

# **SOUTH AFRICA'S PEACEFUL TRANSITION TO DEMOCRACY: NINE YEARS OF PEACE IN A TROUBLED WORLD**

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## **SOUTH AFRICA'S PEACEFUL TRANSITION TO DEMOCRACY: NINE YEARS OF PEACE IN A TROUBLED WORLD**

It is our privilege as South Africans to be living at a time when our nation is emerging from the darkest night into the bright dawn of freedom and democracy. The onus is on us, through hard work, honesty and integrity, to reach for the stars.

Nelson Mandela

*This paper aims to first and foremost provide the background to South Africa's peaceful transition to democracy, highlight the reasons for the successes and thereafter to focus on the policies adopted by the democratically elected government in their quest to dismantle the pillars of apartheid so that human rights and dignity could be upheld in post apartheid South Africa. Prior to 1994 South Africa became synonymous with some of the most gruesome and heinous human rights violations known to man. However, since 1994 with the demise of the apartheid system and the implementation of democracy in the country the democratically elected government has gone to great lengths to ensure that the past discriminatory practices were removed from the statute books and have made concerted efforts to pass and implement various policies and acts aimed at ensuring that all citizens irrespective of race, colour or creed could enjoy their rights as citizens in a unified, non-racist, non-sexist South Africa.*

*The post- apartheid government has largely been successful in ensuring that the citizens enjoyed freedom of speech, a just and free society and a transparent political system. This has been safeguarded by the democratic constitution and the various acts and policies that were passed in parliament. The paper aims to provide the essence of some of these policies, specifically those focusing on human rights issues and to assess the extent to which they have been able to make a meaningful contribution to improving the lives of the previously disadvantaged and oppressed members of South African society.*

*The paper argues that in spite of the many challenges which the post apartheid government had to contend with, it has made tremendous strides in addressing racial discrimination in society by implementing a multicultural constitution and by passing acts such as the anti-discrimination act which aims at ensuring that all people are treated equitably. The truth and reconciliation commission has played a significant role in making all the citizens in the country aware of the gross human rights violations*

*perpetrated during the apartheid era, thereby serving to remind people of the disastrous consequences of such horrendous policies on the lives of ordinary people. In spite of the many successes that have been achieved thus far, much more still needs to be done in order to ensure that the country becomes a glowing example to the rest of the world.*

## **Introduction**

South Africa's decisive democratic transformation has inspired hope for civility around the world. Few predicted such dramatic progress, given the long and bloody history of struggle over apartheid. Indeed, South Africa was widely expected to succumb to the ethnic violence that afflicts so many nations when repression begins to yield to revolution. Today, there are major civil wars raging in various parts of Africa and across the globe and international terrorism has plunged both the developed and the developing world into a state of anarchy. If we hope to create a peaceful world free from oppression, hatred, bitterness, enmity and wars we need to make concerted efforts to find ways of preventing conflicts and resolving differences by democratic means. Thus, South Africa's experiences on the road to democracy may offer some invaluable insights in this regard.

The apartheid regime that unleashed a reign of terror for over forty years and incarcerated multitudes of people, could rightfully be regarded as one of the most heartless and ruthless regimes that the world has ever seen since the reign of Hitler in Germany. It is with this background in mind that South Africa's peaceful transition to democracy was indeed a miracle that captured the imagination of people all over the world.

This paper first and foremost proposes to provide a brief background to the legislation that led to the suppression of millions of people in South Africa during the apartheid era and then to provide an outline of some of the acts that have been adopted since the first democratic elections in 1994. The paper also proposes to evaluate the successes of the legislation thus far and to assess South Africa's contribution to peace and stability in Africa and internationally.

## **BRIEF HISTORICAL BACKGROUND AND APARTHEID LEGISLATION**

## Historical Background

The history of discrimination and racial prejudice against the indigenous population of South Africa has its roots in the arrival of the first Europeans from Holland in 1652. Later during subsequent Dutch and British domination of the Cape Colony racial discrimination against the indigenous inhabitants especially the Khoikhoi and the San was intensified. The descendents of the Dutch, who became known as Boers, were dissatisfied with the British hold over South Africa in the mid 1800's and established their own inland colonies later.

