This is mostly significant at the first transitional stage of dormant asymmetric conflicts as a strategy for empowering grievance groups that is the oppressed minorities or disempowered majorities and looking for productive and efficient ways to achieving justice, human rights and democracy without the alternative of violence (Dudouet, 2008). Also, Curle (1971) states that the asymmetric relationships can be

transmuted through a shift from unbalanced to balanced relationships attained through a process of conscientization, confrontation, negotiation and development.

Consequently, people within the opposing parties of the society affected, and those outside the conflicting society that have significant human and material resources, all have complementary roles to play in the long running process of peace building (Hugh, 2004). This advocates a broad and widespread approach that accentuates support for groups within society in conflict rather than the mediation of the outsiders. It further identifies that conflicts are gradually transformed through a series of minor or greater changes and also with specific steps in which a variety of actors may play significant roles. In the words of Lederach, “Conflict transformation must actively envision and include respect, and promotion of the human and cultural resources from within a given setting. This involves a new set of lenses through which we do not primarily, see ‘the setting and the people in it as the problem and the outsider as the answer’. Rather, we understand the long-term goal of transformation as validating and building on people and resources within the setting” (Lederach 1995).

Since apartheid began in 1948 under National Party (NP), it involved manipulation of territory and population by well-organized minorities (Kivimaki & Auvinen, 2010). With the aim of introducing apartheid, the NP introduced techniques of partition and racial grouping, imposed a sequence of laws like the Group Areas Act of 1950 that allocated races to dissimilar residential and business sections in urban areas, and the Land Acts of 1954 and 1955 restricting non-white residence to specific areas. Other laws also banned most inter-racial social contacts, imposed discrimination of public facilities and the separation of educational standards, shaped race-specific job classifications, restricted the powers of non-white unions and curtailed non-white participation in the government (Price 1991). It is on these grounds that South Africa was established into minorities and majorities considering that the political system was made in such a way that the democratic space through repressive laws and partisan security forces were restricted. Consequently, through a combination of force and ethnic solidarity the majorities fought the minority government on grounds of the right of self-determination to fight against the apartheid regime (Kisiangani2004).

Aftermaths of the conflict transformation in post-apartheid South Africa were conflicts over distribution of resources that are tied to conflicts over reconciliation. In the attempts to transform the apartheid conflict, the government of South Africa implemented mechanisms

like Justice and Truth Reconciliation and Black Economic Empowerment (BEE) to bring about reconciliation and restoration. One of the ways was through the distribution of resources to the South African people who were previously marginalized. However, this has caused a controversy in that the privileged minorities during apartheid (South African whites) view it as a sort of reverse discrimination and not a mechanism to bring about reconciliation and restoration (Erasmus, 2005).

## **2.6 Conclusion**

The literature review was limited to conflicts in the pre-colonial era and the apartheid regime. It later on examined the post-apartheid conflict transformation. Analyzing the authors' views on conflict and conflict transformation, the study offers various definitions of conflict and conflict transformation and the various types of conflict. The last section of chapter two examined the link of the conflict in the post-apartheid era to conflict traced from the pre-colonial times to the apartheid regime.

## **CHAPTER THREE**

### **THE RATIONALE OF TRANSFORMING APARTHEID STRUCTURAL ARRANGEMENTS**

#### **3.1 Introduction**

This chapter will critically analyse the contemporary legal structure of South Africa considering that the legal system has a bearing on all the other state sectors and argue there is need for the legal structure to be re-arranged. It will also examine the rationale of reconstructing the economic sector of South Africa.

#### **3.2 The rationale of transforming apartheid structural arrangements**

Even though the democratic dispensation in South Africa has brought about formal, political, egalitarianism, and freedom to the nation, some of the evils of apartheid rule are still predominant in the post-apartheid era. These include occupational segregation, inequalities in pay for equal work, lack of or severely limited access to training and development opportunities. In an attempt to deal with some of these discrepancies, various apartheid structural arrangements ought to be transformed so as to undo the evils and inequalities of the past. This section of the work concerns itself with transforming the legal structure that seems applicable to all the other sectors that need transformation and mentions some transformation in the economic sector. The choice for transforming the legal system is because one cannot talk of education, fair wages, poverty alleviation, security system, economic development, health services among others without reference to what the legislature says; the legal system has a bearing on all state sectors.

The current nature of violent conflict in South Africa has evidently transformed since post-apartheid, these conflicts are nonetheless rooted in apartheid. Transforming the legal system which is still attached to the structural arrangements of apartheid, can be one of the ways to get rid of these conflicts in post-apartheid. This is due to the fact that when one analyses the conflicts such as xenophobia, black on black, taxi violence, social violence, political assassinations, domestic and gender violence etc, these are triggered by income inequality, fair wages, poverty, poor service deliveries and scarcity of resources. These usually tend to be the main causes of violent conflict in post-apartheid South Africa. As such, transforming

the legal system which is still attached to the apartheid era, entails also transforming education, fair wages, poverty alleviation, security systems, economic development, public services which have a bearing on all state sectors. The need for change in the legal system is on the grounds that perhaps it could help get rid of the causes of conflicts rooted in the apartheid structural arrangements still in existence.

As discussed in chapter two, the nature of violence in post-1994, such as xenophobia, black-on-black violence, taxi violence, crimes across the country, inability to heal past wounds, and poverty, reflects the nature of violence in the apartheid era. In regards to occupational segregation, Nicoli Nattrass in Rich, (1996:125) noted that ‘a new political age has dawned in South Africa, yet the country remains plagued by inequality, weak growth and chronic unemployment.’ Though Nattrass (1996) does not say whether or not the inequality, weak growth and chronic unemployment exist across all races many people in the post-1994 era are still poor and unemployed. Statistics South Africa (2011) reported that ‘unemployment has climbed to its highest to 25.5% leaving more than over four million jobless since 2008. One thing that may lead to conflict of any nature is if promises of improvement in economic, political and social milieu are not fulfilled. Many South Africans expected that they would be better off after the defeat of apartheid but to their dismay, the same evils that they fought against, especially poor working conditions and poverty still persist. With this dissatisfaction, some South Africans are still looking for a government that would liberate them from these misfortunes hence the high rate of strikes in the mining sector and farms.

In the ‘Witness’ Newspaper of November 16, 2012, Cloete shows that although there are good farmers in South Africa, the agricultural sector is rife with exploitation as evident in the frequent reports of poor living conditions, poor wages, destroyed landscapes and horrible environmental conditions. Therefore, inequalities in pay for wages and exploitation, especially in the agricultural sector, pose a problem that does not answer or respond to the living conditions of many South Africans. People who have been plagued by violence and atrocities of some sort would not wish to be treated the way they had experienced before. In ‘The New Age’ Newspaper of 4 March 2013, Omphemetse Molopyane observed that ‘we have come from a violent past not of our own making; unfortunately violence attracts attention in all spheres of life. The experience of the recent past has proved that being peaceful, disciplined and orderly when you want attention is useless and ineffective.’ Hence, those caught up in exploitation, low wages, and poor working conditions resort to violence

because it is the only way through which they can attract the attention of the public. This is no different from the liberation struggle during apartheid when the oppressed majority of South Africans rose up in violent protest in order to be heard even though it cost some their lives; a situation that was also witnessed in the Marikana saga.

The majority of South Africans still feel that the police force that was gradually changed to police service has witnessed a leakage in their duties of serving rather than forcing people to keep law and order. Max du Preez acknowledged that ‘for many decades white policemen and soldiers, tasked with killing the enemies of the apartheid state, were glorified and for decades the guerrillas and militia fighting for the state with violence were glorified...the most important question we ask now is how we have addressed our problems of violence and crime since then; how we try to overcome the past’ (The Mercury, March 5, 2013).

In 2012, the country witnessed more than two-hundred protests, most of which turned violent. The best way to address our culture of violence and crime, Max du Preez suggests is ‘to have an efficient police service...we should start with the total transformation of our police service as the first step to lowering the violence, crime and abuse of women and children in our society’ (The Mercury, March 5, 2013). The point is people act violently in post-1994 because they think it is the only way they can draw government attention to listen to their grievances.

As a general claim for the Basic Conditions of Employment Act of 1997, it is asserted that ‘To give effect to the right to fair labour practices referred to in section 23 (1) of the Constitution by establishing and making provision for the regulation of basic conditions of employment; and thereby to comply with the obligations of the Republic as a member state of the International Labour Organization (ILO); and to provide for matters connected therewith.’ Despite the vehement intensity laid down in this Act, there are nevertheless, enormous unfair labor practices and poor basic labor conditions of employees in many employment fields. According to Statistics South Africa (2011), during the years 2010 to 2011, employment decreased by 14 000 with the formal sector gaining 56,000 and informal sector losing 46,000 jobs respectively. Approximately over 102,000 people across South Africa are under-paid, have unsafe working conditions especially those in the mines, just to mention but a few (ibid). These and many other examples are just a replication of what happened during the apartheid period in which labor discrimination was rampant and oppression and allocation of

jobs was determined by color of skin. In as much as the law looks vibrant, it is not adhered to by the enforcers of the law when it comes to applying it in practice.

In regard to employment opportunities, not all of South Africans of working age and proper qualifications are employed; in fact a big population is unemployed. The labour survey in Statistics South Africa (2011) reported that ‘unemployment has climbed to its highest to 25.5% leaving more than over four million jobless since 2008. One would be puzzled as to why such happens when one of the priorities of the government is to create more jobs for South Africans. While the economic growth performance in the first decade of democracy continues to be justifiably acclaimed, there remains severe and unchangeable welfare challenges. This welfare challenge is more acute in the area of labour markets. The South African economy is an economy characterized by one of the highest unemployment rates in the world – officially at 26.7 % and 38.8 % when discouraged workers are included – is a clear cut reminder of the post-apartheid challenges of South Africa’s economic challenges in view of going forward (Bhorat, Pauw, & Mncube, 2007:1).

There are various reasons for unemployment in South Africa according to Statistic South Africa (2012) and these include the labour demand versus the supply mismatch in the slow adjustment of the skill structures in a period of rapid structural change that characterizes the post-transition (ibid). Due to the fact that the apartheid regime restricted black people to attain skills in such a way that NP deprived the black people of good schools where they could get qualifications and attain specialized skills. Presently, the majority of the black population still face the aftermath of the apartheid regime in that the victims of the apartheid are still left uneducated, working in blue collar jobs and the amount they earn is not sufficient to educate their children up to university level. They are left with no choice but either drop out of school or look for small unskilled jobs for survival. Hence a slow adjustment of the skill structure in a period of rapid structural change, characterized in the post-apartheid era. Wage and employment is also another cause of unemployment whereby the rising real wage rates are triggered by strong trade unions, minimum wage and affirmative action legislation which plays a vital role in shaping better conditions of employment and yet at the same time plays a chief role in effecting the job losses versus job creations (ibid).

Another cause for unemployment in South Africa is the nature of economic growth whereby if South Africa’s gross domestic product growth rate develops very low, this might have an

effect on the job creations since there are few economic opportunities and hence not much room for transformation (ibid). Consequently, there is high unemployment and poverty levels. Labour Force participation growth rate is yet another cause of unemployment in South Africa in that if the employment growth does not match the population growth, it implies that there is employment but it does not cater to everyone who want it and as a result there is increased levels of unemployment (ibid). Since there is already a scarcity of jobs in South Africa the marginalized workers are willing to get any job in order to survive and meet the basic needs even though the working conditions may be poor. The difficulties inherent in the labour market such as unemployment, working conditions, unfair wages, and labor discrimination need reform. Ironically, the labor regulatory reform is almost always on the agenda of significant policy issues in South Africa.

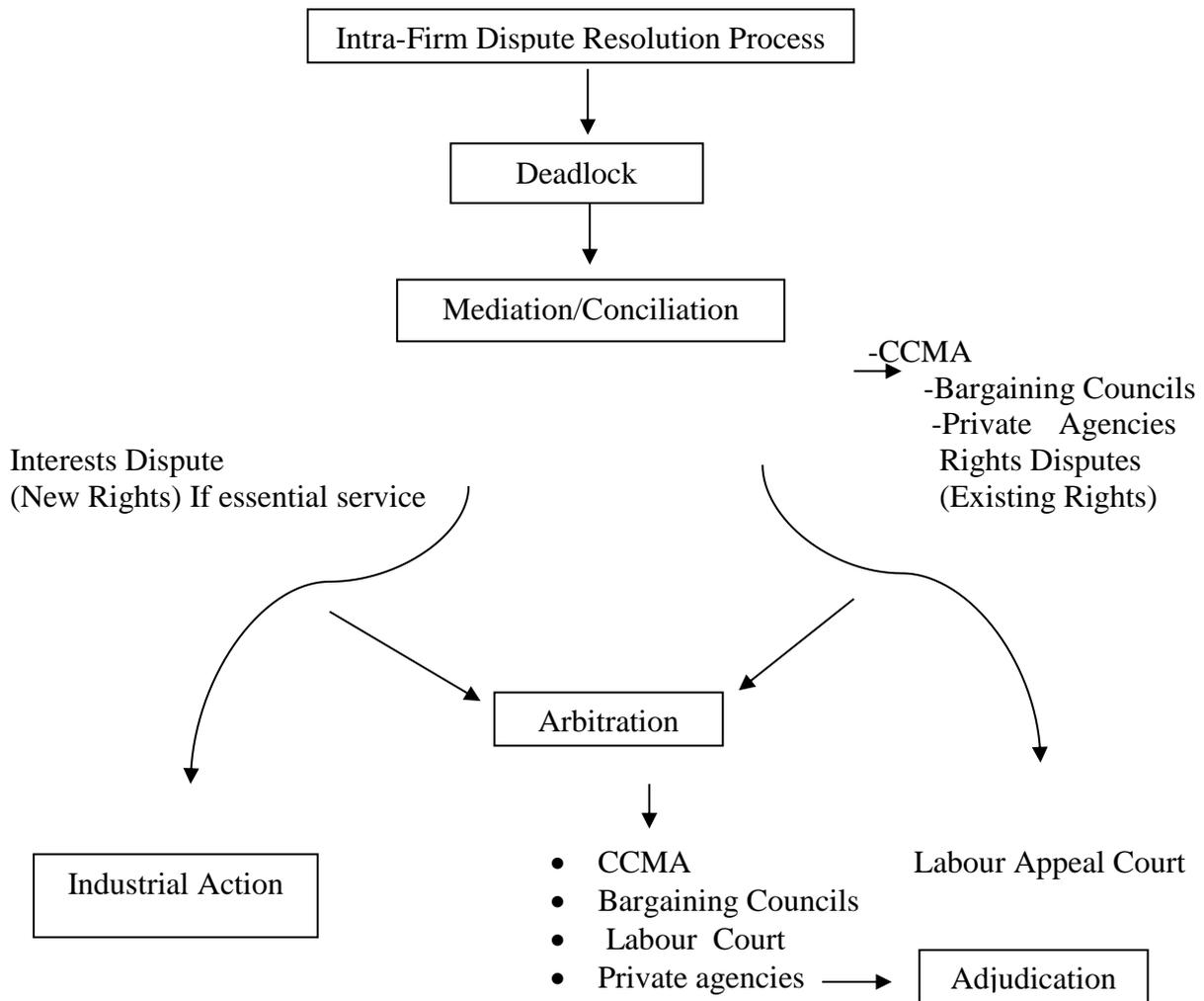
As early as 1924, the Industrial Conciliation Act, which was comprehensively established to deal with dispute resolution, was promulgated. ‘This Act excluded African employees, and was established to resolve disputes of interest. Interest disputes are disputes about the creation of new rights, for example, wage increases and new conditions of employment’ (Bhorat, H., Pauw, K., &Mncube, L. 2007:2). even though this Act introduced a new step in improving working conditions of employees, it nevertheless favored a fraction of the minority population to the disadvantage of the majority black population. From then on, amendments of the Industrial Conciliation Act of 1924 were effected in 1937 and again in 1956. The 1956 Industrial Conciliation Act created an industrial tribunal to arbitrate disputes although it was limited to job reservation disputes and not all labor disputes’ (Bhorat, H., Pauw, K., &Mncube, L. 2007:2). Due to the constant opposition of oppressed workers in the 1970s, the Labour Relations Act came into force in 1977 and in 1979 it was amended to remove the exclusion of Africans from the 1956 Act and introduced the ‘concept of ‘unfair labour practice’ and charged the Industrial court with adjudicating unfair labor practices’ (Bhorat, H., Pauw, K., &Mncube, L. 2007:2). These dispensations marked a new era for South Africa whereby the labor relations system assumed co-operation as opposed to the then prevailing confrontation. The Labor Act of 1977 is important because it only established certain limited rights for black workers.

Samuel Weber in Carpenter (2008:601), pointed out that ‘what is just is thus defined in terms of right, rightfulness and righteousness, but also as the implementation of this right, including realization, application, enforcement, and sanction; justice is both an ethical principle and a

legal institution.’ In general, this is because the conceptions of justice and law have historically been viewed as being necessarily removed from the particulars of context. Weber continues: ‘Law is abstract, law is universal, law is "this celestial voice that dictates to each citizen the precepts of public reason, and teaches him to follow the maxims of his own judgment and not to be incessantly in contradiction with himself. The laws are the driving force...of the body politic”.’ In the view of Jean-Jacques Rousseau in Carpenter (2008:601), the historical consideration of law is to be representative of a general will which is radically distinct from all particularity and individuality:‘. . .The general will, to be true to itself, must be general in its object as well as in its essence; that it should have its point of departure in the whole in order to return to the whole, and that it loses its natural rectitude once it stoops to (tombe sur) an individual and determinate subject.’ In this definition, Rousseau managed to link the relationship between the public and the private but his view drifts to seeing this relationship as a social pact that gives the body discreet absolute power over its subjects. It is this essential conciliation between public and private spheres that the law is deliberated to establish.

With the emergence of the structures of labor dispute resolution in South Africa, the 1995 Labour Relations Act (LRA) created the institutions and processes for dispute resolution. “These institutions include; the Commission for Conciliation, Mediation and Arbitration (the CCMA) and the Labour Courts (the Labour Court and the Labour Appeal Court)” (Bhorat, H., Pauw, K., & Mncube, L. 2007:3). The CCMA was charged with the responsibility to authorize Private Agencies and Bargaining Councils to perform any or all of its duties. Through this, parties were able to choose which institutions to turn to in case needs arise. The figure below illustrates how the structure of the dispute resolution system functioned.

