South Africa After the Referendum

by Marina Ottaway

The referendum of March 17, 1992, in which 68.7 percent of the more than 2.3 million white voters casting ballots endorsed the negotiations taking place between the South African government, the African National Congress, and 17 other organizations, provided a clear sign that the process of change that started more than two years ago is finally irreversible. The single question on the ballot: "Do you support continuation of the reform process which the State President began on February 2, 1990, and which is aimed at a new constitution through negotiations?"

The first milestone was passed on February 2, 1990, when President F.W. de Klerk dramatically accelerated the dismantling of apartheid by announcing the unbanning of all opposition groups, including the ANC. Nine days later, Nelson Mandela walked out of prison, after more than 27 years of incarceration. Since then, the government, the ANC, and a broad array of other political and quasi-political organizations have established the Convention for a Democratic South Africa (CODESA), a forum in which the adoption of a democratic, nonracial constitution and the process leading to elections are being negotiated. The March referendum represented an important second milestone on the path to that objective.

A Crisis of Confidence

The decision to hold a referendum was reached by de Klerk and his small inner circle of advisers immediately after the defeat suffered by the governing National Party in a by-election in Potchefstroom, in the western Transvaal, on February 19. With an 11.2 percent swing from the NP to the Conservative Party, the Potchefstroom results were much worse than the government had anticipated. This by-election was one of a series that had recently shown an unmistakable loss of support for the National Party. Confronted with the CP claim that he no longer had white support and must call for a new parliamentary election, de Klerk believed that he had to go back to the white voters to obtain a mandate enabling him to continue negotiating with the ANC from a position of strength.

The conservatives' accusations that de Klerk had never received an explicit mandate to negotiate with the ANC were correct. The 1989 election, which returned the National Party to power with only 48 percent of the popular vote (and with 31 percent going to the Conservative Party) was run on an ambiguous platform. During the referendum campaign, CP leaders were
able to score points quoting 1989 speeches in which de Klerk had called the ANC a terrorist organization and had promised to protect group rights.

Negotiations for a new South Africa had come about, not in response to a swing in popular opinion, but as the result of a decision taken by a small number of individuals in the government and the ANC. The respective constituencies of the two organizations were not involved. Within the ANC, discontent over the leadership’s tendency to make major decisions without consulting or even informing the rank and file manifested itself early; the issue was debated, and at least partially solved, at the ANC consultative conference of December 1990 and at the organization’s July 1991 congress. Although tensions persisted, the ANC leaders had become aware of the limits of their autonomy and of the necessity to consult with the organization’s members in order to maintain their support.

The National Party, on the other hand, did not give priority to instituting a broader process of consultation within its ranks. In 1992 as in 1990, de Klerk has appeared to make decisions after discussing issues with an extraordinarily small proportion of individuals even within the party’s leadership, and not at all with the constituency. In 1990, he did not even inform the party caucus in advance of his announcement of the unbanning of the ANC in his opening-of-parliament speech. In 1992, he was still playing his cards close to his chest. The NP members of parliament only learned about their party’s new proposal for a transitional government from a public de Klerk speech. Even the party congresses, held every year in each of the country’s four provinces, were not utilized to consult with the constituents and debate issues, but simply to announce new policies to be accepted by acclamation.

In the past, this top-down style of rule had not created problems. For over three decades, the National Party maintained the allegiance of its white constituency by delivering protection and benefits, not by consultation. Its ability to “deliver” was seriously eroded during the 1980s, however, and even more so after the CODESA negotiations began. By the late 1980s, a stagnating economy and the need to devote more money to upgrading services in the townships in the hope of winning over some hearts and minds forced the government to curtail spending on whites.

In 1991, attempting to get negotiations under way and sanctions lifted, de Klerk orchestrated the repeal of most major pieces of apartheid legislation, including the Group Areas Act and the Population Registration Act. Although the latter remained in effect for all practical purposes, the writing was on the wall. It was only a matter of time before it would be impossible for whites to isolate themselves from the black majority surrounding them by seeking refuge in their own residential areas, their own schools, hospitals, and public amenities. The government’s promises that job security and community rights (the word “group” was struck from the NP vocabulary) would be protected sounded increasingly hollow in the face of the reforms being enacted.

The National Party was slow in taking note of the increasing white discontent and anxiety. Although all by-elections held since 1990 indicated a serious slippage in the level of support for the NP, the leadership dismissed each such result due to special circumstances affecting that particular constituency. After a November 1991 by-election in Virginia (in the Orange Free State) showed a 15 percent swing in favor of the Conservative Party, de Klerk and his colleagues claimed that the vote did not indicate rejection of the reform process, but was simply a reaction to the uncertainty prevailing in a town badly hit by economic recession. Potchefstroom, they argued, was a more typical town and would provide a better barometer of public confidence in de Klerk. When the Potchefstroom results proved almost as poor as Virginia’s, de Klerk decided he had little choice but to call the referendum.