Clashes between the British coastal colonies and the inland states established by the Boers culminated in the Boer war (1899-1902), in which British authority was extended over the Afrikaners. In 1910, the four areas of the country were united as the Union of South Africa of the British Empire. An uneasy power-sharing between the English-speakers and the Boers (who called themselves Afrikaners) held sway until the 1940s, when the Afrikaner National Party was able to gain a strong majority.

After the Afrikaner National Party came into power in 1948, racial discrimination was institutionalised. Strategists in the National Party invented apartheid as a means to cement their control over the economic and social system. Initially, the aim of apartheid was to maintain white domination while extending racial separation. Starting in the 1960s, a plan of "Grand Apartheid" was executed, emphasising territorial separation and police repression. Race laws touched every aspect of social life – for example, not only was marriage prohibited between whites and non-whites, but the Immorality Act forbade any sexual contact between blacks and whites. In addition certain jobs were classified as for whites only.

### Acts passed during the apartheid era

Many laws and acts were passed during the apartheid era which undermined the position of the non-white population and effectively reduced them to second class citizens. Rampant discrimination and gross human rights violations characterised National Party rule from 1948 to 1994. Some of the acts designed by parliament to safeguard white privilege and supremacy included the following:

- ***The South Africa Act*** was to ensure that an all-white government ruled the country

- **The Population Registration Act** required that all South Africans be classified into one of four categories: white, black (African), Asian or Coloured (of mixed descent)
- **The Mines and Works Act** banned certain jobs for certain races and also made sure that white people always had a higher salary than black people
- **The Natives Lands Acts** gave whites over 90% of the land of South Africa leaving only about 10% of the land for the other races.
- **The Natives (Urban Areas) Act** declared residential segregation and forced blacks to carry a paper that allowed them to stay in the cities
- **The Natives Laws Amendment Act** established a system of pass-laws where the blacks had to carry a special identification pass if they wanted to enter white areas
- **Prohibition of Mixed Marriages Act** forbade marriages between blacks and whites
- **The Group Areas Act** segregated the four races namely (Whites, Coloureds, Indians and Blacks) and created geographical borders between the people. This meant that people of different races were not allowed to live, work or even enter a property that belonged to a person of a different race.
- **Criminal Law Amendment Act** gave permission to the police to give severe punishment to those who protested against apartheid.
- **Reservation of Separate Amenities Act** segregated people on buses, and in schools, parks and many other places.
- **The Bantu Education Act** forced racial segregation in schools and provided blacks with gutter education so that they would be the labourers.
- **Natives Resettlement Act** relocated the majority of the blacks in to their ethnic backgrounds
- **Industrial Conciliation Act** allowed jobs to be reserved for certain races and gave white people priority for jobs
- **The Bantu Homelands Citizenship Act** aimed to make every black person a civilian of a homeland rather than a citizen of South Africa
- **Constitutional Act** divided the South African parliament into three groups namely whites, Coloured and Asians, but blacks were denied any representation.

## **The end of apartheid**

In the mid 1980s the U.S and the European Community (now European Union) imposed sanctions against South Africa. Diplomatic pressure and internal violence convinced President P.W. Botha to begin dismantling apartheid. This caused many whites to defect to more conservative parties. After Botha's resignation in 1989, F.W de Klerk, his successor, continued the policy of ending apartheid. In 1990 de Klerk ended a 30-year ban on the African National Congress (ANC) and released its leader, Nelson Mandela, from prison.

By the end of 1991 the legal framework of apartheid had been revoked. In a March 1992 referendum a majority of whites endorsed de Klerk's reforms. Despite continued violence, negotiators led by Mandela and de Klerk agreed in 1993 on a timetable for the implementation of majority rule. After a plea from Mandela at the UN in September, remaining international sanctions on South Africa were lifted. In October de Klerk and Mandela were awarded the Nobel Peace Prize.