**Figure 1: The Structure of Dispute Resolution in South Africa<sup>1</sup>**



In Figure 1 above, the Labour Relations Act (LRA) provides for the determination of disputes of rights through adjudication by the Labour Courts or arbitration either by the CCMA, private dispute resolution institutions or Bargaining Councils. By and large, disputes have to be conciliated before they proceed to arbitration or adjudication. ‘If disputes of rights are not resolved at conciliation, they are referred to either arbitration or adjudication. The reason why some disputes go to arbitration and others go to adjudication in the Labour Courts is the

<sup>1</sup>Bhorrat, Kalie & Mncube (2009).

public policy aspect of certain kinds of disputes (for example, retrenchments). Hence issues which could affect public policy fall under the jurisdiction of the Labour Court (Bhorat, Pauw, & Mncube, 2007:4).

Due to ideological and contextual changes in South Africa over the years, amendments of the LRA continued to be shaped culminating in that of the 2002 that places the matter of representation in arbitration in the hands of the CCMA. However, “it is sometimes argued that the CCMA has not created proper rules relating to the right of representation as was intended by the enabling legislation and this has created a loophole allowing an unrestricted right to representation before the CCMA” (Bhorat, H., Pauw, K., & Mncube, L. 2007:5). As can be seen in the figure above, not all cases are referred to the CCMA. “For example, cases where an independent contractor is involved; cases that do not deal with an issue in the LRA or Employment Equity Act; where a bargaining council exists for that sector; where a private agreement exists for resolving disputes, and so on, would do not go to the CCMA” (Bhorat, H., Pauw, K., & Mncube, L. 2007:5); “the new constitution, so hard-won and so essential, may not be worth much more than the paper it’s written on. After all, no document in itself-regardless of the values it enshrines-can guarantee success” (Keeva 1994:52).

Yet some observers conclude:

In spite of these achievements, the CCMA faces several challenges. For example, as Ngcukaitobi (2004) argues, the CCMA has not been able to resolve disputes as expeditiously as had been hoped at the time of its establishment. Brand (2001) suggests that the difficulties experienced by the CCMA are due to financial and human resource constraints. Resource constraints also impact on the quality of the administrative service provided by the CCMA. Furthermore, as indicated by Molahlehi (2005) the CCMA commissioners in the process of narrowing issues, are under immense case load pressure and the need to meet case efficiencies.

It is paramount that law practitioners understand the constitution that would really boost the legal system’s reliability. This implies equipping lawyers with skills they need in their field. During the apartheid era for instance, the parliament was the supreme maker and arbiter of the law. It had been a common practice that ‘if a judge made a ruling that did not sit well with the all-white body, it simply passed a new law. For lawyers, things were cut and dried: The

law meant exactly what it said; intent was immaterial and there was no authority above the parliament to which one might appeal' (Keeva, 1994:51). South Africa as a country has the resources both human and material, but the challenge is whether or not these resources are well used. In the case of human resources, capacity development, especially in the field of law and lawyers, is still an aspect that deserves closer attention.

Considering that during the apartheid regime, laws and regulations were imposed and the South Africa people were forced to abide by the laws, failure to do this resulted in imprisonment or even death. During the apartheid regime, the lawyers relied on the deliberations of parliament to an extent that for lawyers everything was presented and based on the laws set by the NP government. There were few times that they engaged in all legal procedures to establish a particular case's credibility. This indeed affected the legal system in the post-apartheid era. In this era, some of the lawyers today are faced with the difficulty of adapting to the real practice of law considering that there are still some laws still attached to the apartheid regime. In as much as we strive to transform the legal framework of South Africa, there is even the greater demand to capacitate South African lawyers with all the legal trainings they need in order to reconstruct a brighter South Africa. The definition and protection of rights however is not enough; there is the most important need to understand human rights and the supremacy of the constitution. Lawyers and judges therefore, have to understand that they are only accountable to the constitution. Lawyers and judges lapse when they decide to be accountable to the President instead of the constitution, as a result, traces of ignorance and illegitimacy can be identified in their legal practices.

In addition to the severe laws and regulations put in place, resulting in South Africa being sanctioned economically by United Nations and the Great powers since the late 1980s, South Africa underwent some tremendous economic sanctions hoping to act as a tool for liberation. Since its inception in 1980, the sanctions had immense effects to an extent that the African National Congress (ANC) urged the world community to end its sanctions against South Africa. Due to this sanction, South Africa's white-controlled economy was potentially very vulnerable to the economy of the country since it relied heavily on foreign capital. The foreign capital related directly to trade as Davis (1993:16) indicated that 'from 1964 to 1974, foreign investment contributed 8 percent of the country's gross domestic investment.

Foreign investment averaged 14 percent during the first five years of the 1970s and peaked at 24.5 percent in 1975-76 before collapsing to 2 percent during the unrest after Steve Biko was killed in 1977.’ Above all, although slow, sanctions have been a potent force for South African liberation. These sanctions relate to the current economic bearing of South Africa. George Soros (one of President Mbeki’s economic advisers), told the World Economic Forum in Davos, Switzerland in 2001 that ‘South Africa is in the hands of international capital. While average white household income has risen by 15% since black majority rule, according to government statistics, average black household income has fallen by 19%’ (Pilger 2007:17). While the average white household income has risen by 15% since black majority rule, according to government statistics, the average black household income is improving at a slow rate by 19%’ (Pilger 2007:17). The underlying point is that the economic structures need to be transformed too because some of the vices for which the liberation was intended is not improving. The affected population want their working conditions, unfair wages, or any other associated evils improved. The government needs to uplift the economic situations of the poor by transforming the legal and economic structures of this society.

Some of the government leaders admit that the black society is still poor and the Minister for Trade and Industry has accepted the truth of poverty among blacks. In an article titled Widening gap of rich, The Witness (02.11.2012:2) reports that President Jacob Zuma denies that the notion of an increasing gap between the rich and the poor is true. While speaking at the official opening of the National House of Traditional Leaders in Parliament the President said:

‘...the income gap was a lie that had been repeated several times in the past 18 years. “We’ve almost come to believe it is true that ever since 1994 the gap has been widening...it’s not scientifically correct,” he said...the growing gap between the classes was “spin” meant to unfairly criticize the government...there was no measurement of the wealth gap before 1994, as only white people were counted in the census...”We [black people] were pushed into the homelands...we were not counted and we did not even know how much we are,”...In fact, poverty was worse [before 1994] than it is now...people are getting grants, which they did not get before...If that is not closing the gap what is?”

There is indeed truth in that the situation did not remain the same after 1994. Whatever the President means by “it’s not scientifically correct”, the struggle pre-1994 was meant to change the economic and oppressive situation of the citizens. The nature of South Africa’s

transition, combined with the inability of the justice system to deal successfully with those responsible for human rights violations, should instead make it necessary to develop a more creative approach to deal with the past other than denying an apparent evil such as economic oppression.

The Bill of Rights, which constitutes the second chapter of the South Africa constitution, spells out the rights of people that must be respected and protected by the government. The promulgation of this article points out ‘the right to equal treatment and non-discrimination regardless of race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, religion, conscience, belief, culture, language and birth. It also guarantees freedom of movement and speech, freedom to form and join organizations, freedom of religion and the right to access basic services, education and healthcare’ (Constitution of the Republic of South Africa, 1996).

It is true that the law protects every South African citizen but access to legal proceedings by the poor South African is a great concern. Poor South Africans form the majority of the country yet legal presentations in the court demand a lot of money. Therefore, even if a poor man or woman is aware of the stipulations of the law, may not proceed to this path to claim his or her rights due to financial constraints. As though this is not enough, in the course of fighting for their rights, some of the poor people who got some work to do in order to survive, get retrenched from their jobs should they participate in legal strikes. For instance, according to The Mercury News Paper, Dineo Faku (2012.Nov.02:20) indicates that ‘the 410 Xstrata Alloys workers dismissed yesterday at its Kroondal chrome operation add to about 27,000 workers axed for embarking on prolonged strikes since protests erupted in early August’. Whatever the circumstance that led to that dismissal, the Labour Relations Act (Act 66 of 1995) provides that ‘every employee has the right to strike and every employer has recourse to lock-out if: (a) the issue in dispute has been referred to a council or to the commission as required by this Act...’

### **3.3 Economic Reconstruction**

In regards to economic reconstruction and development in South Africa, which has been divided into nine provinces, the provinces differ greatly in terms of development indicators and economic output. Due to industrial and mining output, Gauteng province, which covers

the smallest area, is by far the richest in per capita income. Poor regions such as KwaZulu-Natal, North-West province, the Eastern Cape tend to be more rural with higher fertility and higher unemployment rate (Rich 1996). It should be laid bare that the economic sources of South Africa consists of the primary sector (mining and agriculture) and the secondary sector (manufacturing, construction and electricity, gas and water, and the tertiary sector which includes wholesale and retail trade, transport, communications, financial services, community personal and social services and the economic activity of the different levels of government (ibid).

The slow growth in the global economy can partly be attributed to the political turmoil of the time. Particularly, ‘policies of import substitution and inadequate levels of investment in black education and training have contributed significantly to the structural problems faced by the South African economy today’ (Rich, 1996:128). For a country to maintain its economic standard, it must be a growth led economy. South Africa however, has a problem of wavering productivity growth as it invests a considerable share of its income, but receives progressively less from it in terms of output. To reverse this situation, transformation in economic dispensation has to focus on equipping people with high-level manpower and management skills to combat the country’s labor inefficiency and intensity. Tsikata (1998) in Natrass (1998:10) concludes that ‘South Africa has a “paradoxical” export structure with a remarkably low and declining share of exports that use unskilled labor, and a relatively high share than use more skilled labor.’ This, she attributes to South Africa’s comparatively high wage level (relative to productivity) which puts the country at a competitive disadvantage in low-wage, unskilled-labor-intensive activities. Because South Africa has taken the path of trade liberalization, exports are becoming relatively less labor-intensive whereas imports are rising across the spectrum especially in labor intensive sectors. In a nutshell, for South Africa to have its own economic independence, emphasis has to be directed to skilled labor.

Employment and job creation, that is the main bridge between economic growth and the opportunities of human development, can be seen as ‘the most fundamental of economic opportunities as it provides people with incomes that enable them to establish command over a whole range of goods and services that may enhance their dependents’ standard of living’ (Natrass, 1997-1998:43). Not only is employment viewed entirely for its potential income generation but also as a way of securing a livelihood and it allows people an opportunity to make a productive contribution to society, that is, to exercise their skills and creativity.

Nattrass (1998:1) claims that ‘South Africa’s jobs crisis stems ultimately from comparatively weak long-term growth, and a steady increase in capital-intensity. As economic growth has fallen-from around 6% in the 1960s to less than 1% p.a. in the 1980s and early 1990s-the capacity of the South African economy to create jobs has decreased dramatically.’ The comparably weak growth, Nattrass continues, can be attributed to a range of factors: poor trade and industrialization policies, restrictions on the education and learning of black South Africans, obstacles placed by apartheid in the path of black entrepreneurs, and inefficient state intervention in the economy. South Africa is considered to have one of the greatest unemployment rates in the world because of the ‘relatively low growth of economy over the past decade-and-a-half’ (Nattrass, 1997-1998:44) and because ‘apartheid policies created an uncompetitive economy geared towards producing consumer goods for a wealthy minority’ (Rich, 1996:132).

Therefore, for South Africa to improve its economic standing there is need to focus on skills development, turning to exports instead of depending on imports, create employment and job opportunities for its citizens, improve the already developed industrial strategy, wage strategy and to try as much as possible to combat corruption.

### **3.4 Conclusion**

Chapter three of this study analytically examined the rationale of transforming apartheid's structural arrangements. This chapter argued that in an attempt to deal with some of the discrepancies of occupational segregation, inequalities in pay for equal work, a lack of or severely limited access to training and development opportunities, various apartheid structural arrangements ought to be transformed so as to undo the evils and inequalities of the past. This section of the work concerned itself with transforming the legal structure that seems applicable to all the other sectors that need transformation and partially mentioned some transformations in the economic sector.

## **CHAPTER FOUR**

### **THE NATURE OF CONFLICT IN POST-APARTHEID SOUTH AFRICA**

#### **4.1 Introduction**

Chapter four seeks to critically analyze the nature of conflict in post-apartheid South Africa. There will be a concentration on the contemporary conflicts such as black on black violence, xenophobia, taxi violence and political violence or assassinations that are all connected to the apartheid regime. In addition, the study assesses the link between the apartheid era and the current nature of post-apartheid South Africa.

#### **4.2 Black on Black**

Years of ever-growing suppression and the immorality of the apartheid regime led to an atmosphere where violence became prevalent in South African society. Initially what was defined in the period of the mid-1980s and early 1990s as black-on black-violence was a more complicated phenomenon, born out of rivalry among black organizations which had started to take a foul and violent turn in the late 1970s. During the apartheid regime, the National Party (NP) not only divided the South African population into races but it went further to subdivide the black racial groups into categories. The black African groups were subdivided in ethnic categories such as the Zulu, Xhosa, Ndebele and so on. Just as the Afrikaner right wing found it impossible to create a depoliticized stability, so blacks were entangled in ideological and strategic conflicts (Heribert & Moodley, 1986). Prior to 1994, in the struggle against the principle of white supremacy, the black population who were oppressed was determined to attain national liberation at any costs.

As result, different political parties emerged from the oppressed group (blacks) and as they fought against white supremacy, they ended up fighting each other. In the wrath of apartheid, the difference between political and criminal conduct was indistinct. The opposition (the marginalized blacks) who regarded themselves as ‘freedom fighters’ justified their conduct as legitimate and an appropriate weapon against the racist regime. Although, there was a common goal of fighting for unity, there were numerous disarrays amongst the black opposition which in turn resulted in conflicts among the blacks. For instance, the emergence of the National Forum in 1983 and of the United Democratic Front a few months later

revived the debates amongst the Congress-oriented characteristics and black consciousness adherents (ibid). Also, in the mid-1980s, violence in the Eastern Cape and in the Witwatersrand industrial complex, between supporters of Black Consciousness (AZAPO followers who came to be named ZimZims) and United Democratic Front (UDF) and the African National Congress (ANC). In KwaZulu-Natal, there was an all-out turf war among the supporters of the Inkatha Freedom Party (IFP) and the ANC, UDF and COSATU alliance. To complicate matters, there arose the phenomenon of necklacing. Minnaar, (2001:49) states that, “necklacing is a particularly painful death and the victim suffers excruciating pain in the process with death sometimes being caused not only by the burns but by asphyxiating either from the fumes released by burning rubber or the sudden extraction of the oxygen surrounding the tyre as it bursts into flame”. It was predominately a ruthless method of killing to which dubious enemy agents and traitors were subjected.

Yet another persistent nightmare was that in the South African scenario the black/white color divide infiltrated every feature of life and uninhibited violence would turn into indiscriminate white-black killings. The spectra had become an authenticity in the form of black killing black (Marahaj, 2008). The rivals of the ANC, UDF and COSATU alliance were quick to point out that the common denominator in this supposedly black-on-black violence was the ANC and its allies. Furthermore, others wanted to use this to condemn the armed struggle by disputing that the black-on-black violence was an avoidable consequence of the armed struggle and the approach of the ANC to ‘make South Africa ungovernable and apartheid unworkable’ (Maharaj, 2008; 24). It was only later, in dribs and drabs, that it emerged that some of the black people taking part were actually working for the apartheid security forces, and that some were trained and armed by the apartheid army at remote military bases. To make matters worse, the first necklace that took place was triggered by an apartheid agent and the element in the apartheid security forces were associated in influencing the violence (Ibid).

Violence was rampant and swept through the townships, hostels and rural areas of Natal pulling everybody into its vortex. The state meanwhile seemed ineffective and inactive and disinclined to take action (Marah, 2008). It was against the environment of this reality that even in post-apartheid there are still tendencies of black on black violence. Numerous young black South Africans, specifically those who were born in the late 60’s and early 70’s did not have the chance to grow their skills or achieve any level of educational or professional

proficiency (Stan, 2007). A majority of them were sired in the revolutionary anti-apartheid movement of the 70s categorized by militancy and rebellion. The termination of the apartheid regime left these young people in the wrecked lower rungs of social progress, muffled as individuals in the choking economic dungeon of poverty and existential insouciance. The triumphant privileged elites of the ruling party (the ANC) took over the reins of power and failed to address the needs of these young people and the escalating black families who supposedly were waking up from the long night of depersonalization and cultural suffocation (Stan, 2007). The fault line is the actual anger amidst young black South Africans. Immediately after the apartheid era, the anger amidst the past generations was directed against fellow South Africans, driven by the impenitent stand of the IFP which felt that the ANC under President Mandela had sold out to the white settlers (Ibid).

Consequently, the black South Africans revolved themselves in those initial days in what several people thought would play into the fabricated white diverged of the black personality as vaunting, destructive, violent and resilient to order and good government (ibid). One would regard it as a mini-apocalypse as young black South Africans turned against each other in an orgy of violence and blood-letting (ibid). Currently, black South Africa is confronted with a shattered social system and putrefying economic structures and self-indulgence in the filthy squalor of want in the midst of wealth and feels the settler migrants pose a threat to their existence (Stan, 2007). The resentment of the native South African to fellow blacks is yet another reflection of the lack of assimilation within the South African society (ibid). Millions of black South Africans are losing hope in the newfangled authenticity ushered in by black preponderance rule (Ibid). A lack of integration of the South African society resulted in these 'blacks' finding new methods of expression through violence against fellow black in places like Pretoria, Diepsloot and Alexandra (ibid).