How the Economy Fueled Frustration

Although the National Party made serious mistakes in the handling of its constituents during the first two years of the negotiating process, it is not certain that a different set of tactics could have prevented loss of support. Movement toward universal suffrage in South Africa represented a complete reversal of National Party policy and thus was bound to create uncertainty and opposition among whites, especially during a period of economic recession.

Due in part to the effect of sanctions, the South African economy was stagnant through most of the 1980s, and the situation worsened in the early 1990s. Coupled with rapid population growth, this created a crisis. The lifting of sanctions after 1990 did not bring immediate relief, because the political situation remained too uncertain and the economy too depressed to attract substantial foreign investment. Along with blacks,
increasing numbers of whites were losing their jobs. The problem of white poverty, which the National Party had solved by creating employment in the civil service and parastatal organizations, was reappearing. The repeal of many apartheid laws also meant that whites would be left to compete for jobs with blacks at a time when the total supply of available positions was shrinking rapidly.

The economic crisis was compounded in 1992 by a severe drought affecting much of southern Africa. Coming on top of a decrease in the level of agricultural subsidies in previous years, the drought threatened to put hundreds of highly indebted farmers out of business. An additional concern was that the abrogation of the Land Acts of 1913 and 1936 opened up the possibility that holdings of defaulting white farmers would be used to resettle blacks. Farmers in the Transvaal and the Orange Free State, traditionally the most conservative segment of the country and also the hardest hit by drought, became increasingly fearful and resentful. It is not surprising that these areas returned the smallest percentage of referendum “yes” votes in all of South Africa, with the majority in the northern Transvaal voting against negotiations.

Among blacks, the unemployment rate was estimated at almost 50 percent of the labor force by 1991. Informal-sector trading and crime were becoming major means of survival for the unemployed. The once-white business districts of many cities, Johannesburg in particular, became beehives of informal activities, changing their character and creating resentment among whites. The crime rate in the suburbs soared, with residents feeling increasingly under siege behind high walls.

The escalating political violence in the townships also contributed to the growing climate of insecurity, increasing the conviction that the changes favored by de Klerk, notably the easing of police controls and repression, were simply leading to chaos. White conservatives in particular saw the release of Nelson Mandela as the factor triggering an increase in crime and political violence. To them, reform was not a solution to old problems, but the beginning of new ones.

In sum, white discontent had much deeper causes than the perceived arrogance of the National Party leadership. An entire way of life was threatened by the reforms and, until confronted by the referendum, many whites appeared to think that the problems could be solved by turning the clock back.

**The Referendum Campaign**

Under the existing circumstances of apparently decreasing support, economic recession, drought, and fear of crime and violence, de Klerk’s decision to call for a referendum was a gamble. This was not uncharacteristic. Since he succeeded P.W. Botha as head of state in 1989, de Klerk has shown that he is willing to take risks. Moreover, he had two pressing reasons to consult the electorate at this particular time: (1) There were clear signals of the need to strengthen his mandate, it was not only the Conservative Party that questioned whether de Klerk still represented a majority of whites. The ANC leadership too was worried about de Klerk’s weakening position, wondering whether in the end the president would be able to deliver his constituency if an agreement was reached in the CODESA negotiations. (2) The National Party had made a commitment in its 1989 electoral platform to submit a new constitution to the white voters for approval. At the opening of Parliament in January 1992, party officials had renewed the pledge. This reaffirmation was met by a chorus of complaints from black organizations across the board that such a consultation amounted to granting whites a veto over the reform process.

By calling for the referendum in March, de Klerk could claim to have fulfilled his pledge to the white voters, while avoiding submitting the constitution to their approval. The early referendum was risky, but probably not as risky as asking white voters to approve a document that revealed how much power they were surrendering in the new South Africa. The National Party made it clear that, if the voters gave de Klerk a mandate to continue negotiating on the basis of the constitutional proposals already announced, a second referendum on the new constitution itself would be redundant. The early consultation was also more acceptable to black organizations, which only expressed perfunctory disapproval without making any serious attempt to stop the process.

In the referendum campaign, the National Party had all the advantages. Television and radio are government-controlled. The business community raised money, and most newspapers helped by giving discount rates to the “Yes” advertisements. The left-of-center Democratic Party also supported the NP position on the referendum. The Conservative Party, with no comparable funds and no access to discounts, was effectively locked out of the mass media, relying on posters to get its message across.