In December 1993 the South African parliament passed an interim constitution that gave equal rights to all South Africans and abolished the homelands. In April 1994 the ANC won South Africa's first democratic elections and in May the National Assembly chose Mandela to head a government of National Unity, including de Klerk as his second deputy president.

## **THE POST-APARTHEID ERA: ACTS PASSED TO ENSURE EQUITY IN SOCIETY**

Since the democratic elections of 1994, the government passed various acts in order to effect transformation in society and to remove all past discrimination policies from the statute books. The dismantling of the apartheid policies was a tedious and long drawn out process as parliament grappled to rescind the multitudes of discriminatory acts and to replace them with acts that would uphold the principles of democracy, justice and equality in an erstwhile divided and racially stratified society. These acts focused on rectifying the inequalities of the past by providing opportunities for previously disadvantaged groups to enjoy rights and freedoms hitherto denied to them. The cornerstones of these rights and freedoms are highlighted in the constitution, surely one of the most liberal in the developed world.

## **Constitution of the Republic of South Africa, Act 108 of 1996**

The Government of National Unity that emerged after the first democratic elections worked tirelessly and effortlessly to fashion a constitution that would make a meaningful contribution towards galvanising the nation into a coherent whole. The cornerstones of ex-President Mandela's reign became synonymous with reconciliation and nation building and these two tenets manifested themselves most succinctly in the constitution of South Africa.

In chapter 1 of the Constitution (1996:146) the following four values are regarded as the cornerstones upon which the country are founded:

- (a) Human dignity, the achievement of equality and the advancement of human rights and freedoms
- (b) Non-racialism and non-sexism
- (c) Supremacy of the constitution and the rule of law
- (d) Universal adult suffrage, a national common voters roll, regular elections and a multi-party system of democratic government, to ensure accountability, responsiveness and openness.

An analysis of these values are indicative of the government's resolve to ensure that all the citizens of the country, irrespective of race, colour or creed enjoyed the same rights and privileges as inhabitants of a democratic country. These cornerstones highlighted in the opening lines of chapter 1 of the constitution contrast markedly with the apartheid era which became synonymous with gross human rights violations, inequality, racism and undemocratic principles.

In this sense then the founding principles signified a new chapter in South Africa's history as the country forged ahead to create a unified, democratic country taking full cognisance of the diverse needs of its multi-ethnic population.

The section on languages in chapter 1 (founding Provisions) is of paramount importance in that it not only accords recognition to eleven official languages, but also makes provision for minor Asian, European and other indigenous languages as well. There is a resolve in this section that the state must "take practical and positive measures to elevate the status and advance the use of" especially the "indigenous languages" which have been discriminated against in the past. The adoption of eleven official languages is a bold yet a significant step in that it avoids the conflict that could have arisen had one

or two official languages been selected. During the apartheid era South Africa adopted a bilingual language policy which marginalised the vast majority of people from the economic sector of the country.

A few of the key features of The Bill of Rights in chapter two of the constitution include, amongst others, the following:

- Equality (s.9)
- Human dignity (s.10)
- Freedom and security of the person (s.12)
- Freedom of religion, belief and opinion (s.15)
- Freedom of expression (s.16)
- Assembly, demonstration picket and petition (s.17)
- Freedom of association (s.18)
- Political rights (s.19)
- Citizenship (s.20)
- Freedom of trade, occupation and profession (s.22)

An analysis of the rights afforded to the citizens of the country as highlighted in the relevant sections above is significant in that the vast majority of the population during the apartheid era (mainly the blacks) were denied access to these rights and privileges. During the apartheid era non-Whites were subjected to detention without trial, could not trade wherever they desired, were not allowed to criticise the government in any way, were treated like second class citizens and were subjected to the brute force of the security forces and the army if they refused to honour and respect the apartheid state. Thus, these rights, as outlined in the constitution, have undoubtedly made a significant contribution thus far to ensuring that the human dignity of all the citizens is upheld.