#### **4.3 Taxi Violence**

In order to have full knowledge on the manifestation of taxi violence, it is essential to consider the history dating back to 1977 (Abraham, 2010). Prior to 1977, the Motor Carrier Transportation Act of 1930 banned the transportation of goods or passengers by road for profit without permission from the South Africa Local Road Transportation Board. As such, the transport industry was dominated by the South African Transport Service (ibid). Consequently, any taxi proprietor who conducted business outside the jurisdiction of the local

Transport Board was doing so illegally (ibid). This made it unbearable for African transport proprietors since it was difficult to meet all the requirements of the regulations being laid down by the Motor Carrier Transportation Act (Ibid). This prompted tax operators who were functioning unlawfully to form numerous informal associations and as such, the associations controlled loading practices and prices (ibid).

Additionally, according to Abraham (2010), the legislature only allowed the Africans who qualified for a taxi permit to use small vehicles capable of transporting four passengers at a time. Other modes of transports such as buses and trains in the 1970s were insufficient and costly, this made the demand for taxes to escalate (ibid). This resulted in the realization of the NP in the 1970s that participation in the transport industry was becoming less feasible and increasingly politicized (ibid). By 1977 the Van Breda Commission of Inquiry was created and endorsed deregulation of the taxi industry with terms of legislation (ibid). Consequently, countless taxi associations arose in the wake of lack of official control and as such leading to enormous corruption and consequential violence amid the competing associations (Ibid).

For the black population, the deregulation of the taxi industry was an avenue for them to accumulate capital considering that the industry swiftly befitted a contested terrain, inundated with operators anticipating to become wealthy (Makubetse& Jackie (2004). As some were able to ‘strike it lucky’, the greatest part of the industry was characterized by exploitation and aggressive rivalry among operators trying to steal passengers and plying the same routes (ibid). Furthermore, the absence of state regulation prompted groups of operators uniting to form a local taxi association which mediated loading practices and prices (ibid). Nonetheless, it was not long before taxi associations started to deploy their organizational strength to increase income through the use of violence (ibid). Between 1987 and 1994 the situation was dire. Official endeavors to deal with the taxi industry were virtually non-existent (ibid).

Ultimately, when violence finally exploded, the government became part of the problem rather than the solution (ibid). The ones who were in charge in helping to curb the taxi violence, like the security forces and government officials, were concentrated on dealing with the issue of racism in South Africa. Still, the police conduct throughout the late apartheid era was negligent (ibid). To make matters worse, the security forces, especially the police, used their positions of authority to encourage rifts among the association and to weaken black communities (ibid). It is no surprise that in numerous areas, the police were biased in other

ways, largely due to their inaction which basically entailed a failure to disarm the attacker. Their response to the initial warnings of the attacks was for the police to fan the conflict and make it worse (ibid).

Following transport deregulation in 1987, taxi violence became a familiar feature of the South African scene right from the beginning (Duigan, 2001). Towards the end of apartheid, taxi wars were frequently related to the mainstream of political violence that characterised the run-up to the April 1994 general election (ibid). One of the most inflexible and most politically inspired of the wars played itself out in the Cape Peninsula at the height of political violence, between 1990 and 1992 (ibid). The violence that beset informal settlements in the Cape Peninsula between 1990 and 1992 was supposedly linked to money-making rivalry over routes between two taxi organisations, the Langa and the Guguletu and Nyanga Taxi Association (Lagunya), which epitomized the more developed African operators and the Western Cape Black Taxi Association (Webta), which epitomized the more traditional African operators from rural areas (ibid). The reality however, was more complex with the taxi conflict providing a springboard for the state-sponsored destabilisation of African communities in a region where there was no Inkatha presence (ibid).

In addition, the taxi violence influenced and was influenced by political conflict right from the outset (ibid). Deregulation and the subsequent sudden rise of the taxi industry transpired against an increasingly violent background in which local associations and the taxi industry quickly became entangled (Duigan 2001). For instance, taxis that plied the long distance routes between KwaZulu-Natal and Johannesburg were attacked for being pro-Inkatha (ibid). Likewise, taxis which transported migratory workers from the Inkatha subjugated hostels on the Reef were subjected to violent attacks from the chiefly ANC supporting neighbouring communities (ibid). Taxi associations started to arm their drivers, and so cycles of attack and counter-attack were perpetrated until specific associations became affiliated with particular political movements (ibid). The political form of late-apartheid taxi wars was so pronounced that taxi violence, like train violence, was seen as an integral component of political violence (ibid). It was only in 1993 and onwards that violence-monitoring organizations such as the Human Rights Committee (HRC) tracked taxi violence as an isolated, distinct type of violence (ibid).

Taxi violence turned out to be progressively prevalent and less controllable by the authorities even in the post-apartheid era (Abraham, 2010). There were numerous endeavors to rearrange the taxi industry but these attempts were slow. After 1994, the government established the National Taxi Task Team (NTTT) to investigate the cause of and possible solutions to the violence (Ibid). The findings and recommendations presented by NTTT to the Minister of Transport in 1996. The utmost significant recommendation was that the taxi industry be deregulated (ibid). This resulted in strong resistance from a number of taxi associations and a rise of taxi violence between 1998 and 1999 (Ibid). One of the attempts to help formalize and change the regulations for the taxi industry was through the National Land Transport Act of 2000. Part of this process involved a four year period of recapitalization(ibid). There were delays that arose from the taxi industry's incapability to form a consistent and solid association representing all the taxi owners, likewise disagreements between taxi owners added to the nature of the proposed re-capitalization scheme (ibid). The recapitalization programme has had a number of limitations, including the lack of financial assistance from banks, which have led to its fairly slow implementation (ibid).

Abraham (2010) goes on to state that in 2007 there was an announcement by the Department of Public Transport that there were intentions to put in place a fast, comfortable, and low-cost urban transport system called the Bus Rapid Transit System (BRTS). It was envisioned that the BRTS would play a principal role in the change of the public transport within cities. Conversely, taxi associations continued to be resilient to government interference in the taxi industry, since the BRTS is perceived as a threat to the livelihood of many taxi operators (ibid). This is clearly evidenced in May 2010: there were two assassination incidents in Soweto, one leading to the death of a traveller on the Rea Vaya Bus Rapid Transit route from Soweto to Central Johannesburg (ibid). The BRTS should not be observed as the answer to public transport in South Africa, but as the government's effort to diminish conflict in the taxi industry, providing that prevailing taxi operators 'buy into the system'. It continues to be seen whether this will in the long run be achieved (ibid).

#### **4.4 Xenophobia**

Xenophobia is one of the forms of conflict in the new democratic South Africa. According to the Oxford Dictionary, the term 'xenophobia' is defined as a 'hatred or fear of foreigners' (South African Pocket Oxford Dictionary of Current English, 1994). More frequently many

scholars such as Bronwyn (2002), Lubbe (2000), Kollapan (1990), and Tshitereke (1999) use the term to signify a strong ‘dislike of outsiders’. It is characterized by bad attitude towards immigrants, and an aversion, a fear or even animosity. Kollapan (1990) however, cautions that xenophobia cannot be differentiated from violence and physical abuse; therefore the term xenophobia must be reframed to an incorporate practice. It is not merely an attitude, it is an activity. It is not only a dislike or fear of outsiders, bus is a violent practice that leads to bodily harm, damage and even death (Ibid). Xenophobia being outlined as an attitude, conversely has no remarks on the consequences of such a mentality (Ibid). Certainly, this is disingenuous since xenophobia in South Africa is not constrained to a fear or dislike of foreigners but also an intense tension and violence by South Africans especially black South Africans towards immigrants particularly black immigrants from other African countries north of the border (Tshitereke, 1999: 4).

The extreme tension and violence by South Africans towards migrants, (the migrants in this case refers to blacks from Zimbabwe, Zambia, Rwanda, Ethiopia, Tanzania, etc.,) is on the alleged grounds that black African immigrants pose a threat to their jobs, health care, education and so on. During the apartheid regime, most black South Africans did not have appropriate and adequate service like basic needs, health care, education and housing (Lubbe, 2000). Now that they, in a democratic dispensation, are looking forward to improving their lives, it would seem that African immigrants are competing with them for these already scarce resources and therefore putting a strain on resources like hospitals, schools and employment (Ibid). Generally, this feeling of failure of the economy and infrastructure to cope with the demands does not only prevail from the general public (Ibid). Also, African immigrants are seemingly competing with South Africans for jobs in a country where unemployment is already very high (Ibid). Due to the fact that these immigrants come into the country illegally, they are ready to do the most menial work for low wages (Ibid). This tends to pose a threat to the South Africans who are already struggling to look for jobs, because of the high demands for cheap labor that is offered by the immigrants, there are outbursts of violent attacks.

The nature of the violent conflict of xenophobia is linked to the apartheid times basically on two grounds. First, the apartheid regime led by NP already had succeeded in dividing the black people and that in the past the black South Africans were deprived of the resources. Even then, they used to fight among themselves so as to attain the autonomy and freedom

that they were constantly denied during the apartheid era. This could be a displacement of anger against their fellow blacks who are not of South African origin. The intensification in xenophobic hostility targeted at those who are considered to be non-citizens amounts to a denial of rights and entitlement expressed through prejudice and stereotypes (Neocosmos, 2006). It demonstrates itself through provocation to and actions of clear marginalization, violence against people due to the fact that what is considered to be in a particular context, their 'foreign' status (Ibid).

In the past, discrimination and segregation affected South Africans because 'foreign status is affirmed on the foundation of the crudest of racist stereotypes, which propose that the issue is not a sure one applicable to immigrants as defined by legal discourse (Mail & Guardian, 3-9 March 2000). Therefore, xenophobia is rather a form of discrimination closely connected to racism and affecting anybody or any group which for whatever reasons is considered not a native (Neocosmos, 2006). South Africa has faced the problem of xenophobia ever since liberation in 1994 (ibid).

In May 2008, xenophobia ostensibly became a wildfire that began in Alexandra and quickly spread countrywide (McConnell, 2009). Following the next days and months in the aftermath of the xenophobia attacks, it was reported that over 70 migrants were murdered and there were tens of thousands of immigrants displaced as they were expelled from their homes and communities by South Africans (McConnell, 2009). As though it is not enough, foreign-national businesses were demolished amounting to over R1.5 billion in damages (ibid). Xenophobia to this date still takes place in South Africa although on a lesser scale. Immigrants from elsewhere in Africa are given names such as 'kwerekwere' and are still being discriminated against in society. Much of that risk stemmed from the institutionalized racism of the time due to apartheid since the race-based structure of the South Africa encouraged a sense of separation amid the black societies and a sense of unity tolerated of predominate common experience. Also, due to the fact that South Africans were instilled during apartheid with tendencies of isolation from others who did not have anything in common (Baechler, 1999), probably is the reason why most South Africans are xenophobic towards immigrants from elsewhere in Africa (SAMP, 2006).

Certainly xenophobia is in so many ways linked to the apartheid structures in such a manner that the conflict in South Africa was racial and apartheid in itself and was a system of

legalized segregation that intended to protect white power and the white 'race' Weldon (2006). As seen in chapter one, there were sequences of laws such as; Act No 55 of 1949 which prohibited mixed race marriages, The Population Registration Act of 1950, allocated segregated geographical spaces in which to live and were implemented between 1949 to 1954, which separated the South African people into racial and ethnic groups (ibid). Racial segregation clearly permitted lines to be drawn between 'us' and 'them', resulting in stereotyping and discrimination triggering the formation of deep-rooted radicalized identities (ibid). This explains the xenophobic violence in the post-apartheid South Africa.

#### **4.5 Nexus between Present Conflict in Post-Apartheid South Africa and the Ills of Apartheid**

For better analysis, this subsection of chapter four groups the violent expressions in South Africa into political, social and economic violence. In the first section, the chapter discusses the issue of political violence and assassination. In the second section, the subsection of chapter four looks into social violence. Finally, the chapter examines economic violence.

##### **4.5.1 Domestic, gender and xenophobic violence**

In post-conflict societies, disarmament and reintegration of former combatants, as well as civilians, are deemed essential for post-conflict reconstruction (Jennings 2007:205, Whyte 2009:19). This is to ensure that a post conflict society is rid of illegal firearms and that former fighters are encouraged to participate properly in civil society without resorting to violence. In South Africa, this disarmament was supposed to be a major priority, but by 2003 about 12 million firearms (two-thirds of which were illegally owned) were in circulation in South Africa (Whyte 2009:20). The country failed to carry out effective post-conflict small arms disarmament and so the weapons used for war and political freedom have become weapons of violence and crime in the present South Africa.

The peace building effort in South Africa failed to provide adequate reintegration programmes for ex-combatants and civilians who see violence as the reliable means of furthering one's agenda (Harris 2003:2). The ill of apartheid and the lack of justice for the aggrieved masses translated into violent reactions in post-apartheid South Africa. Ex freedom fighters and young people, brought up in the violent culture, transferred their aggression to

the society and more directly at the domestic level. Children and women become the victims of such violence (Harris 2003:2). The numerous horrible cases of rape in South Africa point to poor handling of ex-combatants in South Africa.

The laws of apartheid marginalized and restricted women from participating actively in the economic realm. This puts them in a lower place than their male counterparts and discrimination made them vulnerable to abuses and violence (MRC Policy Brief 2009), yet during the transition process, the role of women in toppling the apartheid regime was under-accounted for. Sexual violence such as rape, sexual assault, sexual abuse and domestic violence was silent (Whyte 2009:19). The peace building effort was inadequate in condemning and creating measures to prevent women abuses. In the male-dominated society, the humanity of women was jeopardized.

Studies have shown that societies with a high level of inequality tend to have high levels of violence. Duponchel (2009:5) notes that since 1994, inequalities have grown from a Gini index (CIA Fact book) of 59.3 to 65. This makes South Africa one of the most socio-economically polarized countries in the world. The inability of the disadvantaged population to confront the wealthy class that is well protected by the state, led to various forms of aggression towards the weakest in society (Duponchel 2009:6). The weak sets of people in society are often 'women, children, the elderly and outsiders' (Duponchel 2009:6). Thus, beside the numerous cases of child abuses and gender-based violence, foreigners have become targets of xenophobic violence. In May 2008, over 60 foreigners were killed, hundreds were wounded and thousands were displaced (Duponchel 2009:2).

Duponchel (2009:6) noted that 'competition for limited resources between groups leads to prejudices against the out-group'. Landau (2011:1) argues that xenophobic violence occurred in poverty stricken parts of South Africa such as in Alexandra Township, Johannesburg and informal settlements and townships across the country. Johannesburg's Mayor in his 2004 State of the city speech stated, 'While migration contributes to the rich tapestry of the cosmopolitan city, it also places a severe strain on employment levels, housing and public services' (quoted in Landau 2011:7). For some South Africans, foreigners come to add to the competition for the limited resources in the country (Pillay 2012:16). Foreigners are also perceived to be better off or favored by the economic condition of the state (Pillay 2012:16; Duponchel 2009:6). The state's failure to materialize the promises it made to rid its people of

their socio-economic misery led an aggrieved populace to project their grievances on ‘outsiders’ (Landau 2011:3). Thus, foreigners become threats to some South Africans who find it hard to rise above the poor living conditions they find themselves in. Besides, the upsurge of foreign immigrants in the post-apartheid era brought about a belief among some South Africans of how white foreigners came and took over the country’s economy and have benefited greatly from it (Duponchel 2009:5). Hence, such fear possibly contributes to the reality of xenophobic violence in the country.

#### **4.5.2 Political violence/assassination**

Despite being a democratic state, post-apartheid South Africa still witnesses political violence. Political parties tend to resort to violence to settle disputes as well as attain their interests. The continued tension between the ANC and the Inkatha Freedom Party (IFP) points to the reality of political violence in South Africa. Speaking with regards to the 2009 assassination of two IFP party councilors, Enock Sibongiseni Shange and Nthuthuko Ngcobo, the IFP held that the party is being targeted via a sinister plan by adversary parties. The ANC and IFP parties have always tread on a tense line since before the end of apartheid. Today’s political violence and inter-party conflicts date back to the apartheid era.

The apartheid era was characterized by state terror and resistance (Maharaj 2008:14). To enforce the stringent apartheid laws on non-white population, the apartheid regime employed various methods of violence to quash any hint of rebellion. The armed rebellion of opposition movements were met with tightened repression and state terror. Non-Whites were easily arrested and imprisoned without trial while others were killed at whim (Duncan 2005:9). Between 1974 and 1989, about 300 anti-apartheid leading activists were reportedly assassinated by covert state police and military ‘hit squads’ (Duncan 2005:10). This set the ball rolling on extra-judicial killing of political opponents in South Africa.

Realizing the minimalist efficiency of the state’s direct violence in the 1980s and 1990s, the ruling NP government devised ‘divide and rule’ tactics by instigating black-on-black violence. Relying on the supposition that ‘Africans were inherently factious and unfit to govern’ (SAFLII, Article 19, 1997:6), the National Party promoted black-on-black violence by pitting liberation political parties against each other (Maharaj 2010:25). This was meant to

hinder unity among the liberation movements and to further prove to the world that the African is savage and unfit to be treated as human (Article 19, 1997:10).

Insidiously, the National Party fomented political violence via funding, arming and training rival vigilante and political parties (SAFLII, Article 19, 1997:6). Specifically, the NP found the Inkatha movement in the KwaZulu homelands to be instrumental in its bid to sow chaos among black Africans. Similar to the colonial mechanism of indirect rule, Inkatha-aligned chiefs were used by the state to run the KwaZulu homeland. The Inkatha movement is a Zulu cultural movement that dates back to the 1920s (WRITENET 1996:1). It drew its support from the Zulu monarchy and traditional chiefly structures in the KwaZulu homelands, and from land-owning petty bourgeois and African traders (WRITENET 1996:1). The movement found a sustained foothold among the illiterate rural population and migrant workers in KwaZulu homelands (Adam & Moodley 1993).

Formally, the Inkatha movement's policies were aligned to that of the ANC with whom they maintained good relations (Adam & Moodley 1993:1). However, as the ANC grew and became dominant, the Inkatha movement sought to hold major sway in the KwaZulu homelands in a bid to create a strong Zulu society. The movement sought to avoid being subsumed under the umbrella and leadership of the ANC (Adam & Moodley 1993). In the 1980s, the South African apartheid government found the Inkatha movement, under the leadership of Chief Mangosuthu Buthelezi, to be a valuable ally. He had served as the Chief Minister (Minister of Police) of KwaZulu from 1972. Afraid of being sidelined by ANC dominance, Buthelezi embarked on a campaign to stamp Inkatha's dominance in KwaZulu-Natal (Adam and Moodley 1993:1).