Both sides appealed to emotion more than reason, offering few details about their plans but predicting doomsday if their opponents won. The National Party warned of a return to the failed apartheid system, renewed sanctions, renewed exclusion from international sports, deepening economic crisis, and the anger of the country’s black majority if the “No” vote prevailed. Democratic Party leader Zacharias de Beer went so far as to conjure up the specter of foreign warships blockading the Cape. The Conservative Party painted catastrophic images of the fate of South Africa under “a black Communist government” led by Nelson Mandela, a man, it said, whose friends included Fidel Castro, Muammar al-Qaddafi, and Yasser Arafat. The CP also argued that a “yes” vote was a blank check for de Klerk, who had already shown he was a traitor to his own people.

On the concrete issues, both sides were vague. The National Party stressed above all continuation of the negotiating process, leading to a constitution based on power-sharing without domination. The outlines of such
a constitution were contained in a document published by the National Party in September 1991. It is highly doubtful that many voters had a clear idea of what the party was proposing, or how much it would have to compromise in order to reach an agreement with the ANC. The Conservative Party, for its part, tried to convince voters that it did not favor a return to the apartheid system but instead advocated the right to self-determination for all ethnic groups. The disintegration of the Soviet Union and Yugoslavia was cited as proof that a multiethnic state could not work. The principle of negotiating the future of South Africa with other groups was not rejected, but any participation in the "Communist-dominated" CODESA was specifically excluded. Acceptable negotiating partners would include all organizations supporting self-determination for their ethnic group within a commonwealth of nations, politically independent but economically interdependent and cooperating on foreign policy, defense, trade, and communications. The CP was vague about the boundaries of these independent nations, however, particularly when it came to the question of how there could be an Afrikaner or white state when blacks made up the majority of the population throughout the country.

**The Referendum Scorecard**

De Klerk’s gamble paid off. The referendum settled many issues at a relatively small cost. The process of change became truly irreversible, not because an agreement was reached, but because the overwhelming majority of whites showed that, though they might be fearful of the future, they were not willing to make a last stand in defense of the past. The question about de Klerk’s mandate was also put to rest.

The referendum did entail some costs. The third of the white electorate that voted against the change is bitter and more mobilized than before the campaign. Although whites willing to turn to violence are probably a small minority of the “no” voters, they might feel compelled to act soon to show that they are not a spent force.

Right-wing violence in the past has been fairly minor—a few bombs placed at NP offices, post offices, and schools that admitted black pupils, but timed to explode at night when nobody was around. This could now change. An organization resorting to terrorism can do much damage with a small number of participants. The right-wing threat still exists.

Although the referendum created some polarization, it did not divide the society sharply along either geographic or English-Afrikaans linguistic lines. Only one of the 15 referendum districts—Pietersburg in the extreme north of the country—returned a majority of “no” votes, and then only one of 57 percent. Heavily English-speaking areas returned the largest “yes” majorities—about 85 percent in both Durban and Cape Town—but the overall results showed that a majority of Afrikaners also voted for reform. Extreme polarization was by and large avoided.

**Where the Negotiations Stand**

The decisive victory for the National Party signaled that the CODESA process, suspended for all practical purposes during the campaign, would start again. The second plenary meeting of CODESA was postponed until mid-April, but the working groups resumed functioning immediately. Even more important, private meetings between the government and the ANC continued throughout the period before the referendum.

Although the two parties remained far apart in their constitutional proposals, they had narrowed the gap on issues of process, and, above all, the formation of an interim or transitional government. In an especially promising development, government and ANC leaders appeared to have agreed by early March to move toward a transitional government fairly quickly, postponing the discussion of the most difficult and controversial issues until later.

When CODESA first convened, the ANC viewed it as a short-lived forum that would reach agreement on basic constitutional principles, form an interim government of national reconciliation, and then cease to exist. With the constitution suspended and Parliament disbanded, the interim government would then both administer the country and organize elections for a unicameral constituent assembly elected on the basis of universal suffrage and proportional representation. This script was unacceptable to the government, since a unicameral constituent assembly would probably be dominated by the ANC, and an interim government (unchecked by a constitution or legislature) could only rule by decree.

The government’s plan called instead for the existing administration and Parliament to remain in place until CODESA reached agreement on a new constitution, the white voters had approved it in a referendum, and the constitution had been enacted by Parliament. Elections would then be held, and only at that point would a transfer of power take place. The ANC objected on the grounds that (1) negotiating the constitution at CODESA meant giving disproportionate power to small parties represented at the negotiating table but unlikely to win any seat in an election, and (2) the plan would allow the National Party to govern alone until the lengthy process was completed, which could be many months if not years down the road.