### **Mechanisms to expose human rights violations**

Human rights violations were exposed by the promotion of National Unity and Reconciliation Act 34 of 1995 and the South African Truth and Reconciliation Commission (TRC). The latter was set up by the Government of National Unity to help

deal with what happened under apartheid. The TRC is based on the Promotion of National Unity and Reconciliation Act, No 34 of 1995.

### **Promotion of National Unity and Reconciliation Act 34 of 1995**

The aim of this act was to provide for the investigation and the establishment of as complete a picture as possible of the nature, causes and extent of gross violations of human rights committed during the period from 1 March 1960 to the cut-off date contemplated in the Constitution. While the act afforded victims the opportunity to relate the violations they suffered, it also granted amnesty to persons who made full disclosures relating to their involvement in gross human rights violations. The act furthermore aimed at the granting of reparation to and the rehabilitation and the restoration of the human and civil dignity of victims of human rights violations. It also aimed to report such violations and the victims to the nation in an attempt to make the citizens aware of past atrocities so that they would not recur again during any period in the history of the country.

### **The Truth and Reconciliation Commission**

The South African Truth and Reconciliation Commission (TRC) was set up by the Government of National Unity in 1995, as a constitutional compromise to avert continued bloodshed and to help deal with what happened under apartheid. The conflict during this period resulted in violence and human rights abuses from all sides. No section of society escaped these abuses. The TRC effects its mandate through 3 committees: the Amnesty Committee, Reparation and Rehabilitation (R&R) Committee and Human Rights Violations (HRV) Committee. The remaining work of the R&R and the HRV Committees has been designated to the former chairs of those Committees, and now forms part of the Amnesty Committee.

The TRC emerged as a bridge between the old and the new. The only other options appeared to be a blanket amnesty or Nuremberg-type trials, neither of which would have been likely to work.

According to Villa-Vicencio (2002), a blanket amnesty would have left victims without any recompense or even public acknowledgement of the wrongs done to them, which would have led to further eruptions of violence. On the other hand, seeking to prosecute perpetrators would have likely led to only a few successful convictions, given the difficulties inherent in prosecuting political crimes and the strain this would place on the justice system during a difficult transition.

According to Boraine in his book “ A Country Unmasked: Inside South Africa’s Truth and Reconciliation Commission” (2001) the commission’s main goal was to heal wounds. Its spirit was epitomised by Nelson Mandela, who established its mandate and membership with the remarkable lack of bitterness that characterised every aspect of his leadership.

The TRC succeeded in quickly establishing some painful truths. Its success in promoting reconciliation between the races however is more questionable. The hearings provided catharsis to many victims, furnished survivors with important insights into the plight of loved ones who had disappeared and led to many poignant expressions of regret and forgiveness. Disturbingly absent, however, was any meaningful acceptance of responsibility by white officials. P.W. Botha, who led South Africa during the decades of the most violent oppression of blacks, refused to cooperate with the commission. Botha’s successor, F.W. de Klerk, who shared the 1993 Nobel Peace Prize with Mandela, and his colleagues constantly qualified their expressions of regret and insisted that they knew nothing about the atrocities committed by the nation’s police and security forces.

In 1998, the Truth and Reconciliation Commission issued a report detailing a horrible history of human rights violations by the government. The report made recommendations concerning reparations and the prosecution of officials who had not received amnesty. In spite of its shortcomings the TRC served to highlight the gross human rights violations synonymous with the apartheid era thereby making ordinary citizens aware of the atrocities perpetrated during the era. According to Villa-Vicencio (2002) one of the major achievements of the TRC is that it has led to the beginning of a rights-based culture in which people are aware of the existence of certain basic rights that cannot be taken away.

## **Other acts to rectify past discrimination in society**

### **Pan South African Language Board Act 59 of 1995**

Throughout South Africa’s history language has always been a contentious issue. Indeed the cause of the Soweto uprisings in 1976 was due to the fact that the National Party forced African learners to study through the medium of Afrikaans which was their third or in most cases a foreign language. In a quest to demonstrate their dissatisfaction thousands of African pupils protested publicly against this discriminatory practice which led to the arrest of many pupils and the incarceration of others. The Nationalist government used the brute force of the police and the army and declared a state of emergency which led to the deaths of a number of pupils.