He succeeded in garnering popular support for himself and his party by not accepting nominal independence and not allowing his chieftaincy to be swept away by the ANC as happened to other homeland leaders in Transkei, Ciskei, Venda and Bophutatswana (Article 19, 1997:8). In his capacity as Chief Minister of KwaZulu, he used these powers to ensure that the "traditional" Zulu chiefs functioned in practice as servants of the Inkatha movement. While he depicted himself as being anti-apartheid, he was willing to thwart resistant movements in the regions under the Inkatha's control (WRITENET 1996:1). With Buthelezi ties with the government, the Inkatha movement served as a clandestine marionette of the South African NP government who hoped that the former's moderate position would help

check the hard-line views of the ANC (Article 19, 1997:7). The 1991 Johannesburg Weekly Mail, and the commission of inquiry under Judge Richard Goldstone in 1993, made a series of reports noting that the IFP was being directly sponsored by the state police security branch and was being trained by the South African Army at the Caprivi Strip in Namibia (Article 19, 1997:10).

In the mid-1980s and early 1990s, the KwaZulu-Natal region as well the Gauteng region was embroiled in political violence as the Inkatha movement sought to fortify its dominance (Maharaj 2010:25). KwaZulu Natal in particular was the epicenter of the violence in South Africa and the region witnessed more violence than any other region (ICE 2011). Inkatha rule and control over the KwaZulu-Natal provincial administration gave it an edge over other political parties (WRITENET 1996:1). The Inkatha movement opposed the ANC and other resistant movements seeking popularity in the KwaZulu homelands. As a pro-capitalist party, the Inkatha movement opposed the socialist ideologies of the ANC/UDF/COSATU alliance. The United Democratic Front (UDF) represented the ANC in KwaZulu-Natal when the latter was banned from political activities (ICE 2011:12). It opposed COSATU's May 1986 strike. The Inkatha movement also opposed radical students in KwaZulu homelands who challenged the education system (WRITENET 1996:1). Leading activists and supporters of UDF and ANC were victims of political violence in the region. In the late 1980s, widespread violence raged between ANC/UDF/COSATU alliance and Inkatha supporters in the KwaZulu homeland and Gauteng areas. The animosity against whites tended to be transferred to fellow blacks as blacks killed blacks. This set the motion for inter-party conflict, violence and assassination in South Africa.

In KwaZulu townships, violence ensued between ANC and IFP supporters. Given that most IFP supporters in the KwaZulu were Zulus, the violence took on an ethnic dimension. Thus, via ones ethnic affiliation, one could easily identify the political affiliation of the other (Olivier 1994:19). Considering that there were many Zulu-speaking supporters of the ANC in KZN, much of the violence was amongst people of the same ethnicity and even families. Besides, the apartheid regime's Group Area Acts had categorized the black population into ethnic categories such as Zulu, Ndebele, Xhosa and so on (Henrard 2002:20). Based on the Group Acts, the various ethnic categories were expected to engage in separate development. In line with Bonthuys (1993:128), Henrard (2002:20) argues that the Grand Apartheid strategy made ethnicity a tense and sensitive issue in South Africa. This tension was more

palpable in the KwaZulu homeland in the 1980s and the 1990s where the Inkatha aligned Zulus insisted on stamping its dominance in a bid to avoid being influenced by the non-Zulu ideologies of the ANC.

With the vision of an impending active political participation of political parties and democratic election in the 1990s, the Inkatha movement took on the name Inkatha Freedom Party (IFP) and declared that it has become a national party in August 1990 (Maharaj 2010:25). A bitter IFP and ANC scramble ensued for supporters and popular support especially in KwaZulu-Natal (ICE 2011:12). The parties attacked supporters of opposing parties. Relying on its advantage in the KwaZulu region, the IFP embarked on a mass recruitment campaign targeting the hostels of mine workers. Hostel residents who refused to join the IFP party were attacked, expelled and sometimes murdered by IFP supporters. Given that the KwaZulu region was dominated by Zulus affiliated to the IFP, non-Zulu migrant workers that were not affiliated to the IFP fell victims of IFP attacks (Olivier 1994:18).

In the Gauteng region, for example, IFP supporters took over the hostels while committed non-IFP supporters took refuge in the Phola Park squatter camps. The IFP forces also attacked the ANC aligned Phola Park squatter camp residents (Article 19, 1997:9). The homes of UDF/ANC supporters were raided. This saw a number of counter attacks from the residents of Phola Park. In all this, mounted evidence continued to establish IFP links with the government. Notably, the rise in violence corresponded with vital events in the process of political shift. The South African police failed to intervene to protect and safeguard citizens from Inkatha attacks when they are not doing the mayhem themselves. This points to the police force's active involvement in the Inkatha military expeditions (Adam & Moodley 1993; Article 19, 1997:10). Analysts hold that such violence were government sponsored and aimed at disrupting peace processes (Article 19, 1997:9, Maharaj 2010:25). Given the mounting evidence of Inkatha's link with the government, the IFP failed to serve as a counterbalance party to the ANC (Adam and Moodley 1993). Contrary to the state's wish, the IFP failed to be recognized as a credible party to engage in negotiation with the NP government as the ANC.

The state provided arms and training to various pro-government black organizations to thwart the plans of anti-government organizations (Article 19, 1997:7). The apartheid state also exploited the interests of anti-UDF/ANC gangs such as the Black Cats in Ermelo, the A-

Team in Chesterville, the Eagles in Harrismith and the AmaSinyora in KwaMashu (Article 19, 1997:7). It provided such gangs with arms to further their violent struggles against the UDF and ANC. Moreover, in black areas, the state allowed the development of vigilante organizations. The vigilantes were recruited from conservative blacks who serve as police reservists (instant constables) (WRITENET 1996:1). The vigilantes carried out extrajudicial killings. Generally, everyone seemed to possess the license to kill (Adam and Moodley 1993). The government encouraged the reality of black-on-black violence to argue for the un-governability and savagery of the black race (Adam & Moodley 1993).

The election period in South Africa was characterized by violence, intimidation and informal repression which drew the country close to civil war (Article 19, 1997:7). As noted by Brewer (1994:4) 'the right wing (the state and its allies) threatens mainly through its recourse to violence, which is used both to destabilize an already tense situation by means of political assassination (such as that of Chris Hani) and random killings and atrocities, and also to prevent reformers, black or white, from winning free elections'. Young radical blacks also engaged in radical attacks on moderate black leaders and whites. Both the Afrikaner Weerstandsbeweging movement (AWB) and the IFP made separate threats of open war should the ANC win the general election (Brewer, 1994:4). Hardline bastions of apartheid instigate young black radicals to push their violence to an extent of civil war so as to destabilize the on-going negotiation between the state and the black liberation movements.

A few weeks before the April 1994 elections, South Africa witnessed a crescendo of violence especially in KwaZulu-Natal. Most parts of the KwaZulu region were declared unsafe for ANC to campaign (WRITENET 1996:1). The South African Police reportedly colluded with Inkatha supporters to attack ANC supporters. The KwaZulu police forces allegedly 'murdered political opponents of Inkatha, tortured prisoners and failed to intervene to stop Inkatha attacks' (Article 19, 1997:8). About 14,000 people died and 22,000 were injured between 1990 and 1994. 90% of the political violence occurred in KwaZulu-Natal (ICE 2011:13). The outcome of the election saw a narrow majority win of 50.3 percent by the IFP in the KwaZulu homeland. In a bid to avoid further conflict and ensure a peaceful transition, the IEC in collaboration with the ANC agreed to ignore the misconducts of attacking non ANC supporters in KwaZulu-Natal. Hence, KwaZulu-Natal came under the leadership of the IFP (WRITENET 1996).

Although political assassinations and inter-party violence has declined since 1994, there continues to be cases of political conflicts, violence and assassinations in post-apartheid South Africa. Post-election violence took on the nature of political cleansing in rural areas as dominant parties sought to eliminate the support for minority parties (WRITENET 1996:1). Political leaders became targets for hit squads and violence is used to resolve political disputes. As identified by the non-governmental Human Rights Committee, the ANC could not campaign in 30 areas of the KwaZulu-Natal province and likewise the IFP cannot campaign in 22 areas (Ibid). The uniqueness of post-election violence is that they became more targeted at individuals. IFP local party leaders invited their hit squads to eliminate their political opponents (WRITENET 1996:1). As observed in Article 19, (1997:11), Chief David Molefe, a moderate IFP leader, was killed at Impendle in October 1995 by hard-liners due to his moderate political stance that favours peace processes with the ANC. The fact that he was a Sotho, not a Zulu raises suspicion if the attack was not motivated by ethnic differences. On Christmas Day 1995, 18 ANC supporters were massacred at Shobashobane on the South Coast allegedly by IFP forces. The security official under the leadership of Chief Buthelezi remained in office after the 1994 elections. They continued to permit, promote and participate actively in violence (WRITENET 1996:1).

Due to the political violence that continued after the 1994 election, local government elections initially planned for November 1995 were postponed twice until June 1996 due to the scramble for local advantages by political parties. Between 1994 and 1995, about 2,437 people were killed – 1,600 deaths in 1994 and 837 in 1995 – and about 500,000 people were displaced by political violence (WRITENET 1996:1).

By August 1997, the hostilities between ANC and the National Consultative Forum led by General Bantu Holomisa transcended individual assassination to open battles between the two parties in Richmond area (Article 19, 1997:11). Hundreds of people were displaced from their homes. Thus, violence tends to be the ultimate means of resolving inter-party conflicts in post-Apartheid South Africa. Activists have been reported to have received several death threats. The Landless People's Movements also reports that its leaders have become victims of political assassination as its leaders, who are vocal in demanding for land reform, are being murdered. At the local political level, violent struggles seem to be the status quo. Political leaders seek to eliminate oppositions by assassinating political opponents. In the Mpumalanga and KwaZulu-Natal provinces, political assassinations tend to be more

prominent (Quintal 2012). Nevertheless, the decline of political violence in post-apartheid South Africa could be attributed to the effort of the political compromise made by the country through the Truth and Reconciliation Commission (TRC).

### **4.5.3 Social violence**

Murders such as the 2007 killing of Lucky Dube, and the April 2010 assassination of Eugene Terre Blanche, the 2008 xenophobic attacks, the Marikana killings of 2012 and the various cases of police brutality serve as reminders of the reality of violence in South Africa. South Africa ranks as one of the top in the world table for violent crime (Kaminer and Eagle 2010:13). Between April 1994 and April 2007, the SAPS (2007:7) recorded about 300 000 murders among other forms of violent crimes (Whyte 2009:3). Elmarie Whyte (2009:18) notes that:

Based on SAPS figures (2007:7), an average of 19,884 murders and 27,077 attempted murders, 53,685 rapes, 9,183 indecent assaults, 247,459 assaults with the intent to cause grievous bodily harm, 255,137 common assaults, and 125,062 aggravated robberies were reported per annum between 2001 and 2007. Collectively this translates into an annual average of 1596.5 reported violent crimes per 100,000 South Africans over that period. These rates would be even higher per 100,000 Black South Africans, as the majority of these crimes take place in Black “mega townships” on the outskirts of major South African cities (SAPS 2007: 35).

Various observers have argued that the foregoing violent expression has its roots in the physical and structural violence of the apartheid regime and the failure of the peace building process to address the legacy of apartheid (Whyte 2009:18; CSVN 2009:5). Whyte (2009:6) argues that a primary explanation for the occurrence of violence in post-conflict societies is the psychological effect of the conflict in creating or perpetuating a pre-existing cycle, predisposition to, or culture of violence. Decades of apartheid’s racially oppressive laws, physical violence and repressive force, as well as the long-term struggle against apartheid, has created a culture of violence in South Africa. In such situations, violence is deemed as the right means of dealing with political and socio-economic problems (Whyte 2009:3).

As referred to by Fanon in relation to colonialism in the *Wretched of the Earth: On Violence* (1965), Apartheid in South Africa was enforced and maintained by violence. Since the

National Party assumed power in 1948, South Africa was organized around a plethora of laws, acts, systems and structures that violated the humanity of non-Whites. Racially oppressive laws were woven into the order of South African society, an order which has been referred to as structural violence. Among other examples of structural violence in South Africa is the Suppression of Communism Act of 1950 that outlawed the Communist Party and its ideology; the Criminal Law Amendment Act of 1953 that prohibited public opposition to any laws; and the Customs and Excise Act of 1955 as well as the Official Secrets Act of 1956 that censored the information disseminated by the media (Whyte 2009:13).

Such structural violence determined every aspects of people's life. Via the South African Police and Defense Force, the government enforced its racially oppressive laws and ideologies. Via state terror, the state oppressed and repressed non-Whites and opposition movements (Maharaj 2010:10). Non-Whites were easily arrested, detained and abused. People in custody were tortured to submission and in some cases death. When non-Whites stood up against the ills of Apartheid, they were forcefully and legally suppressed. Notably, the protest against pass laws organized by the Pan African Congress (PAC) in 1960 saw the massacre of 69 people at Sharpeville, an incident famously known as the Sharpeville Massacre (Whyte 2009:14, Maharaj 2010:10). In 1976 at Soweto, the South African police killed over twenty young people who were peacefully protesting against the use of Afrikaans as the language of tuition in schools. Such physical violence sank deep into the people's way of life.

Without any legal and alternative means of expressing their grievances, violence became the most tempting option for the aggrieved populace. When prohibited from non-violent protests, opposition movements such as the ANC party via its military wing Umkhonto we Sizwe adopted violent measures to further their liberation struggle against the state. The state's violence nurtured disrespect for the rule of law. The inability of effectively challenging the state led some political parties and gangs to turn their frustration to their fellow people of the same racial category. As elaborated in the previous section, the black-on-black violence that ensued in the 1980s and early 1990s characterized the lives of people in cities and townships. Moreover, throughout the incidence of black-on-black violence in the 1980s and early 1990s, the South African Police failed to interfere or denounce the violence committed against non-whites (Whyte 2009:15). While whites were protected from violence, non-whites were allowed to suffer violent crimes as long as it did not affect the white population. Blacks in

townships had to rely on informal and extra-judicial means of addressing socio-economic and political grievances. This gave rise to gangs and vigilante groups that adopted illegal violent means to confront their everyday problems.

The lack of policing in townships and the state's indifference to what happens to the life of blacks could be said to have a role to play in the minds of non-Whites who were not given an opportunity to participate in a humanizing community. The lack of proper policing in black townships in particular, tended to legitimize violence and introduce a criminal culture. Significantly, the hotbeds of political violence during the shift in the 1980s and early 1990s, Western Cape especially in Nyanga Township, regarded as the murder capital of the country, Gauteng and KwaZulu-Natal are regions that record more violent crimes in the post-apartheid era (Pillay 2012:14).

Children born in apartheid societies that were riddled with violence tended to see violence as a legitimate means. Besides, the white capitalist-driven mining industry turned male peasant farmers into migrant workers; a situation that distorted the African family set up (Diale 2012:1343). Family ties and cultural values were distorted. Analysts have argued that the lack of father figures for some children has been a major precipitant of violent behavior in young people (Department of Social Development 2011 citing Mackey and Mackey 2003:63). Children without father figures are reportedly prone to various challenges and states of depression. The lack of father figure predisposes girls to low self-esteem and high level of risky behavior while it causes aggression, violence and criminal activities in boys (Department of Social Development 2011). In a society characterized by constant political and economic struggles, children grow up to adopt violence as the required means of survival. From the experience of being victimized, abused or witnesses of violence at early ages, children inculcate violence as a societal norm (Department of Social Development 2011). Violence became normalized as a way of contending with social problems (CSVR 2009:5; Whyte 2009:15,19).

Today, years of violent struggle caused violence to become the primary and rewarding means to an end (Whyte 2009:18). From an early age, young people are socialized to deal with their challenges via the use of violence (Department of Social Development 2011). South African men are raised to see themselves as superior to women. While men are encouraged to be brave and strong, women are encouraged to be mild and respectful (MRC Policy Brief 2009).

Men are identified by heavy drinking and an ability to use violence to defend one's honor. The value and sacredness of life becomes trivial for some South Africans who are willing to easily inflict pain or take the life of another to settle social, economic and political issues.

Studies have shown that the feeling of low self-worth and inferiority complex has a bearing on people's propensity for violence (CSVN 2009:5). The dehumanization of non-whites by the apartheid regime created a low self-esteem and an inferiority complex among some non-whites. Non-whites especially blacks, who were in the frontline of the apartheid discrimination and oppression, were made to see Whites as superior humans. The Group Areas Act, Bantu Education and so on emphasized the inferiority of blacks and the superiority of Whites. Thus, for some blacks, to make headways in life is through non-conventional means such as violence. People use violence to pursue their quest for respect and power (MRC Policy Brief 2009).

Inauspiciously, the peace building effort in South Africa managed to quell political violence at the expense of social and economic violence. According to Whyte (2009:2), the requirements for building a lasting peace in South Africa was under-diagnosed and narrowly conceived by the post-apartheid peace-builders. Although, the TRC was only a part of a larger peace building effort in post-apartheid South Africa, it had a crucial role to play in the peace building initiative in South Africa (Henrard 2002:18). The work of the Truth and Reconciliation Commission (TRC) focused narrowly on political violence while neglecting non-political violence (Whyte (2009:1). The TRC was narrowed to individual offenses rather than an oppression that was institutional and structure. The blanket amnesty granted to the whole institutional structure of apartheid by the TRC failed to punish or hold the apartheid regime culpable for the ills of the past. Rather, the ills of institutional and structural apartheid were swiftly shoved under the carpet for the sake of starting anew.