In an attempt to make its plan more acceptable, the government conceded in January 1992 that CODESA would not negotiate a permanent constitution, but only a transitional one, based on the power-sharing model outlined in September 1991. This included a bicameral legislature, with one chamber giving equal representation to all regions and also to the three largest parties within each region; an all-party cabinet that would reach decisions by consensus; and a three-man rotating presidency. This transitional charter would be submitted to a white referendum and then ratified by Parliament. If whites did not approve the constitution, CODESA would
have to reopen negotiations. Elections for a new transitional legislature would then be held and a transitional government formed.

This new formula was, in essence, the old plan, except that everything was now transitional. It was also clear that the government hoped the transitional government would become permanent: the transitional constitution could be amended by the new parliament, but did not have to be if it proved satisfactory. Because the completion of CODESA negotiations, approval by Parliament, a referendum, and elections would involve a long span of time before a transitional government could be in place, the ANC was pressing for an interim government appointed by CODESA to be functional by June 1992 and elections for a constituent assembly to be held before the end of the year.

In the weeks following the January 1992 impasse, both the ANC and the National Party started modifying their positions. The NP came to recognize that some form of interim government was needed well before the time one could be formed under the complicated January scenario. For its part, the ANC set forth a detailed new proposal that took into account most of the government's objections. Dropping the idea that CODESA should nominate an interim government to replace existing institutions, it proposed instead that an "interim government council" be formed to supervise these institutions. The tricameral Parliament, the National Party cabinet, and the governments of independent homelands would continue to function, but under the supervision of the new council. In particular, multiparty committees would oversee the security forces, foreign relations, the budget, and local governments. The council would also form two independent commissions, one to supervise elections and one to supervise the media, insuring equal access to all parties during the election campaigns. Elections for a constituent assembly would be held within six months of the formation of the interim government council. The constituent assembly would legislate as well as enact a constitution by a two-thirds majority within a period of nine months. The government expressed reservations about the plan, but declared it a step forward.

By early March, before the referendum campaign froze the negotiating process, the government and the ANC appeared to be close to an agreement in principle that an interim government of national reconciliation should be set up as soon as possible after Parliament had approved the necessary legislation. This would open the way for an elected constituent assembly that would also act as a legislature in the interim. The discussion of controversial issues would thus be postponed until the constituent assembly was elected. The two sides were clearly negotiating in earnest, each responding to the other's objections and slowly narrowing the gap. If the two parties were still far apart in their vision of a final political system for South Africa, they were reaching an agreement on intermediate steps.

Key Post-Referendum Issues
As negotiations resume after the referendum, the question is whether incremental progress is still feasible or whether changes set in motion during the campaign will force the parties at CODESA to discuss immediately some of the most difficult and controversial issues—in particular the future of the ANC's military wing, Umkhonto we Sizwe (MK), and the reincorporation of the homelands. The homelands issue is tied to what may emerge as the most difficult question of all—that of ethnic representation in the new political system. If these questions are forced on the CODESA agenda immediately, progress toward an interim government may slow.

Integration of the South African Defense Force with MK is laden with symbolic as well as practical problems. The ANC holds that MK cannot simply be disbanded, but must be integrated into the SADF in the same way that liberation armies were integrated into the defense forces of Zimbabwe and Namibia. The government, on the other hand, takes the position that MK is an illegal organization, a private army that has no place in a democratic political system, and thus must be disbanded.

The issue is extremely touchy for both the government and the ANC. It involves the relationship between de Klerk and the generals of the SADF on the one side, and between the ANC and its more militant supporters on the other, making it difficult for either group to back down.

For de Klerk, the security forces are a delicate issue within the existing government. The "seucorcrats" played a key role under his predecessor, P.W. Botha, but de Klerk has no close links to the military. Minister of Defense Magnus Malan, a carryover from P.W. Botha's time, would not even consider the integration of MK into the SADF. Roelf Meyer, who replaced Malan as defense minister in July 1991, has long been solidly entrenched in the reformist camp and probably is not as opposed to the integration of MK, but he has little control over the military. During the referendum campaign, speculation was rife that a military coup engineered by conservative generals could occur, particularly if the vote showed strong white sentiment against the reform. Whether or not such a danger was ever real, the overwhelming white support for reform has made military intervention extremely unlikely.