In their quest to ensure that the country is never again plunged into pandemonium as a result of a discriminatory language policy, the government has made a concerted effort to ensure the promotion, protection and development of all eleven official languages. The Pan South African Language Board Act aims to establish a board that will promote multilingualism in the country as a whole, develop previously marginalised languages and create a climate of tolerance and respect for all languages used within the country as a whole.

According to the Act (1995: 1) the objects of the Board are to, promote respect for and ensure the implementation of, amongst others, the following principles:

- (i) The creation of conditions for the development and for the promotion of the equal use and enjoyment of all the official South African languages
- (ii) the prevention of the use of any language for the purposes of exploitation, domination or division
- (iii) the promotion of multilingualism and the provision of translation and interpreting facilities
- (iv) the fostering of respect for languages spoken in the Republic other than the official languages and the encouragement of their use in appropriate circumstances

An analysis of the principles indicate the government's resolve to ensure that language is never again used as a tool of oppression to marginalise certain groups of people.

### **Employment Equity Act 55 of 1998**

The Employment Equity Act aims to rectify past discrimination by creating opportunities for previously disadvantaged groups to be more favourably considered for positions that they were denied access to in the past. The fundamental aim of this act is to counter the negative effects of the job reservation policies which favoured whites during both British rule and the National Party era.

The Employment Equity Act of 1998 contains a number of provisions providing for affirmative action and protection against, amongst others, unfair discrimination and sexual harassment. Section 5 provides for the elimination of unfair discrimination by

requiring that “every employer must take steps to promote equal opportunity in the workplace by eliminating unfair discrimination in any employment policy or practice.”

“Employment policy or practice” is widely defined in s.1 and includes recruitment, job classification, remuneration, employment benefits and terms and conditions, promotion and dismissal.

Section 6 prohibits unfair discrimination:

“6(1) No person may unfairly discriminate, directly or indirectly, against an employee, in any employment policy or practice, on one or more grounds, including ... gender, sex, pregnancy, marital status, family responsibility, ethnic or social origin, colour, sexual orientation, age, disability, HIV status, conscience, belief, political opinion, culture, language and birth.

The affirmative action provisions of the Act only apply to “designated groups” which includes women. Under s.13 “designated employers” must undertake the affirmative action measures set out in s.15:

“ 15(1) Affirmative action measures are measures designed to ensure that suitably qualified people from designated groups have equal employment opportunities and are equitably represented in all occupational categories and levels in the workforce of a designated employer ...”

Affirmative action measures are defined broadly and include measures to:

- (a) identify and eliminate employment barriers, including unfair discrimination
- (b) create diversity in the workplace based on equal dignity and respect of all people
- (c) make “reasonable accommodation” for people from designated groups in order to ensure that they enjoy equal opportunities and are equitably represented in the workforce of a designated employer.

Employment equity plans under s.20 are an additional requirement of affirmative action. The main features of these plans are that they must:

- (a) achieve reasonable progress towards employment equity
- (b) state the objectives to be achieved for each year, those managers responsible for the implementation of the plan and the affirmative action measures to be implemented
- (c) set a timetable for each year of the plan for the achievement of goals and objectives other than numerical goals
- (d) set procedures to monitor and evaluate implementation of the plan and to resolve any dispute about the plan.

Thus far, in the South African context, the Employment Equity Act is making a significant contribution to ensuring that past discriminatory practices in the labour market are being eliminated. Although undoing the many years of unfair labour practices will take decades to overcome, there are visible changes in the corporate world where increasingly more black men and women are making their presence felt. Consequently, this is leading to the development of a strong black middle class, which South Africa has never had in the past. Furthermore companies and conglomerates are also more cautious in terms of their new appointments and are making concerted efforts to ensure that their staff reflect the demographics of the country and are providing opportunities for the training and promotion of especially Blacks, who were the most marginalised during the apartheid era.