Mamdani (2000: 177) argues that the truth of apartheid espoused by political activists and the apartheid government in the process of negotiation and crafted in the work of the TRC is a diluted truth, a truth that diminishes the real. In fact the evil of apartheid was propagated only as 'a harsh and cruel dictatorship, a gross denial of human rights' (Mamdani, 2000: 179). To avoid political conflict, the peace building effort chose to ignore the distinctive and structural ills of apartheid and somehow took it as a legitimate practice of the past. The TRC only tackled issues considered as crimes during the apartheid regime. Issues such as Land laws, Pass laws, Group Areas Act, Forced removals, were neglected because they were legal in the

eyes of the apartheid order (Mamadani, 2000:180). Moreover, the commission only recognizes some 20,000 people as victims of apartheid while ignoring the vast number of people who suffered the ills of apartheid (Mandani, 2000:180). The over 3.5 million people who were forcefully removed and the various unreported cases of apartheid-violence on entire racial categories were subsumed in the narrow political compromise of the TRC.

Such moves left the disadvantaged masses aggrieved as the forceful and oppressive structures of the past were not held culpable for their current situation. In fact, the peace building effort in South Africa was mute about race which served as a foundation of apartheid laws and oppressions (Valji 2004). This negligence can be said to be responsible for the tense relations between the whites and non-whites today. Mark Shaw and Peter Gastrow (2013:235) recount the story of the gruesome attack by four drunken young African men on a white suburban family in June 13 1998. The white family was attacked and the parents were shot dead and their young daughter was raped while the son hid in the bathroom. For most whites the attack, as well as other cases of such attacks, was racially motivated (Shaw & Gastrow, 2013:235). In fear, some whites have migrated to other countries maintaining that the white race is under jeopardy in the new order (Shaw & Gastrow, 2013:236). Others express their fear behind the high walls, barbed wires and security guards used to secure their homes (Shaw & Gastrow, 2013:237). This fear continues to alienate and increase the tension between whites and non-whites (Pillay, 2012:23). Thus, instead of creating social cohesion and reconciliation, the fear and security measures may continue to engender a social divide and conflict between races. In a post-apartheid society that outlaws overt racism, race takes on a silent disastrous influence in the country (Harris 2003:3).

Due to the fact that the TRC only demanded individual confessions to politically motivated crimes that were committed during the apartheid regime, the entire white population who did not confess to any crime tended to feel sanctimonious and not responsible (Mandani, 2000: 182). The work of the TRC tended to exonerate the non-confessed Whites. Yet, they benefitted from the apartheid order without questioning the system. In such situation, their complacency, indifference and lack of empathy towards the oppressed population only end up fostering the outrage of the victims (Mandani, 2000:182). Mandani (2000) and Ramose (2011) insist that in the Ubuntu understanding of law, the whole family and community takes responsibility for the wrongs committed by an individual member even if the individual is deceased. Thus, the whole white community should take the fall for the crimes committed by

their individual members, a crime they benefitted from. Even if the perpetrators or the apartheid regime no longer exists, the passage of time does not wipe away any of the injustices or crimes that were committed by a group (Ramose 2011). The TRC somehow intends that South Africans repress the past structural injustices of the apartheid regime. Yet, even psychologically it is evident that repressed feelings come out in the future and become more horrible. Thus, it is only a matter of time for feelings, not properly dealt with, to explode if has not yet exploded in the experiences of various spates of violence in the country. In accord with Mamdani (2000:183), the work of TRC has failed if not destroyed the bridge for any attempt at social reconciliation in South Africa.

Nevertheless, the victims of apartheid were denied the right to participate in the truth and reconciliation initiative. In fact they had no say in the granting of amnesty to perpetrators. In *The Healers*, Ayi Kwei Armah emphasizes the need for participatory healing and reconciliation. For victims to get healing, it is necessary that they participate in the process unlike the TRC program that isolated the individual victims from the TRC commission. Yet, the victims ought to participate for a proper healing. Worst still, the main commission which was set to deal with the question of victim reparation only had recommendatory powers (Mamdani 2000:182). The victims ended up waiting and struggling to get the promises made to them as though it was a privilege for them to be victims. On the other hand, the granting of amnesty by the Amnesty Commission to perpetrators was final and binding. For Mamdani (2000) this move was a clear case of perpetrator's justice. The grievances of the masses continue to be reflected in violent expressions.

#### **4.5.4 Economic violence**

Vivek Arora and Luca Antonio Ricci (2006:23) observe that despite the improved economic growth of South Africa since 1994, unemployment remains high. The post-apartheid South African economy was an economy that developed via racial division and the marginalization of some racial groups. Via violence, whites benefitted from the political economy of apartheid and in the post-Apartheid era they continue to reap the advantages of the past. In the present South Africa, unemployment, poverty and poor living conditions are concentrated among the apartheid disadvantaged groups especially the blacks. It remains a challenge to address the economic inequality engendered by apartheid.

The apartheid constraints as endorsed in the Bantu Education Act of 1953 that established an inferior education system for Africans; and Bantu Authorities Act of 1950 and Native Administration Act of 1957 that enforced a separatist development program for Africans, limited the ability of non-whites to develop socially and economically (Duncan 2005:9). Moreover, via the Industrial Conciliation Act of 1956, the non-white population were only able to be employed in menial and low paying jobs while whites enjoyed the privilege of being employed for different kinds of skilled and better paying job opportunities (Seekings 2007:2, Whyte 2009:13). Inevitably, such a non-proportional arrangement has effects that spill over to the current South Africa. The decades of Bantu education, under-education and reliance on low wage employment created a huge undereducated and poor population in the present South Africa.

Worse still, blacks were forcefully dispossessed of their lands and confined to impoverished regions of the country during apartheid (Seekings 2007:2). Blacks lived in townships without basic infrastructure while whites lived in suburbs that were well-resourced. The forceful dispossession of properties and marginalization of the disadvantaged groups led to the current problem of landlessness and poverty in the country. In a bid to democratize, post-apartheid South African government called for forgiveness and the forgetting of the past (Ramose 2011). It somehow adopted Robert Nozick's idea of distributive justice by ignoring the cruel means by which apartheid's beneficiaries amassed their riches. In the post-apartheid South Africa, the country endorses a right to property as outlined in the 1993 constitution and the 1996 constitution. No property could be expropriated without a just and equitable compensation (Henrard 2002:33). Hence, the government tended to legitimize the violence of apartheid.

Fanon in his Theory of Racialization argues that racism is a shaping principle of society (Kane 2007). For Fanon, racial inferiority is in the end realized in the economic realm (ibid). Consequently, class and race interconnect in such a manner that to be white is to fit in the rich class and to be black entails fitting in the poor class (ibid). Fanon (1965:29) notes that the colonial world (and the South African Apartheid regime as well) is separated into sections. One section is the whites settlers who use force to accumulate wealth and conquer the natives. The other section is the natives who are oppressed and marginalized in the colonial world. The settlers have accumulated wealth over the years and have oppressed the natives (ibid). In South Africa, this division worked in favor of the 'white' minority (ibid). Despite the end of the South African apartheid regime in 1994, black South Africans still

battle to fit into a new South Africa that constitutes both the oppressed and the white oppressors (ibid).

By not making radical changes to resolve the apartheid injustices, beneficiaries of apartheid continue to benefit from it today (Valji 2004; Mandani 2000:183). The feeling of not being responsible makes some apartheid beneficiaries claim to be victimized by policies such as the Affirmative Action and any mention of reparation for victims of apartheid. The grandson of apartheid architect (Prime Minister Hendrik Verwoerd) Willem Verwoerd (2000) argues proudly that white youths are beneficiaries of hard work (cited in Valji 2004). Such a claim lacks reference to the historical privilege of the white population that endures into the post-apartheid era and points to how some whites do not feel responsible at all for the present economic inequalities. The unsympathetic and indifferent attitude of some whites further compounds the grievances of disadvantaged races.

When an oppressive regime had been brought down, the public in most cases have high hope that the new regime will do exactly the course for which they struggled. In view of the past apartheid injustice based on group discrimination, post-apartheid South Africa found it imperative to redress the disadvantages of the past (Henrard 2002:24). The Reconstruction Development Program RDP was established in 1994 to reconstruct the country's economy as well as reduce poverty, inequality and deprivation in the country (Seekings, 2007:2). In 1996, the RDP policy which was conceived to be radical and was against the disadvantaged population, was replaced by the Growth, Employment and Redistribution (GEAR) macroeconomic strategy, a capitalist friendly policy (Whyte, 2009:17).

The GEAR strategy was aligned closely to the International Monetary Fund's structural adjustment programs. The GEAR strategy favors a neoliberal market economy which emphasizes economic growth. The post-apartheid South African government adopted a neoliberal approach to economic development, an approach that intends to address the issue of poverty via economic growth. Commendably, South Africa's economy has developed immensely. However, while the formal economy grew and benefitted few rich elites, living human conditions were jeopardized for the masses (Seekings & Natrass, 2002:5; Whyte, 2009:17). Thus, the growth in economy which drives GEAR does not translate to reduced inequality and poverty.

The GEAR strategy has failed enormously to bridge the gap between the rich and poor. While the current economic structure requires skilled labour, the majority of the population has suffered years of apartheid's Bantu Education which produced a huge number of undereducated and unskilled masses (Seekings, 2007:1). Thus, unemployment and poverty remains high. This continues to put the country at the risk of violence. As identified by SAPS (2007:22-27), the main causes of violent crimes are unemployment, poverty as well as the abuse of drugs and alcohol (Whyte, 2009:18). The drugs and alcohol-related violence committed by people from low living conditions points to the country's failure to address the poverty and inequalities in the country. Alcohol and drug abuse has become a recourse for some people who try to deal with their trauma and socio-economic challenges (MRC Policy Brief 2009).

Although Affirmative Action and the Black Economic Empowerment meant that the class divide is no longer based on race, the policies created a few non-white elites to the detriment of a huge mass of poor people (Whyte 2009:20). The few black rich people belong to a middle class that is divorced from the daily reality of ordinary Africans. Via the BEE programme, former NUM leaders such as NUM Secretary General became top business managers (Wehmhoerner 2012:3). While inter-racial inequalities declined, intra-racial inequalities grew (Seekings and Natrass 2002:11) As observed by de Wet (de Wet 1997:356), the poor masses of South Africa feel poorly represented and abandoned by the post-apartheid government which they placed huge hopes on. The government is seen as being engrossed in pleasing the Whites, enriching themselves and their cronies as well as remaining in power (CVSR 2009:8). The poor masses have also seen that non-Whites who used violence to challenge apartheid are currently occupying important positions in the state are favoured by the Affirmative Action and BEE programs. In accord with Whyte (2009:19), this taught South Africans the effectiveness of violence in attaining what one wants.

Social service delivery remains uneven in various parts of the country and is worst especially in township areas where the disadvantage groups are mostly found (Pillay 2012:12). People continue to protest against poor social service delivery (Wehmhoerner 2012:3). Pillay (2012:14) notes that in accordance with the 2007 study of the Freedom of Expression Institute "6000 protests were officially recorded during the 2004/05 financial year of which almost 1000 were banned...15 protests are being held per day somewhere in South Africa – besides the number of unrecorded protests". It remains a challenge reconciling the grandiose

and utopian promises made by political liberators with the actual reality of ordinary citizens in South Africa (de Wet 1997:356).

#### **4.5.5 Economic violence: Marikana violence**

A recent corroboration of the nature of economic violence in post-apartheid South Africa is the recent incidence that happened at Lonmin Mine, Marikana on the 16th of August, 2012. Thirty four (34) platinum striking mine workers were shot dead and seventy eight (78) were injured by the police (Satgar 2012:33). Lonmin mine workers protested against the unfair salary they got monthly. They called for an increment of salary from 4,734 rand per month to 12,500 rand per month (Wehmhoerner 2012:3). The miners threatened to continue striking until their demands were met (News24, 2012). What then led to the turnout of events in the mine? The mainstay of South Africa's economic sector, the mine relied on cheap black labour even before the apartheid era. Mineworkers particularly, have undergone historical ill-treatment. During the apartheid era, beside the low income they earn, five Soweto hostels which accommodated 13,000 workers, housed about three times that number (Article 19, 1997:9). About 125,000 migrant workers were housed in 31 hostels in the townships around Johannesburg. Such poor treatment persisted in the present South Africa as mineworkers were expected to live on a 4734 rand salary despite the arduous work they engaged in. The National Union of Mineworkers (NUM) which was expected to play the role of expressing the grievances of mine workers, have failed to adequately represent the workers (Wehmhoerner 2012:2).

Privileged by the Black Economic Empowerment programme, some NUM members gained important political positions or joined the class of rich black businessmen (Wehmhoerner 2012:3). While the Union leaders live lavish lifestyles, the union members suffer from low wages and, when they demand an increment, they are told that their wage demands are out of proportion (Wehmhoerner 2012:3). The Union failed to advance the interest of mineworkers for the increment of salaries. The National Union of Mineworkers that was famous during the apartheid era for standing up for the right of its members gradually lost its leadership role (Wehmhoerner 2012:2), and it lost popularity in the eyes of mineworkers who saw their leaders as solely bent on personal interests.

Discontented and excluded NUM leaders formed a new union, the Association of Mineworkers and Construction Union (AMCU) in 2002. The AMCU is considered to be a

more militant union with the interests of the mineworkers at heart (Radnika 2013). In 2012, the AMCU grew in strength to the detriment of NUM. The AMCU promised the mineworkers an increment of salary to 12,500 rand per month as compared to their monthly salary of 4,734 rand. This resulted in the upsurge of AMCU's support in the Lonmin mines of up to 19% in July alone. The AMCU began its campaign to materialize the promises made to the mineworkers (Malala, 2012). It organized the Lonmin strike as well as strikes across South African mines with popular support from mineworkers. With the slow response of the Lonmin management to their request, the mineworkers adopted violence to drive their agenda. It was even reported that traditional doctors, commonly known as "sangomas" anointed the strikers with concoctions ostensibly to make them impregnable (Malala, 2012). The strike saw the death of about 34 mineworkers and others injured (Pierre, 2012).

The violence adopted by the striking mineworkers as well as the deadly force with which the police used to respond to the violence reflects a society that has come to normalize violence as the reliable means of gaining success. This attests to the way violence has become weaved into the fabric of the society in such a way that the line between violence and legal police force is blurred. Wehmhoerner (2012:2) notes that the Lonmin violence in general led to the death of 42 people including 2 police officers that were hacked to death by the strikers. As noted by (Satgar 2012:34), 'most of the 34 miners mere shot in the back while fleeing from the police' depicting a state willing to use violence to enforce its neoliberal views.

#### **4.6 Conclusion**

Chapter four sought to critically analyze the nature of conflict in post-apartheid South Africa. There was a concentration on the contemporary conflicts such as black on black violence, xenophobia, taxi violence and political violence or assassinations that are all connected to the apartheid regime. In addition, the study assessed the link between the apartheid era and the current nature of post-apartheid South Africa.

## **CHAPTER FIVE**

### **LINK BETWEEN CONFLICT AND TRUTH RECONCILIATION IN THE POST-APARTHEID SOUTH AFRICA**

#### **5.1 Introduction**

The aim of this chapter is to examine the connection between apartheid and truth reconciliation commission in the post-apartheid. Later in the chapter, the study ponders on the challenges that emerge in the process of transformation in post-apartheid period. There will observations of some of the crucial challenges that emerge in the process of this transition.

#### **5.2 The link between apartheid and Truth and Reconciliation Commission**

As mentioned in chapter one, apartheid begun after the 1948 election victory of the NP, which used that notion and program as the emphasis of its election campaign (Davenport 1991: 519; Worden 1994: 87). Though, segregation policies and endeavors to categorize the South African population were previously conspicuous centuries before, effectively since the early roots of colonialism in South Africa (Henrard 2002; Brown 1988-1989: 40; Worden 1994: 112). Certain racially discriminatory regulations were implemented by the end of 18th century but then again it has been debated that ‘it was only in the period between the end of the Anglo Boer War in 1902 and the 1930s that a cogent ideology of segregation emerged and was implemented’ (Worden 1994: 72). Much as apartheid begun as an Afrikaner project, which certainly is clear in numerous of its privileged measures for Afrikaners, it succeeded to attain broader white support, as it likewise necessitated a distinct advantage for the white English population (Herard 2002).

In addition, apartheid is described by its fundamental policy of ‘divide and rule’ which was pointed at ensuring white existence and hegemony by separating the non-white population along racial and even ethnic lines (Kashula & Anthonissen 1995: 98; Bennett 1995: 7). Thus, the corresponding majority was separated into a host of minority groups which could not pose a threat to the white minority anymore (Herard, 2002). Therefore, apartheid can be characterized as a system to disempower the non-white population (ibid). The policy of apartheid was inter alia portrayed by the official language policy, which omitted any

indigenous language and was reduced to English and Afrikaans, by the job reservations for Afrikaners in the public service and by the effort to encourage the Afrikaner people through a much classified education system (Pelzer 1980: 136-139, 163).

As the apartheid regime and its policies were gaining momentum in the 1960s to 1980s, so were the negotiations also getting increasingly intense in the 1980s between the NP government and the ANC and other parties from the resistance movement (Herard, 2002). Ultimately, this resulted in President de Klerk's speech on 2nd February 1990, at the annual opening of Parliament, which set in motion the extended constitutional negotiation process resulting in the first non-racial general elections in April 1994 and the first democratic constitution for the South Africans (de Klerk, 1994: 4-6; Manby, 1995 1995: 35).

The post-apartheid government led by President Nelson Mandela suggested a mechanism be put in place to address the conflict and political violence that had haunted South Africa for decades, namely a Truth and Reconciliation Commission (TRC) led by Archbishop Desmond Tutu (Abraham, 2008). The "TRC was established by means of the Promotion of National Unity and Reconciliation Act 34 of 1995" (Abraham, 2008). TRC as a method of transitional justice was given the responsibility to provide a complete vivid image of the nature, causes and magnitude of the conflict including the gross human rights violation committed during apartheid. Over 25,000 people had been hanged for political crimes between 1960 and 1994 and approximately 80,000 people have been detained without trial (Truth and Reconciliation Commission Report, 2010). In the aftershock of such a large-scale violence, the necessity for public reckoning with past horrendous events is more vital to democratization than the criminal law's more traditional objectives of prevention and retribution (Osiel, 1997).