The ANC cannot easily give in to government pressure on the Umkhonto issue. The problem is not Umkhonto itself, which is generally regarded as an ineffectual organization, but rather the impact its formal disbanding would have on ANC supporters, particularly the youth for whom the symbolism of the armed struggle remains important. The decision to suspend the armed struggle in August 1990 created discontent within parts of the ANC, and disbanding MK without obtaining its integration in the SADF would involve new risks.

In sum, although the SADF-MK issue was not created by the referendum, its handling could be a serious obstacle to an early CODESA agreement. The problem
is not unsolvable, but it complicates the next phase of the negotiation process, requiring a more comprehensive, and thus more difficult, agreement.

The second issue that may have been made more difficult by its salience in the referendum campaign involves the related questions of the future of the homelands and of ethnic representation in the future political system. Both aspects of this issue seemed to have been marginalized until some homeland leaders brought them up at CODESA and the Conservative Party raised them again during the referendum campaign. After February 1990, the government conceded that the homelands, including the independent ones, would have to be reincorporated into South Africa. By the time it published its constitutional proposal in September 1991, the National Party had also given up on ethnic-group representation in the political system, relying instead on decentralization and on power-sharing among political parties to prevent the consolidation of a monolithic black majority.

During the first meeting of CODESA in December 1991, Chief Minister Mangosuthu Buthelezi of KwaZulu and President Lucas Mangope of Bophuthatswana demanded representation for the Zulu and Tswana nations. Buthelezi, whose Inkatha Freedom Party is participating in CODESA, refused to take part personally in protest over the fact that the Zulu king and the administration of KwaZulu were denied participation. The rules of CODESA stated that only political parties and governments of independent homelands could attend. Buthelezi argued that this left the Zulus out of the process because the IFP was a multiethnic organization, and that an agreement reached without the participation of the Zulus would be unenforceable. For his part, Mangope claimed that Bophuthatswana's reincorporation into South Africa would leave the Tswana nation unrepresented. Cisselk, too, was raising difficulties concerning reincorporation. By this time, the National Party's position had moved so far away from group representation that it found itself siding with the ANC against the nationalist homeland leaders.

Buthelezi's and Mangope's claim that their nations must be represented in politics was echoed during the referendum campaign by the Conservative Party and all right-wing white organizations. They demanded self-determination for whites and all ethnic groups, proposing, as previously noted, a commonwealth of independent states as the solution that would guarantee peace in South Africa. Andries Treurnicht, leader of the Conservative Party, claimed to have the support of Buthelezi, Mangope, Brigadier General Joshua Gozo of Cisselk, and other homeland leaders, hinting that negotiations with them on self-determination could provide an alternative to CODESA. Buthelezi, however, denied that such an alliance existed or that Inkatha might withdraw from CODESA.

The difference between Buthelezi and Treurnicht did not involve ethnic representation, but rather participation in CODESA versus the establishment of an alternative forum. The defeat of the Conservative Party in the referendum campaign ruled out the possibility of a new forum replacing CODESA. It did not, however, eliminate the issue of ethnic representation from the negotiations. Indeed, the issue may become even more important, particularly if the Conservative Party faces up to the implications of the defeat and decides to join CODESA, as part of its leadership now favors. The presence of the Conservative Party at CODESA could create a bloc of organizations committed to ethnic representation. They would be a minority, but a bloc of four or five organizations would be problematic for an organization working on the basis of sufficient consensus, forcing discussion of an extremely controversial issue in an early phase of the negotiation process.

In Sum
The March referendum has ensured that negotiations will continue in South Africa, but it has not necessarily made the process easier. De Klerk could become overconfident because of the large support he has received and harden his position. Whatever progress has been made so far is based on a willingness to tackle issues one at a time, rather than aiming for an overall agreement on all issues. Given the complexity of the problems involved in dismantling the apartheid system, this appears a promising approach. The risk now is that the issues injected into the referendum campaign by both the government and the Conservative Party, and into CODESA by some homeland leaders, could slow down the process by overloading it in the early stages.

Marina Ottaway has been lecturing at various universities and carrying out research in South Africa since 1990. She previously was an associate professor in the School of International Service at American University in Washington, D.C. and an adjunct professor at the John Hopkins University School of Advanced International Studies. Her published works on Africa include Soviet and American Influence in the Horn of Africa (Praeger, 1981), Ethiopia: Empire in Revolution (Africana: 1978), and Afrocommunism (Africana: 1981 and 1986). The last two volumes were coauthored with her husband David Ottaway, now the Washington Post's correspondent in Johannesburg. Her previous contributions to CSIS Africa Notes include "South Africa: The Politics of Constitution-Making," issue no. 124 (May 1991) and "The ANC in Transition: From Symbol to Political Party," issue no. 113 (June 1990).