### **Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000**

The purpose of this act is to consolidate democracy by eradicating social and economic inequalities, especially those that are systematic in nature which were generated in our history by colonialism, apartheid and patriarchy and which brought pain and suffering to the vast majority of our people. According to the preamble of the act (2000) although significant progress has been made in restructuring and transforming South African society and its institutions, systematic inequalities and unfair discrimination remain deeply embedded in social structures, practices and attitudes undermining the aspirations of constitutional democracy.

The crux of the Act is summarised as follows in the preamble in section 1:

“This Act endeavours to facilitate the transition to a democratic society,

united in its diversity, marked by human relations that are caring and compassionate, and guided by the principles of equality, fairness, equity social progress, justice, human dignity and freedom.”

Since the new South Africa emerged from one of the most racially divisive societies on earth and became synonymous with some of the most ruthless and inhuman laws to subjugate non-whites and to reduce them to second class citizens or the underdogs, this act is of paramount importance. It sends out an important message that racism, prejudice and discrimination will not be tolerated in a newly democratic country. In this regard the objects of the Act are in keeping with the desire to create a more just, equitable and tolerant society. The objects of the Act are as follows:

- (a) to enact legislation required by section 9 of the Constitution
- (b) to give effect to the letter and spirit of the Constitution, in particular-
  - (i) the equal enjoyment of all rights and freedoms by every person
  - (ii) the promotion of equality
- (iii) the values of non-racialism and non-sexism contained in section 1 of the Constitution
- (iv) the prevention of unfair discrimination and protection of human dignity as contemplated in sections 9 and 10 of the Constitution;
- (v) the prohibition of advocacy of hatred, based on race, ethnicity, gender or religion, that constitutes incitement to cause harm as contemplated in section 16(2) (c) of the Constitution and section 12 of this Act;

Chapter two of the act is very clear about the kinds of discrimination it aims to eliminate. These include, amongst others, the following:

- Prohibition of unfair discrimination on ground of race (s.7)
- Prohibition of unfair discrimination on ground of gender (s.8)
- Prohibition of unfair discrimination of ground of disability (s.9)
- Prohibition of hate speech (s.10)
- Prohibition of harassment (s.11)

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- Prohibition of dissemination and publication of information that unfairly discriminates (s.12 )

Chapter 5 (s.25) emphasises the important role that the state has to play in the promotion of equality in society. These should include, amongst others, the following:

- developing an awareness of fundamental rights in order to promote a climate of understanding, mutual respect and equality
- take measures to develop and implement programmes in order to promote equality
- provide assistance, advice and training on issues of equality
- develop appropriate internal mechanisms to deal with complaints of unfair discrimination, hate speech or harassment

This act is of particular importance in that it protects previously disadvantaged groups from discrimination and oppression in society. It emerged at a time when racism, discrimination and prejudice had started to resurface in post apartheid South African society.

The strong culture of human rights which is permeating the education system is already making a constructive contribution to the development of youth who are aware of their rights in society and who are able to stand up to discrimination and racism in society.

### **The Restitution of Land Rights Act 22 of 1994**

Access to land is universally regarded as a human right and offers one a place to live and is a source of material sustenance. The history of land dispossession in South Africa and its concurrent social, economic and political implications have been well documented. According to Platzky and Walker (1985) the 1913 Native Land Act, the Group Areas Act (1950) and the accompanying apartheid legislation led to the forced removal of about 3,5 million people from the land and business sites with little or no compensation. This, according to Khosa (1994) resulted in a racially skewed pattern of land ownership and distribution where 87% of the land was owned by the white minority while 13% was occupied by the black majority.

In order to address the legacy of forced removals, dispossession and racially based land distribution practices, the post apartheid government's land reform programme, according to Donaldson and Marais (2002: 12), is based on 3 related components namely: the restitution of land to people dispossessed of a land right after 1913 in terms of racially discriminatory laws and practices, the redistribution and provision of land for the disadvantaged and the poor for residential and productive purposes and tenure reforms that would improve tenure security for all South Africans. The aim of land redistribution is to broaden the ownership of land amongst the previously disadvantaged groups of the South African population, while tenure reform is an attempt to provide a more secure form of land tenure to rural communities.