In addition, the main responsibility of the TRC in terms of the promotion of National Unity and Reconciliation Act (Act no. 34 of 1995) was basically "to establish the truth in relation to historical events" and also to provide as "complete a picture as possible" with regards to the historical events (Pisani & Kim, 2004). This truth-finding obligation was restricted to a particular period (1960 to 1994) and on an exact type of past events which are gross defilements of human rights. The act stated that the analysis should elucidate the nature, roots and the extent of human rights defilements. It included the past history, conditions, factors and settings of such violations and also the intentions for and conditions in which they had happened, as well as the fate or locations of the victims (Pisani & Kim, 2004). TRC served

the central role of providing “a historic bridge between the past of a deeply divided society characterized by strife, conflict, untold suffering and injustice and a future founded on the recognition of human rights, democracy and peaceful co-existence and development opportunities for all South Africans regardless of color, race, belief or sex” (Asaf et al, 2010).

In post-conflict societies, Truth Commissions are considered to be necessary transitional features to facilitate peace building (Valji, 2004:1). In 1994, the South African Truth and Reconciliation Commission was established to look into the human rights violations of the past. Much of South Africa’s peace-building effort is judged by the Truth and Reconciliation Commission’s effort to deal with the human rights violation of the past. Though the TRC was only a part of the peace-building effort of the country, it is considered a primary tool for reconciliation. The Commission was mandated to investigate record and deal with gross human right violations that occurred between 1960 and 1994.

Mamdani (2000:177) in *The Truth* according to the TRC, observes that the TRC was composed of two halves; an Amnesty Committee and the main Commission. The Amnesty Committee was charged with focusing on perpetrators. The Committee bears the onus of granting amnesty to perpetrators of politically motivated violence within a stipulated time frame of 1960 to 1994. The main commission also known as the Committee on Reparation and Rehabilitation on the other hand focused on the victims (Henrard, 2002:23). The main Commission was expected to gather information and evidence about the victims of human rights violations as well as proffer recommendations on how to pay reparations to the victims.

As noted by Desmond Tutu in *What about Justice*, the acts required to be brought before the Amnesty Committee were politically motivated crimes. Acts that were committed for personal gain, ill will, spite and malice were not considered for amnesty. The perpetrators were required to be remorseful and also disclose their crimes. The committee has the final right over amnesty even if the victims oppose it. Through the TRC, the country traded truth telling for amnesty rather than mete out punishment for past crimes committed. By so doing, the Commission avoided the conflict that could have erupted if the country, which was on the verge of civil war, tried to punish the past crimes of influential members of rival political parties (Hernrard, 2002). Influential political figures and members of political parties that committed gross atrocities were spared of punishment for the sake of peace. The amnesty legislation was considered the necessary condition for a successful transition to a new

democratic South Africa (Henrard, 2002:23). Valji (2004:1) observes aptly that the TRC has managed to save South Africa from the jaws of civil war.

Nevertheless, such a move has been greeted by controversial debates over its expedience in solving both the short and long term issues created by the apartheid era (Whyte, 2009:8, Henrard, 2002:23). The TRC has been criticized severally for focusing exclusively on political reconciliation and national unity at the expense of economic and social reparation to the victimized populace. The narrow focus of the TRC on political violence did not provide room for non-political violence to be tackled (Whyte, 2009:18). Subsequent sections shall consider how the TRC and other peace building efforts of South Africa failed to rid South Africa of the devastating effect of Apartheid.

### **5.3 Challenges that Emerge in the Process of Transformation in the Post-Apartheid Era**

Even though South Africa's process of transformation is riddled with challenges, there has been a measure of recorded success in the post-apartheid era. Over eighteen years later, South Africa still relishes a steadfast growth. A lot has been accomplished since 1994 (KwaZulu Natal Health, 2012). Since the removal of the apartheid regime, the post-apartheid era is a time of great promise and great hope although the idealism of that time diminishes questions about the transition's concrete results, or dearth thereof, are serious concern (Asaf et al, 2010). Certainly, there has been enormous progress as millions more of South Africans today have the basic needs such as access to clean drinking water; the number of households with electricity has improved from 50 per cent to 80 per cent, the banking system has started to make credit available to the black and there is an increasing black middle class (Asaf et al, 2010).

Evidently, there has been transformation since the demise of apartheid. Currently, over eighteen years after the ratification of the constitution, there are challenges that have emerged in the process of transformation in the post-apartheid era. One of the crucial challenges that emerged in the process of transformation in the post-apartheid era is redressing the widespread poverty of the black population of South Africa. In this regard, there has been significant progress since 1994. Between 1995 and 2005, the number of people living below the poverty line, as well as the depth of poverty, decreased tremendously (Asaf et al, 2010). In spite of the gains though, the "inherited" inequality of apartheid remains to cause the black

populace to “bare (sic) the brunt of unemployment and poverty” (Friedman & Bhengu, 2008: 71). In as much as the degree of poverty has demonstrated promising transformations, the distribution of income continues to be disconcerting (Asaf et al, 2010).

In addition, Asaf et al (2010) argue that the level of income inequality in South Africa sits at a greater level than it was during the apartheid era, equally within the aggregate and within each of the four commonly employed racial categories. In terms of the racial equality, contrary to initial expectations, inter-race income inequality continues to be a bigger factor of disparity than intra-race differences. That is to say, the aggregate difference amidst the white and non-whites is the prevailing reason for South Africa’s extremely high Gini coefficient. The post-apartheid era also faces a structural problem. Whereas the primary source of poverty reduction is growing social transfers, these increases are significantly outperformed by increases in income of those in the 70th income percentile or higher and yet the increased social transfers tend to enormously impact only those below the 30th percentile (Ibid).

Consequently, despite the decreasing number of people living in poverty, the distribution of income remains unequal (Asaf et al, 2010). As a result, a growing number of South African people are being elevated out of poverty, nonetheless just hardly and only by growing provision of social transfers (Ibid). Social transfer can do a lot to counterbalance South Africa’s incredibly high level of gross income inequality. Minus larger non-white involvement with the economy in a non-menial ways, there is little hope for true enablement or independence for the majority of the South African populace (Ibid). In the transition from apartheid in 1994, the new South Africa under the leadership of the ANC regime deemed to establish a greater political equality in itself, though necessary, was not sufficient to unwind the inherited social and economic inequalities (Acemoglu et al, 2007). With the aim to try and deal with the legacy of apartheid, direct intervention in the distribution of assets and opportunities was considered desirable and the central mainstay of this intervention became Black Economic Empowerment (BEE). Today, it is currently termed as Broad Based Black Economic Empowerment (BBBEE). In 2001, the BEE Commission defined BEE as follows (BEE Commission Report, 2001: 2);

‘It is an integrated and coherent socio-economic process. It is located within the context of the country’s national transformation program, namely the Reconstruction and Development Program (RDP). It is aimed at redressing the imbalances of the past by seeking to

substantially and equally transfer and confer the ownership, management and control of South Africa's financial and economic resources to the majority of the citizens. It seeks to ensure broader and meaningful participation in the economy by black people to achieve sustainable development and prosperity.

The initial aim behind the Black Economic Empowerment was to shorten the income inequalities between races. Prior to 1994, the blacks were the most marginalized and deprived of decent jobs, education and so forth. Empowering them especially economically seemed to be one way that could help in creating a balance between the races. To a large extent, there has been an economic transformation and progress recorded in the ruination of the bequest of the past, the degree to which this economic accomplishment has been by all the citizens especially those who were marginalized still remains inadequate for the requirements of a stable and prosperous society (KwaZulu Natal Health, 2012). It is the few privileged blacks who seem to be benefitting from the BEE strategy and leaving majority of the blacks still in abject poverty.

Kubendrie Linda Aiyer (2004) wrote that, the system of democracy cannot be confined to the political level. For democracy to survive, it must occur and function in all social and economic organizations (Mbanga & Potwana, 2005). It is obvious that there have been endeavors by the government to create employment opportunities, empower the historically oppressed and eradicate discrimination in the work place through passing several acts like employment Acts: 1998, the Skills Development Act of 1998, Promotion of Equality and Prevention of Unfair Discrimination Act of 2000 and the Black Economic Empowerment Act of 2003 (United Nations Development Program, 2000). The challenge is that such acts have only managed to affect a few numbers of the South African citizens, leaving the majority still lacking jobs, in abject poverty and not empowered.

One of the other challenges is the unequal access to education. In post-apartheid South Africa, the education system is still discriminative in that not all South Africans today have access to equal education. It is no surprise that even to date; there are still historically privileged white schools and poor black schools still in existence. These influence the segregation even at tertiary institutions. Also, considering that South Africa in the apartheid era deployed segregated educational institutions at all levels for its four racial groups irrespective of shared languages and cultures (Adam & Moodley, 1986). For instance, during

the apartheid era, institutions like University of Natal – Pietermaritzburg and the University of Durban were only for whites – Westville was for Indians and blacks. This was in keeping with the forced separation of groups in residential areas and in political rights (ibid, 233). It seems as though the trend of segregated educational institutions still continues even in the post-apartheid era. The gross inequality in education simply reveals the larger inequality in life chances in that the materially impoverished backgrounds of black students also severely handicap them in competition with whites, as do the many legal barriers. Also, the massively higher school drop-out rates for the black population clearly show the vast economic gap between the white and blacks.

The education system has done little or nothing at all to compensate for the social inequality and instead reinforces it by a differential allocation of resources along racial lines. Even in the post-apartheid era, it is the few privileged blacks who can afford to take their children to good quality schools. The majority of the black population however cannot afford to go to such schools. Even though there have been provisions of schools in the rural areas, the students in rural areas still remain less privileged in that sometimes there are missing text books, there are limited numbers of teachers, inadequate facilities such as classrooms, water, toilets, electricity, tables, chairs, laboratories, a lack of transport to and from school since schools are scarce in such areas so students are forced to walk long distances with in some cases no security hence both students and teachers fear for their lives. Obviously, with such dire conditions, it tends to affect the performances of students leading to failure or even discouraging them from pursuing further education.

In addition to the above, the recent crisis in the Eastern Cape explains the challenge in unequal access to education. Students spent months without studying due to inadequate facilities including text books and teachers themselves were on strike demanding pay increase. Putting these under-privileged students together with those from urban areas who have access to facilities and are more privileged, to sit for the matriculation examinations, and marking them using the same standards is unfair. Under privileged students have fewer chances in enrolling in institutions and in finding decent jobs. In as much as the challenge of the unequal access to education is blamed on the apartheid structures, there are still factors such as corruption and poor accountability in the post-apartheid era that account for the unequal access to education.

A high rate of unemployment is yet another challenge that South Africa is facing since its political transition in 1994 (Burger & Fintel, 2009). This is linked to the unequal access to education for the majority of the South Africans who do not have access to education because they cannot afford the money, or the lack the facilities especially for those in the rural areas such as the Eastern Cape. Even those that have the opportunity to have education, end up not reaching higher institutions to earn a qualification and a decent job. Most end up stopping at matriculation and the lucky ones with a degree qualification. As an aftermath of the racially divided past, there has been an impact in most of the facets of life as well as the labour market and the education systems (Ibid).

The alarming unemployment in post-apartheid South Africa has partly contributed to the escalating violence and crime. Frustrations because of the scarcity of jobs have resulted in people committing a variety of crimes ranging from theft, robbery pickpocketing and murder in order to sustain their living. Others are stressed to the extent that they are forced to take drugs or indulge in drug smuggling. One would regard the current situation as a survival of the fittest. People will do anything to earn a living and this poses a big challenge because it elicits crimes and violence. Not only does the government have to find the means of creating employment but also curb the violence and crime with limited funds and so many challenges to be tackled.

#### **5.4 Conclusion**

The purpose of this chapter was to examine the connection between apartheid and truth reconciliation commission in the post-apartheid. Also, the study pondered on the challenges that emerged in the process of transformation in post-apartheid period. The research observed some of the crucial challenges that emerged in the process of transformation. These included redressing the endemic poverty of South Africa's black population in which the level of income inequality in South Africa sits at a higher level than it was during the apartheid era, with unequal access to education and a high rate of unemployment.

## CHAPTER SIX

### CONCLUSION, SUMMARY AND RECOMMENDATIONS

#### 6.1 Introduction

This chapter seeks to offer some recommendations that can address the issue of conflict in South Africa. This chapter argues that to really tackle the issue of conflict and violence in the country, it is imperative to address the underlying issues that cause violence. To this end, the first section considers measures to combat economic inequality and poverty. It looks at affirmative action policy and pro-poor economic policies that address past injustices, inequalities and poverty as well as give people reasons to desist from violence. The second section looks into the question of land reform which is arguably one of the most important issues that was poorly addressed by the government. This section considers the need for a proper land reform program to tackle the issue of violence in South Africa. The third section considers the need for the active involvement of the South African community in ridding the country of violence. Finally, the fourth section investigates some measures that ought to be taken by the government to wrestle the issue of violence and finally concludes with an expository summary of the entire discourse.

#### 6.2 Reconciliation in Conflict Transformation in the Post-Apartheid South Africa

Post-conflict societies where violence persists bedevil post-conflict peace-building efforts. In South Africa, the high rate of violence undermines the country's peace-building efforts, claims to democracy and an agenda for political, social and economic development. It becomes necessary to solve the root causes of violence in the country. The MRC Policy Brief 2009 maintains that the prevention and reduction of violence ought to be at the heart of the country's transformation and continuous peace-building agenda.

Kristi Samuels (2005:731) suggests that state building and peace building is a complex and time consuming task. Peace-building measures involve changing structural– social, economic, and political contradictions, improving relations between the conflict parties and changing attitudes and behavior so as to ensure lasting peace (Abdi, 2012). Addressing the underlying issues that engender the country to violence is a challenging task. The problem of

violence is that it demands attention into complex peace-building measures, such as economic reconstruction, land reform, addressing underlying impacts of apartheid on the populace, addressing race issue, developing structures that promote nonviolence, among many others. These measures are so complex that it is difficult to make clear policy directions to follow. Yet, the complexity of the task is not an excuse for the state and policy makers to fail at promoting and developing a fair and violent-free society.

### **6.3 Confronting the State's Socio-Economic Inequalities**

Most authors have referred to the prevalence of violence in the country as a consequence of a 'culture of violence' that has taken deep root in society. Harris Bronwyn (2003:1) argues that poverty, lack of justice and inequalities are huge impediments to establishing a human rights culture that will counteract the culture of violence. To combat the culture of violence in South Africa, Pillay (2012:11) contends that the state ought to broaden its view of security beyond deterrence, incarceration and punishment. Here, the state ought to adopt a broader range of socio-economic and political strategies to ensure security. This entails the adoption of a human security paradigm that transcends a state-centric view of security. Rather than the protection of the interests of the state and state elites, the government should concentrate more on protecting the interests and desires of individuals and groups.

Kaldor (2007:182) notes that human security entails the security of individuals and communities. The 1994 Human Development Report by the United Nations Development Program (UNDP) identifies seven elements of human security: 'economic security, food security, health security, environmental security, personal security, community security and political security' (Kaldor 2007:182). By ridding people of the fear of social, economic, political and environmental insecurities, people tend to be in a better place to abandon violence.

In his exploration of the relationship between poverty and conflict, Richard Jones (2006:152) notes that societies emerging from prolonged conflict are in most cases plagued with poverty. In the case of South Africa, those plagued by poverty are the non-white population especially the blacks who have endured years of political, social and economic oppression. Jones (2006:152) insists that poverty initiates and sustains conflict. In poor societies, people tend to be susceptible to engaging in violence to assert their grievances or be manipulated by

political elites for narrow interests. As violence characterizes the South African society, the economy is also affected negatively as investors and skilled workers find the country increasingly unsafe to engage in economic endeavors. The country could experience economic downturn that causes more poverty as investors and business people find the country uninhabitable in terms of business. Hence, as poverty triggers violence, violence facilitates further poverty.

#### **6.4 Affirmative Action**

Although Seekings and Natrass (2002:25) note that inequalities in post-apartheid South Africa are more class based than race based, racial inequalities remain a conspicuous economic organizing feature of post-apartheid era. Income inequalities and class differences are better explained in terms of racial differences. Due to their historical position of advantage, the white minority are better off economically than their non-white counterpart, the 'Blacks', 'Indians' and 'Coloureds'. The black population, that constitutes the majority of South Africa's population has been at the forefront of apartheid's discrimination and oppression, and poverty is more prominent within this population.

By belonging to a deprived group, people suffer discrimination whether they had a first-hand experience of the injustices or not. It could be maintained that individuals born in post-apartheid South Africa did not suffer the hardship of racism (Seekings&Natrass 2002). But such persons are born into families that had previously experienced racial difficulty (ibid). In contrast to someone from an advantaged group, an individual from a deprived context is limited in his or her ability to afford education and health fees, and to obtain basic resources for sustenance and exploration of one's gift (ibid) while a person coming from an advantaged family can easily acquire a piano to enable him/her explore one's talent in music. In addition, economic disadvantage consigns people to be concerned mostly about survival issues, while an advantaged member of a group has wide ranging opportunities and concerns that are boarder than 'bread and butter'. It thus seems unfair that disadvantaged groups should be considered emancipated from the shackles of apartheid without an effort to address the social and economic division between the advantaged and the disadvantaged groups (ibid).

The South African Employment Equity legislation has made strides to address the injustices of the past via affirmative action. Affirmative actions as described by Alexander Neville

(2007: 95), are measures that necessitates a fair discernment and provision of opportunities for previously disadvantaged groups to reinstate their dignity as well as their socio-political and economic stance in society relative to a previously advantaged group (ibid). Neville (2007: 93) maintains that the affirmative action in the South African Employment Equity legislation is commendably geared towards the imperative of the redistribution of economic, social, and political power and resources that constituted the central reason for the struggle against racial capitalism in general and apartheid in particular.

However, the South African Affirmative Action has been criticized for failing to provide a platform on which the vast black middle class could grow hence reducing poverty among disadvantaged groups. Regarding the affirmative action and the continuation of racial identities in post-apartheid South Africa, Neville (2007) argues that the South African Employment Equity legislation mainly profits and aids only a few upcoming black middle class while neglecting the masses at the periphery. Affirmative action in South Africa is seen to favor only few upper and middle class individuals via a Black Economic Empowerment (BEE) program targeted on the middle and upper class black business men (ibid). Some influential blacks were even offered shares in South African and Multinational corporations. While such lucky blacks ascended the pinnacles of riches, the masses remained in poor situations.

The government claims to be pro-poor but its inclined to economic policies that favor the rich, some black middle class men and some ex-freedom fighters whom government tends to be indebted to. As observed by de Wet (de Wet 1997:356), the poor masses of South Africa feel poorly represented and abandoned by the post-apartheid government which they placed huge hopes on. The government is seen as been engrossed in pleasing the Whites as well as remaining in power. As observed by Neville (2007), the enormous majority of the people have gained little or nothing from the Affirmative Action because it favors a few elite minorities. The masses of people still live in abject poverty and unemployment. These tend to undermine South Africa's Affirmative Action policy which is supposed to play a vital role in the country's peace-building effort.

Neville (2007) also observes that affirmative action has formed a strong sense of prerogative in the youth who approach education and the sense of self-determination with laxity. The masses generally depend on the government for handouts and solutions for their daily

problems and challenges (Neville 2007). To make matters worse, some people are appointed to jobs that they are incompetent or incapable to efficiently handle just because they are from the deprived groups. This raises questions around the validity and implementation of affirmative action as a favorable programme to contend with past injustices.

Neville (2007) goes further to argue that the unintentional consequences of using racial identities for affirmative action makes it a less reliable and consistent means of addressing racial injustices in South Africa. Neville argues that by stating and considering the South African people as 'Blacks', 'Coloureds', 'Indians', and 'Whites', the South African Employment Equity Act in some way perpetuates the racial categories of apartheid South Africa and one way or another ensconces the racial bias (Neville 2007:94). In his words, by using 'race', we give advantage to middle class black people as against working class people, we also entrench the racial categories that undermine the possibility of attaining a truly non-racial democratic South Africa (Neville 2007: 103).

Neville's argument is in line with Appiah's essay titled *Race, Culture, Identity: Misunderstood Connections* (1994). Here, Appiah (1994) is instructive in arguing that since racial essences do not exist, it is not worth making impact in society. Appiah (1994) goes further to argue that the use of racial identities as distinction between people in a society has social and personal impact. Using racial labels on people in some way has social consequences on how people are perceived (ibid). Individuals and people see themselves based on these racial labels into which they are categorized. Given that 'black' has a connotation of inferiority and 'white' a connotation of superiority, the continuous use of 'blacks' and 'whites' in post-apartheid society continues to make such distinctions relevant in today's South Africa.

For Neville (2007:101), the racial labels used to assign rights in the South African Employment Equity Legislation bring alive and perpetuate racial distinctions and as such somehow perpetuates racism. Despite a common consensus that there is no racial essence, racism could persevere in the daily dealings of people if racial identities are used to allocate rights. Because racial identities, terms and concepts are derived from the false idea of racial essences, it follows that they are false as well. For Neville (2007), if racial terms fail to refer to anything real and it encourages oppressive connotations, why should the terms continue to be used?

Neville (2007) believes we can build a non-racial South Africa by discontinuing the use of racial terms and groupings. Neville (2007) suggests that transformation measures are more desirable in South Africa than affirmative action. He advocates a class centered attempt at combating racial and economic injustices. Rather, than targeting some (racial) group, the approach to solving the problem of poverty and economic disadvantage of the predominantly black majority, Indians and coloreds could be by taking a policy that targets low-income groups regardless of racial distinctions. Since the majority of masses are from economically disadvantaged backgrounds and are people who have experienced racial injustice, it is beneficial to use class to solve the issues of economic disadvantage (Neville 2007). For Neville (2007), this will go a long way to promote national unity and social integration and cohesions.

Though Neville (2007) raises important points around the necessity of Affirmative Action in South Africa, it is vital to ask if the affirmative action is wrong in principle or is it a contentious issue because of the way it is executed in the country? Also is it because we fear the unintentional consequences by overlooking addressing racial injustices by using racial identities? In agreement with Fanon in *On Violence* (1965), the colonizers brought violence with them so as to gain principal control of the colonies. It is only necessary that to achieve racial justice, radical measures are required to effect any type of decolonization. The Affirmative Action contextualizes Fanon's notion of violence, which is a radical means of addressing the inequalities created by past injustices. Appiah argues that racial injustices of the past should be addressed to the extent as those injustices still play a significant part in the ordering of society (Appiah and Gutmann 1996). In *Group Rights and Racial Affirmative Action*, Appiah (2011) argues in support of affirmative action as a mechanism of addressing racial injustices. Appiah (2011: 265) argues that affirmative action intends to address individual wrongs or injustices experienced by being a member of a group. For Appiah, it is not just worth arguing for healing and reconciliation which entails the dignified living of a previously disadvantaged group (Appiah and Gutmann 1996). Remedies to racial injustice that do not look at the economic and social limitations of the disadvantaged population are false-remedies (ibid).

Amy Gutmann in *Responding to Racial Injustice* (1994), argues that the use of racial identities to address past injustices could be seen as a colour conscious policy (Appiah and

Gutmann 1996). Colour conscious policies recognize the ways in which skin colour and other superficial features of individuals adversely and unfairly affect their life chances. If people have been unfairly treated in the past due to colour (not race), it is fair that colour conscious policies are used to address such injustices that mirror existing social inequalities. Fanon in the *Theory of Racialization*, argues that racism is an organizing principle of society (Kane 2007). For Fanon, racial inferiority is in the end realized in the economic realm (ibid). Consequently, class and race interconnect in such a manner that to be white is to fit in the rich class and to be black entails fitting in the poor class (ibid). A person born into a black family inescapably has a challenging future economically and socially than an individual who is born into the white family (ibid).

Addressing racial injustice via class consciousness as suggested by Neville (2007) could easily disregard the distinctive concerns and apprehensions of people who have undergone the aftermath of racial discrimination. Additionally, class consciousness only endeavors to tackle economic injustices not racial injustice. In using class conscious policies, a person from a previously advantaged background, having massive lands and greater opportunities, can claim to come from a low-income group if he or she is not working (ibid). Class consciousness in South Africa could end up creating a South Africa where ‘whites’ who have historically enjoyed good education, opportunities and information would continue to have an edge economically and socially (ibid). For example, a white person by virtue of coming from a supposed superior background, could end up being regarded superior, competent and favoured in terms of employment as compared to a black person from a supposed inferior and degrading background (ibid). Given that whites in the past had advantages and privileges in terms of education and information, they (In as much as they are of a low-income group) could effortlessly know where to go to in search of a job. Here, one’s color could continue to have a subtle bearing on one’s socio-economic status. As argued by Mahmood Mamdani (2000:183), the riches and possessions of the beneficiaries of racism still continue to be intact and they stand at a more advantaged footing than the disadvantaged victims in socio-economic relations.

It is also necessary to use colour conscious policies to address the psychological feelings of racially oppressed and marginalized groups. This will go a long way in addressing the negative feelings of the disadvantaged towards the white oppressors. If colour conscious policies were enhanced violently and forcefully during the apartheid regime, colour conscious

policies ought to be used also as a radical approach towards addressing the injustices (Appiah and Gutmann 1996). That racial categories are not vital and that efforts are being made for national unity does not wipe away the poverty and stigma created by racism (ibid)

The fact that the implementation of Affirmative Action in South Africa has failed to some extent does not necessarily make the policy erroneous. The South African governments require better methodologies to Affirmative Action that would empower racially disadvantaged masses to achieve equality socially and economically as compared to the advantage of privileged groups. Affirmative action policies ought to be redirected to the advantage of the disadvantage people in society (Seekings and Natrass 2002: 24).

### **6.5 Pro-Poor Economic Policies**

Seekings and Natrass (2002:17) insist that the government should desist from making grandiose plans for economic growth that fail to translate to poverty alleviation. To really tackle the issue of violence in South Africa, the country ought to adopt pro-poor policies that are aimed at addressing the issues of poverty and unemployment. Labour market policies ought to adopt pro-poor economic growth policies that reduce unemployment via sustained job creation (Seekings 2007:1). Arora and Ricci (2000:34) note that in pursuit of a neo-liberal economic agenda, the South African labour market policies favour big firms at the expense of small firms. For Arora and Ricci (2000:34), the extensive labour regulations imposed on small enterprises have an enormous effect on the rate of unemployment in the country. Thus, the state ought to reform labour market policies that hinder small firms and low-wage creation. The less tightened policy reforms will create an avenue for small firms to blossom and create job opportunities for the unemployed. This means that labor policies need to tolerate wage inequalities between firms. This will enable small and growing firms to have job opportunities for the unemployed thereby helping in the project of employing the many unemployed masses in the country (Seekings and Natrass 2002:17). By tolerating wage inequalities, overall income inequalities are reduced. The reduction of labour market regulations could help to improve the country's employment rate as people get the freedom to start up small business ventures without the monopolization of the market system by few rich people who own big business enterprises(Arora and Ricci 2006:34).

Seekings and Natrass (2002:20) advocate for a greater participation of workers in the economic life and decision making of firms. This entails a worker-ownership firm structure than a capitalist firm structure. As noted by Seekings and Natrass (2002:20): for example, if a clothing firm decided that it could no longer compete profitably on international markets, the government should consider offering the workers (who face retrenchment) the option of taking over the firm and working for a share of profits rather than the wage. This would enable them to earn less than the going wage - as they would be drawing a share of profits rather than the old wage which had put the firm under pressure in the first place. Such an arrangement would at least keep people employed, albeit at lower earnings.

The government has tried to create opportunities for young people to attain better education and skills to meet with the high demand for skilled labor. Yet, a lot is still required of the government in terms of creating opportunities for people from poor backgrounds to receive better education (Seekings and Natrass 2002:10). The government should further recommit itself to the delivery of social services to the most vulnerable population who are easily predisposed to violence. Seekings and Natrass (2002:4) argue that the ANC government continues to blame the apartheid legacy for its poor performances even though the party failed to tackle the issues fully. Some South African residents claim to be poorer in post-apartheid South Africa than they were during the Apartheid regime (Landau 2011:11). Thus, although the circle of poverty was set rolling by the apartheid regime, current state institutions end up worsening the rate of poverty and frustration in the country. A lot is still expected of the government in terms of making adequate pro-poor policies that will help solve the root cause of violence.

## **6.6 Land Reform**

The question of 'land reform' in South Africa is a controversial issue. It brings alive one of the most pertinent concerns of post-apartheid South Africa in the quest to address racial injustices and inequalities of the past (de Wet 1997: 355). Prior to the 1994 democratic elections, whites (5%) owned 87% of the land and the black majority owned 13% (Diale 2012:1342). de Wet (1997:355-356) highlights that at present, white South Africans, including companies and some 55,000 commercial farmers (97 per cent of whom are white), have access to 102 million hectares of land, while 1.2 million black households have access to 17 million hectares of land in the former homelands or Bantustans.

By dispossessing them of lands, blacks were reduced to providers of cheap labor at white farms, mines and industries. In the post-apartheid South Africa, the country endorses a right to property as outlined in the 1993 Constitution and the current 1996 Constitution of South Africa. Thus, no property could be expropriated without a just and equitable compensation (Henrard 2002:33). While the constitutional arrangement gave blacks the right to own lands, it failed to provide adequate means for them to own lands and the means of production (More 2011: 9). Hence the majority of South African lands remain in the ownership of white settlers while natives live at the periphery. While contending with the land question in post-apartheid South Africa, Ramose (2011:1) insists that until land is restored to the original owners, the liberation agenda is incomplete and South Africa will continue to lag behind in really considering itself a home grown democracy.

In its 1997 Green Paper on South African Land Policy, the government outlined its vision of land reform (de Wet 1997:356). Via a land reform policy, the government hopes to contend with apartheid's engendered inequalities and poverty in pursuant of distributive justice and reconciliation. The land reform programs involve three aspects; restitution, redistribution and land tenure reform (de Wet 1997:357). Restitution has to do with restoration of the original lands (where feasible) to the original habitants who lost their lands after 1913 due to the racial discriminatory legislation such as the Native Land Act and the Group Areas Act (de Wet 1997:357). Redistribution on the other hand has to do with providing 'the poor with access to land for residential and productive purposes in order to improve their livelihoods' (de Wet 1997:357). The program is meant for those who do not qualify for restitution. These people are expected to receive a 17,500 rand grant to enable them to procure lands. The Land tenure reform seeks to provide rights for rural and urban poor who have insecure tenure as labor tenants, renters and squatters (de Wet 1997:357).

Among the three aspects of land reform policy considered by the South African government, the land restitution policy is the most contentious part. The complexity of this policy continues to make the ruling ANC government tread a careful line in its consideration of the policy which may contribute positively or mar the country's reconciliation and reconstruction efforts. De Wet (1997:355) recognizes that to effectively carry out land reform in South Africa, a further resettlement program will need to take place which involves huge government expenditure and can spiral a whole lot of unintended consequences. In 1993, the

World Bank estimates that to transfer 30 percent of White-owned land to its original owners over a five years period would involve moving 600,000 families (de Wet 1997:360). This will require a huge financial commitment from the government. It is also feared that land reform policy may engender inequality that favors the black population over the whites. Such inequality may cause renewed conflict in post-apartheid South Africa as advocates of white supremacy may embark on violence against the government. For instance, hardline supporters of apartheid such as the Afrikaner Weerstandsbeweging movement (AWB) could begin an insurgency against the black dominated government to prevent any land reform policy that redistributes the land in favor of the black populace.

Some scholars take issue with the way the nation is handling the land reform question in the country. Despite the repealing of the 1913 Natives Land Act which led to the indigenous people losing their lands, the ANC government continues to lack a clear policy direction and political will to address the land issue in South Africa (Diale 2012:1343). The land reform program pursued by the ANC government entails buying lands from willing white sellers at the current market price. In reality, most white land owners have proven to be unwilling to sell their lands and others have charged the government exorbitant amounts to sell lands to them (Ntsebeza 2006:2). In an economic system where land prices are rising sharply, analysts have observed that the government will be crippled if it has to pay compensations to engage in land restitution (More 2011:9). The few land restitution projects carried out by the South African Commission on Restitution of Land rights cost the country about R16 billion (Diale 2012:1346). Yet, it is mind boggling understanding why the government should be obliged to compensate white land owners who paid no compensation to anyone when they were appropriating lands forcefully from the natives. Until today, the South African government under the ruling ANC party has failed to materialize the dream of people's dispossessed of their lands during the colonial and apartheid era (Diale 2012:1341). These have caused many observers to note that the ANC government sold out during the negotiation process (Seekings and Natrass 2002:1).

More (2011:1) argues that the South African liberators only attained flag independence while failing to address the past injustices and promoting national unity and reconciliation which Fanon warns of in his *Pitfalls of National Consciousness*. ANC's favoring of a negotiated settlement failed to adequately confront the essential objective of liberation struggles which is regaining lost territories (More 2011:11). Sadly, the former oppressors dictated to the

freedom fighters how things ought to be ordered by insisting on the preservation of the status quo during the negotiation process. By choosing to endorse property rights, the ANC government tended to go in line with the interests of the former oppressors to the detriment of the masses of people (Diale 2012).

The current land reform program pursued by the government is slow. Communities of the dispossessed and organizations such as the Landless People's Movement (LPM) continue to pressure the government to meet its demands for land redistribution (Ntsebeza 2006). South African natives continue to live as foreigners in a supposedly liberated era. In terms of the land redistribution policy, the 17,500 rands is not enough to enable people to purchase lands. Besides the demands that people buy lands in groups, people will also need to borrow money to complement the acquisition grants so as to purchase farmland (de Wet 1997:360). Hence, current land reform programmes lack a proper focus for the poor masses. The Pan-Africanist Congress that has challenged the property rights law from its inception continues to advocate for a radical and fast land reform program together with people who are landless and dwellers of squatter camps (More 2011:9). How can people claim to be free when they live in an unequal society where former oppressors maintain the properties they acquired forcefully from the oppressed while the former oppressed people live in a poor living condition?

In line with Fanon, More (2011:7) argues that the restitution of land to its original owners is the ultimate means of gaining victory against the colonialism/apartheid. Land is an essential requirement for life for Africans and an essential component that restores people's dignity. The restoration of land to its original owners signals the return of sovereignty to the oppressed (More 2011). As warned by the ANC Youth League, the country might experience a Zimbabwean-style kind of land invasion should the whites continue to maintain the lands (Diale 2012:1344). Thus, it is possible to hold that there will be continuous racial tension and violent expressions in South Africa as long as lands remain in the hands of the colonial settlers. Wehmhoerner (2012:5) warns that just as the NUM lost its leadership role for the mine workers, the ANC should be worried about its leadership position in the country in years to come. The government needs to seriously step up to the challenges in the country.

It is true that land restitution pursued radically without compensation may seem cruel. But it is nothing compared to the cruel and forceful takeover of the apartheid era. For Fanon, as colonialism entailed forceful appropriation, decolonization also entails a radical re-

appropriation of properties for its original indigenous people (More 2011:9). Hence, there is a need to revisit the section 25 (1-3) of the property clause in the constitution to redress past injustices (Diale 2012). This will go a long way in making South African natives and the disadvantaged population feel liberated and able to desist from violence.

The land reform question in South Africa is not merely a question of addressing past injustices. In *The Agrarian Question and the Developmental State*, Sam Moyo (2010) contends that the failure of attaining inclusive land reforms in South Africa not only concerns the issue of land redistribution in Africa but is also for positive production. For Moyo (2010), the monopoly of land by a few individuals leads to underdevelopment and less production than required. This monopoly of land favors the minority to the detriment of the majority. Here, forcefully appropriated lands are used for the production of commercial goods alone while ignoring the domestic needs of the people. The people come first before the quest for enrichment by a few people. Moyo (2010) argues that when land is available to all and there is no monopoly, there is more production, home marketing is broadened and the capabilities of people are enhanced.

Nevertheless, a radical land reform programme ought to be well-planned to ensure an adequate resettlement program. Moreover, the white population ought to feel a greater sense of responsibility for the inequalities in the country. This will ensure that the white population does not feel victimized. The fact that the peace building efforts in the country via the Truth and Reconciliation Commission failed to hold the white population responsible for apartheid as expressed in an earlier chapter makes this task a difficult one. Hence, a commission ought to be set to ensure that the much desired land reform program is carried out humanly and effectively. The land reform program would go a long way to address social and economic issues.