Land reform involved the restructuring of existing power relations, mediation of political struggles over land ownership and land access and land use. The Restitution Land rights act of 1994 provided for the restitution of land rights to people who lost land during racially based policies. This act provided for the establishment of an independent commission with regional offices to investigate and mediate clashes and a Land Claims Court with the jurisdiction to determine the restitution of such rights. Restitution according to Donaldson and Marais (2002:16) can take many forms including the actual restoration of land that was taken, granting alternative land, compensation by means of payment, prioritising the claimant for government housing and land development, assisting or defraying costs for settlement, provision of facilitation services and a combination of the above.

Thus far the Land Claims Court has processed thousands of claims thereby enabling claimants to return to ancestral land from which they were forcibly removed during the apartheid era. A vast number of claimants have received monetary compensation, whilst others have opted for serviced sites in previously unoccupied land.

The fact that the process of land restitution is still a major concern nine years into the democracy is indicative of the extent of the problem in South Africa. Nevertheless in parliament to fast track the process so that the country could move forward. Unless the government is making concerted efforts to ensure a resolution of the problem which has plagued them since taking office in April 1994. Recently a resolution was p

## **Acts leading to the formation of other commissions**

The commission on Gender Equality and the Human Rights Commission that came into being as a result of two acts have significant contributions to make to a country that once discriminated against women and committed the most atrocious and vicious human rights violations. Both commissions are making concerted efforts to ensure that a just and equitable society is created in the aftermath of the apartheid system.

### **Commission on Gender Equality act 39 of 1996**

Since women were largely marginalised during the apartheid era as a result of the development of a patriarchal society by the National Party, the establishment of this commission aims to ensure that gender equality is promoted vigorously. This commission also has to make recommendations to Parliament with regard to any laws or proposed legislation which affects gender equality and the status of women.

Thus far in South Africa women's rights have been promoted vigorously which has led to an improvement in their status in society thereby ensuring that they are admitted into fields hitherto unknown to them. The percentage of women in parliament has also increased dramatically and more women than ever before in the history of the country have been promoted to managerial positions.

### **Human Rights Commission Act 54 of 1994**

The role of this commission is to promote the observance of, respect for and the protection of fundamental human rights. The establishment of this commission is of particular significance in South African society given the gross human rights violations that had been perpetrated during the 46 years of National Party rule. The commission also has to investigate any alleged violation of fundamental rights and to assist any person affected thereby to secure redress.

Thus far the human rights commission has been involved in a number of investigations relating to amongst others hate speech and racism in society. They are making a meaningful contribution to the development of a human rights culture and to the development and upholding of human rights issues in society at large.

## **South Africa's Contribution to World Peace and Stability**

Although South Africa is a fledgeling democracy it is striving to contribute towards peace and stability in Africa and the world as a whole. In this regard the following can count amongst the country's achievements thus far:

### **Assisting Sri Lanka**

Both the Tamil Tigers and the Sri Lankan government have expressed their interest in learning more about the processes involved in the transformation of South Africa into a democratic country. Consequently, a number of skilled negotiators who made constructive contributions towards South Africa's successful transformation have been invited to share their experiences with the rival factions and to provide guidance in this regard.

Peiris, the Sri Lankan constitutional affairs minister, indicated in a recent news report (April 2003) that what they wished to learn and apply from the South African experience was not so much substance as the process. Internationally renowned South African jurist Richard Goldstone had already visited Sri Lanka and they had extended an invitation to the president of South Africa's Constitutional Court to visit the country as well.

### **Peace in Northern Ireland**

Two of the foremost architects in the design of the power sharing model namely Roelf Meyer and Cyril Ramaphosa were invited to Northern Ireland to share their experiences with the rival factions in that country. They have been involved in ongoing talks with the various parties to make them aware of how South Africa was able to transform itself into a democracy in the face of adversity.