## **6.7 Social Measures towards the Prevention and Reduction of Violence**

The Ministry of Safety and Security observes that 80% of violent contact cases occur between people who know each other (Pillay 2012:10). Thus, it becomes essential for community members to get involved in working towards a violence-free society. In accord with Pillay (2012:10), the police alone cannot solve the issue of violence in the country because they are not everywhere. In fact in some townships there continues to be reports of a

low presence of police forces in the region. In one of Cape Town's townships, Khayelitsha, about 14 people were killed within a year by vigilantes (Wehmhoerner 2012:3). The insufficiency of policing and the failure of the judiciary to deal with criminals lead vigilantes to take matters into their own hands. Besides increasing police presence in such regions, it is imperative to nurture a society that seeks to address their everyday issues via non-violent and judicial means.

There is no doubt that the memory of past racial tension and violence is alive in the minds of individuals and societies that had been embroiled in conflict for decades. These memories ought not to be ignored for the sake of starting anew because it is those memories that engender the present South African violence. The disastrous influence of apartheid's violence and struggle against it engendered a violence-prone culture in South Africa. Those from disadvantaged groups who continue to live in poor conditions or lack justice in post-apartheid South Africa still feel the need for liberation and are fighting against the systems that keeps them in vulnerable positions. Given that such people lack the feeling of being redeemed in a post-apartheid system, violence continues to be a resort for them. Moreover, as elaborated in the fourth chapter, non-Whites were allowed to commit violence against each other without the intervention of the state police during the apartheid era. Hence, there is a need to re-humanize the people who have lost their sense of humanity in the process (Landau 2011:235). This will enable people to treat others – fellow citizens and outsiders – as humans with dignity and respect. Peace-building programs ought to put in place measures to deal with the memories and psychological impacts of post-1994 violence.

This effort will require the active participation of South African communities. It becomes necessary to transform social values, norms and practices of the community. More community initiatives ought to be established in various communities to promote and improve positive values, trust and solidarity (Pillay 2012:10). The government should encourage programs such as violence-awareness campaigns, youth and child development programs, community development programs and substance abuse prevention programs, to help in the reduction of the rate of violence in the country (Department of Social Development 2011). It is important to also reduce intolerance and discriminations that are based on race, ethnicity, nationality, gender or sexual orientation. While it is expedient for the government to emphasize unity and oneness, it is also true that the society needs to respect

differences. Here, while unity is celebrated, diversity should also be noted as the prime element in the united South Africa (Landau 2011:235).

It is also important for the government to encourage local support systems and conflict resolution mechanisms in the community to help people resolve conflict with non-violent means. Key agents of socialization like families, churches, educational institutions and so on ought to contribute to the positive sway and transformation of the norms, values and mindset of people in society (Pillay 2012:11). Cultural factors such as traditional male sexual entitlement and patrimony should be revisited to redirect them to positive expressions (CSVN 2010:11). Communities should cooperate with the government to root out violence. Political and charismatic leaders should be more vocal in condemning and speaking against violence.

Inappropriate youth socialization and inadequate child rearing has been observed as some of the causes of violence (CSVN 2010:10). There is a need for sustained family support programmes with a focus on households headed by children and single parents especially those headed by teenage mothers (CSVN 2010:14). Such high risk families ought to be supported by the government to ensure that they do not face untold hardships that drive them to the edge of adopting violent measures to express their frustration and needs. This could be achieved by improving the quality of education for such children with an emphasis on conflict management. This could be done especially at the critical stages of primary and high school education so as to encourage the children to be better and well-informed citizens. From early childhood, children should be taught to learn how to resolve conflict without recourse to violence. Conditions that predispose young people to violence should also be addressed. Social workers should be used to intervene in dysfunctional families to ensure that children are not left in the hands of abusive parents and dysfunctional homes.

## **6.8 Democracy and the Rule of Law**

Based on the notion that democrats are peace loving and rarely go to war with each other, the international community promotes democratization (Fearnely and Chiwandamira 2006:15). Despite the misgiving of some academics about such one-size-fits-all kind of approach to post-conflict situations, democratization is still viewed by many as a solution to attaining lasting peace in post conflict societies. Democracy prides itself among all other forms of governance as a form of governance that harnesses and addresses competing interests. It is

necessary that South Africa ensures that it does not pay lip service to the principles of democracy. Significantly, a nation's structures and its ability to address issues attest to its democratic claims. As it will be discussed, there is a great need to establish proper structures such as a full participatory democracy, rule of law, effective service delivery commission and conflict monitoring agencies to facilitate the development of a non-violent society.

Post-apartheid South Africa embraced democracy in its efforts to promote reconciliation in the country. The process of South Africa's transition from apartheid to a new South Africa was informed by democratic principles as evident in the lengthy negotiation process that led to a new constitution and policies that place emphasis on reconciliation (de Wet 1997:355). However, the glaring fact that undermines South Africa's democracy is that few people often take the status of 'people' and dictate how things ought to be. This is evident in the activities of the Truth and Reconciliation Commission where the victims of apartheid had no say in the way the commission was to grant amnesty to perpetrators. The government adopted neo-liberal economic policies that favor few rich capitalists.

Generally, in the peace building effort, the interests and views of the masses were side-lined for the sake of starting anew and treading carefully to avoid the political conflict and racial tension (Landau 2011:3). While it is a necessary move, limiting people from political participation denies them the fundamental right to participate in decision making as democracy espoused. In such top down situations, discontent grows among the masses as there continues to be a wide gap between the ideas of the governing leaders and the masses. People's grievances may then be pursued via violent expressions against the government, fellow citizens and outsiders. This is evident in the various numbers of violent protests, xenophobic attacks, rape and violent crimes across the country.

In line with Samuels (2005:728), full participatory democratic governance is required in South Africa so as to achieve long-term peace. It is necessary for people to be actively involved in the social, political and economic decision making life of the society. There ought to be greater inclusiveness of people and openness in political dialogue. This will enable a majority of people to have a sense of belonging in the system as well as claim responsibility for the nation's growth and development.

The rule of law is one aspect of a nation's system that is essential for ensuring a peaceful resolution of competing interests. As noted by Neil J. Kritz (2001:803), the rule of law is crucial to post conflict reconstruction and reconciliation efforts. The rule of law prevents the recurrence of conflict by providing necessary societal structures and institutions to create confidence, ease tension and assure each combatant group that their interests will be protected (Neil 2001). The rule of law establishes principles that constrain the power of government and obliges it to conduct itself according to a series of prescribed and publicly known rules. It prevents the accumulation of power by a party, holds all parties accountable and provides non-violent means for the resolution of conflict (Kritz 2001:804).

To tackle the issue of violence, South Africa ought to work hard at building a powerful, incorruptible, just and independent judicial system that everyone is accountable to. The law enforcement and criminal justice system ought to be powerful and immune from political manipulation, transnational criminal operations, and private sector criminals (Kritz 2001:806). In such a situation, people then feel confident in the power of the judicial system to settle their dispute rather than taking up violent means. Given that many of the places in South Africa where violence is rampant lack adequate criminal justice system and conflict management mechanisms, there is a need for a greater criminal justice system and conflict management mechanism (Landau 2011:97). Here, the practice of mob justice and the role of vigilantes groups will be rendered irrelevant as the criminal justice systems are readily committed to ensuring that people's rights are respected. The establishment of the rule of law will ensure that different political parties and movements feel confident enough to address their issues using the judicial set up without recourse to violence. Here, adversaries address their issues in legitimate and non-violent means.

Conflict and violence monitoring groups ought to be set to ensure that brewing conflicts and violence are arrested and addressed on time before they escalate into disastrous consequences. The government should use legitimate special units to investigate and arrest hit squad activities (WRITENET 1996). It is also necessary to improve crime intelligences and strategies to tackle organized violent acts. This will enable the arrests of warlords, corrupt police, vigilante groups and other perpetrators of violence. It is necessary to ensure proper policing in townships where people experience aggravated forms of violence such as street robbery, cruel rapes and lethal assaults (CSVR 2010:12). Nevertheless, it is important

to improve police integrity and encourage professional use of force by police officers. This will help to reduce the cases of police brutality.

Generally, the fight against violence requires social commitment and political will and dedication. The society should be more vocal and active in condemning violent expressions of anger. Media and advertising industries should be encouraged and sanctioned to use role plays to promote non-violence while desisting from promoting role plays that encourage violence (CSVV 2007). Given that weapons such as guns contribute to the violence, laws around gun acquisition and carrying of guns needs to be tightened. Alcohol adverts should be prohibited. Bullying and violence in schools should be prevented. Prison should be managed in a more humane manner to promote a non-violent environment in prisons. This will ensure that when inmates are re-introduced into society, they do not go back to carrying out violent and criminal acts. The government needs to also encourage and invest in research programs geared towards understanding violence and identifying ways to addressing the root causes of violence in South Africa.

## **6.9 Summary and Conclusion**

The primary purpose of this research was to offer a broad analysis of the rationale to transform some of the apartheid structural arrangements to a more egalitarian structure. The study has explored some of the apartheid structural arrangements such as the legal structure that seems applicable to all the other sectors that need transformation and partially mentioned some transformation in the economic sector. Transforming the legal system which is still attached to the apartheid era entails also transforming education, fair wages, poverty alleviation, security systems, economic development and public services which have a bearing on all state sectors. There is the need for change in the legal system on the grounds that perhaps it could help get rid of the causes of present conflicts which are rooted in the actuality of the apartheid structural arrangements still in existence.

This study started off by giving a general introduction and background in chapter one. It also highlighted the problem of the study stating that, ‘the new trends of conflict in the post-apartheid South Africa, in conjunction with the tenacity of the old patterns of violence (during the apartheid era), tend to pose a threat to the already fragile South African democracy (Bronwyn, 2008). The tenacity of violence within South Africa furthermore

highlights what has been regarded as a 'culture of violence' within the country. For such a culture where violence is advocated as a primary solution to the day to day problems and challenges, demands the introduction of identity and group norms together with the structure and factors into an understanding of violence during the political transition (ibid). Conflicts in post-apartheid South Africa evidently are linked to the old patterns of violence during apartheid. Conflicts such as political violence and taxi violence are traced back to the apartheid era. They are still going on and it is these conflicts that trigger cultures of violence. The only approach to getting rid of these conflicts in the post-apartheid era is by getting rid of the structural arrangements of apartheid. This study served the purpose of examining the rationale of transforming apartheid's structural arrangements.

In chapter one, a qualitative research approach was used for this study. This included a literature review, newspapers, podcasts, television, and magazines. The study was to specifically analyze the existing data on conflict transformation in post-apartheid South Africa from 1994 to date. The theoretical frameworks used were; Post-Conflict Reconstruction (PCR) and Restorative Justice (RJ). These are theories that laid strategies through which South Africa can be reconstructed to a peaceful state considering that South Africa has just come from violence of varying degrees. These theories support the principle that what has been destroyed through violence has to be mended. They basically argue that for post-apartheid South Africa to achieve this goal, it has to set objectives that would support the transition from any conflict to peace, restructure economic and social development, reunion campaigns, human and institutional capacity building, and establish special investment funds to maintain social solidity during the period of economic adjustment and poverty reduction and devolution.

The study then went on to look at the literature review in chapter two. This was limited to conflicts in the pre-colonial era and the apartheid regime. It also examined the post-apartheid conflict transformation. Analysis from the authors' view on conflict and conflict transformation, the study offers various definitions of conflict and conflict transformation and their various types of conflict. The last section of chapter two examined the link of the conflict in the post-apartheid era to conflict traced from pre-colonial times to the apartheid regime.

Chapter three of this study analytically examined the rationale of transforming apartheid's structural arrangements. This chapter argued that in an attempt to deal with some of the discrepancies of occupational segregation, inequalities in pay for equal work, a lack of or severely limited access to training and development opportunities, various apartheid structural arrangements ought to be transformed so as to undo the evils and inequalities of the past. This section of the work concerned itself with transforming the legal structure that seems applicable to all the other sectors that need transformation and partially mentioned some transformations in the economic sector. The choice for transforming the legal system is because one cannot talk of education, fair wages, poverty alleviation, security system, economic development, health services etc., without reference to what the legislature says; the legal system has a bearing on all state sectors. In chapter three, there is a proposition of reconsidering the economic system. The study advocated for economic reconstruction through employment and job creation, which is the main bridge between economic growth. Opportunities of human development can be seen as 'the most fundamental of economic opportunities as it provides people with incomes that enable them to establish command over a whole range of goods and services that may enhance their dependents' standard of living'.

Chapter four sought to critically analyze the nature of conflict in post-apartheid South Africa. There was a concentration on the contemporary conflicts such as black on black violence, xenophobia, taxi violence and political violence or assassinations that are all connected to the apartheid regime. In addition, the study assessed the link between the apartheid era and the current nature of post-apartheid South Africa. There have been discussions in the study of violent expressions in South Africa dissolving into political, social and economic violence. In chapter four, in the first section, there is the issue of political violence and assassination. In the second section, the subsection of chapter four looked into social violence. Finally, chapter four examined economic violence.

Chapter five examined the link between conflict and truth reconciliation in the post-apartheid conflict. After the apartheid regime and its policies had gained momentum in 1960 to 1980 so were the negotiations also getting intense in the 1980s between the NP government and the ANC and other parties from the resistance movement (Herard, 2002). Ultimately, this resulted in President de Klerk's speech of 2nd February 1990, at the annual opening of Parliament, which set in motion the extended constitutional negotiation process resulting in

the first non-racial general elections in April 1994 and the first democratic constitution for South Africans (de Klerk, 1994: 4-6; Manby, 1995 1995: 35).

The post-apartheid government led by President Nelson Mandela suggested a mechanism be put in place to address the conflict and political violence that had haunted South Africa for decades, namely a Truth and Reconciliation Commission (TRC) led by Archbishop Desmond Tutu (Abraham, 2008). The TRC was established by means of the Promotion of National Unity and Reconciliation Act 34 of 1995. TRC as a method of transitional justice was given the responsibility to provide a complete vivid image of the nature, causes and magnitude of the conflict including the gross human rights violation committed during apartheid. In this chapter, the link was established on the grounds that in post-conflict societies, TRC is considered to be a necessary transitional feature to facilitate peace building (Valji 2004:1).

In chapter five, the study pondered on the challenges that emerged in the process of transformation in post-apartheid period, and the research observed some of the crucial challenges that emerged in the process of transformation. These included redressing the endemic poverty of South Africa's black population in which the level of income inequality in South Africa sits at a higher level than it was during the apartheid era, with unequal access to education and a high rate of unemployment.

The last chapter offered recommendations to bring about reconciliation in conflict transformation in post-apartheid South Africa. This chapter argued that to really tackle the issue of violence in the country, it is imperative to address the underlying issues that cause violence. The first section considered measures to combat the economic inequality and poverty and it looked at the affirmative action policy and pro-poor economic policies that ought to address past injustices, inequalities and poverty as well as giving people reasons to desist from violence. In the second section, it looked into the question of land reform which is arguably one of the most important issues that was poorly addressed by the government. This section considered the need for a proper land reform program to tackle the issue of violence. The third section considered the need for the active involvement of the South African community in ridding the country of violence. The final section of the study investigated some measures that ought to be taken by the government to wrestle the issue of violence and to find answers.

The post-apartheid legacy is filled with wounds and scars that will take a long time to heal. There is still a lot more to be done despite the efforts have been made to attain national unity and equality. The policy of apartheid had assigned power and privilege to the white minority for years and, as a result, embodied one of the most damaging modern systems of political violence (Abraham, 2008).The entire transition of reconciliation and restoration in the conflict transformation of post-apartheid South Africa is going to take a long time to completely transform, and this is possibly attributed to the failure of multi-racial groups in South Africa to fully integrate (Graeme 1998). Kriel (2007) states that conflict transformation in the South African context refers to total change of a discrimination-based society, the systemic change of a non-racial society therefore to take effect, multi-racial groups need to reconcile with each other, fully integrate and embrace the change from a discrimination-based society. Blomfield, Barnes and Huyse (2003) further states that there is no accessible road map to reconciliation and that there is also no easy recommendation for healing the wounds and divisions of a society in the aftermath of sustained violence. From the South African experience, it has caused us to explore our own path to reconciliation. Reconciliation therefore cannot be enforced nor can anyone else's map get us to our destination. It is our obligation to make it our own solution (Blomfield, Barnes and Huyse 2003).

In as much as post-apartheid South Africa has embraced democracy and has made enormous efforts to promote reconciliation in the country, little effort is given to the structural arrangements of the apartheid era. There is no doubt that it tends to affect the achievement of reconciliation in the country. Reconciliation is difficult to achieve if the apartheid legacy still remains to live on considering that apartheid structural arrangements serve as a constant reminder of memories of past racial tension and violence and is still alive in the minds of individuals and societies that had been embroiled in conflict for decades.

As mentioned by Olusegun (1991), "South Africa has not reached the post-apartheid era, but it is moving in a somewhat unpredictable manner to the point where apartheid can be declared dead even if not buried." Evidently, the legacy of apartheid still lives on even in the post-apartheid era. For instance numerous people in the post-apartheid era continue to live in residential area that are racially segregated, most children continue to attend schools with children of the same 'race' and even income inequality still remains racially based (Seekings 2005). This explains that reconciliation in post-apartheid era is arguably realized more on the political aspect that is a transformation from autocratic rule to democratic rule. Seekings

(2005) states that post- apartheid South Africa still remains even more racially divided in social and economic terms.

Looking at the post-apartheid era, we have witnessed a transformation of violent conflicts, such as xenophobia and black on black conflicts, taxi violence, political assassinations, crimes across the country, the inability to heal past wounds, and poverty reflect the nature of violence of the apartheid era that include racial discrimination, economic inequality, a crippled legal system, and political tyranny against black communities. All of these conflicts are rooted in the apartheid era. One would say it is a continuation of a horror story considering that when we speak of the end of apartheid, we believe that it does not necessarily mean the end of racial inequalities but the end of the evils that come along with the apartheid era such as the structural arrangement of apartheid.

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