### **The Democratic Republic of Congo**

South Africa hosted talks involving rival factions from the Democratic Republic of Congo to ensure a peaceful political settlement to the bloody conflicts in that country. Thus far they have been largely successful and a number of the rebel factions finally reached agreement on the model that emerged after months of discussions in South Africa.

This is indicative of the country's desire to ensure the development of peace and stability in Africa as a whole. The moral and financial assistance to war torn regions is indicative of the government's resolve to ensure that a peaceful and stable environment is created in war torn areas so that the new partnership for Africa's development can be realised.

### **Ruwanda and Burundi**

The South African government has been involved in ongoing talks with rival factions in the great Lakes region to ensure that peace and stability returns to a region devastated by genocide. Mr Nelson Mandela's involvement in this regard and the interest and concern of President Mbeki have led to the relatively peaceful elections in both countries and a resolve to return to normality after years of mayhem and the massacre of innocent men, women and children.

### **Peace keeping in Liberia**

The government has also pledged its undivided support for the peace process in Liberia by sending a peace keeping force to that country to assist with the democratic process and to ensure that the political violence comes to an end.

### **Talks with Gadaffi**

In an effort to broker a peace deal between President Gadaffi, the British and the American governments over the Lockerby disaster which led to the deaths of hundreds of people, the government, under the leadership of Nelson Mandela was able to persuade President Gadaffi to hand over the suspects to America. This he has dutifully done and has furthermore also agreed to reimburse family members of the victims and to renounce terrorism. Recently the United Nations agreed to lift sanctions imposed on Libya about 15 years ago.

It is evident that the South African government is making a concerted effort to share its expertise on negotiated settlements with the rest of the world in an effort to create a more peaceful and prosperous world.

### **Prospects for Progress and NEPAD**

The New Partnership for Africa's Development is an African programme for African development. It is founded on African States practising good governance, democracy

and human rights while working to prevent and resolve situations of conflict and instability on the continent.

The primary objective of NEPAD is to eradicate poverty in Africa and to place African countries both individually and collectively on a path of sustainable growth and development to thus halt the marginalisation of Africa in the globalisation process. At the core of the NEPAD process is its African ownership, which must be retained and strongly promoted, so as to meet the legitimate aspirations of the African peoples.

The requirements for development are the following:

- Peace, security, democracy and political governance
- Economic and corporate governance with a focus on public finance management
- Regional co-operation and integration

South Africa and other role-player African States have been undertaking a broad programme to build international support for NEPAD. They have already succeeded in their efforts by gaining support for the Partnership from the major international bodies and conferences – such as the UN Economic and Social Council, the G8 Summit, as well as the UN World Conference Against Racism that was held in Durban and the World Summit on Sustainable Development held in

Johannesburg in 2002 and the Financing for Development conference that was held in Cancun in Mexico this year.

## **Conclusion**

South Africa represents one of the world's most prominent and promising attempts to find a democratic answer to the most urgent question in post-Cold War international affairs: How can people with profound intergroup cultural, racial and religious differences, compounded by a history of race-based political oppression and economic deprivation govern themselves without fighting? It has largely succeeded in this regard and has illustrated that through negotiation and deliberation conflict situations can be averted and a democratic country can be created. In the past 9 years, in spite of the many challenges confronting South Africa, the country has remained relatively stable and has implemented policies which sought to rectify the ills of the apartheid era. The government has made a concerted effort to eliminate discrimination, injustice and prejudice from society in their quest to create a country free from racism and oppression. The policies and acts which have been passed in parliament and which have been

discussed in this paper bear testimony to the government's resolve to create a state that upholds the principles of equity, justness and fairness in society and which strives to fight against injustice and oppression. This is indeed South Africa's unique achievement.

South Africa's transformation from an apartheid state to a democratic one can surely be considered to be one of the miracles of the 20<sup>th</sup> century, especially given the immense problems that plagued the country during the first democratic elections. The democratic policies that have been implemented and the government's commitment to peace and stability in the whole African continent as part of the African Renaissance bear testimony to the remarkable progress that has been made in this part of the world.

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