

Heart to heart in a common cause



Constitutional expert, Gerrit Viljoen.



One of two women in the ANC team.

DURING the 1980s, "negotiation politics" became a fashionable phrase in South African government circles. But it usually referred to a strategy of consultation with and co-optation of black leaders operating within government-appointed structures.

Since February 2, with the unbanning of the ANC, SACP and PAC and the lifting of restrictions on a number of other organisations, the political terrain has radically altered. For the first time the government has acknowledged the legitimacy of the extra-systemic opposition, and is preparing for constitutional negotiations with an open agenda.

Thus despite the government's failure, so far, to meet all the ANC's preconditions for negotiation as endorsed by the OAU in the Harare Declaration, and despite setbacks such as the temporary suspension of talks by the ANC following the violence at Sebokeng, South Africa has now entered a pre-negotiation phase of "talks about talks".

Discussions between the government and the ANC on April 5 have established better communications and led to certain concessions on both sides. Pre-negotiation talks have been rescheduled for early May at which the stumbling blocks in the way of negotiation will be addressed.

Formidable obstacles to a negotiated settlement in the near future remain. It is doubtful if either side would choose to negotiate just yet were it not for economic and diplomatic pressure to do so, as well as a volatile security situation which threatens to get more out of hand the longer negotiations are delayed.

A legacy of mistrust on both sides, exacerbated by decades of polarisation, intensifies the problem of selling new insights to angry and frightened constituencies, who will tend to distrust any deviation from previously held hard-line positions. This is a situation which the right-wing in particular is ready to exploit to the full.

The threat of a massive right-wing backlash and other manifestations of vigilantism in response to escalating public unrest and vio-

Formidable obstacles to a negotiated settlement in the near future remain all around us. H W van der Merwe and Gabi Meyer of the Centre for Intergroup Studies explore the issue of negotiations.

lence is a cause for grave concern. Violence, especially in Natal, has highlighted the widespread socio-economic grievances and frustrations of the poor which must be satisfied by any future political dispensation in South Africa.

It is sobering to reflect that the most devastating protest violence by blacks in the United States occurred in the 1960s after they had attained civil rights. Political liberation in South Africa will continue to raise the economic, social and educational expectations of the disadvantaged, and violence will continue if these aspirations are not met.

One of the greatest obstacles to a peaceful negotiated settlement in South Africa is the recent upsurge of violence, especially in the so-called homelands and in Natal. The ending of the state of emergency and the removal of troops from the townships are two of the ANC's preconditions for negotiation, as expressed in the Harare Declaration. Yet the deteriorating situation would seem to preclude an early response by government to these demands.

At the same time, the ANC's continual adherence to the armed struggle appears to the government to contradict Mandela's appeals for an end to the current wave of violence.

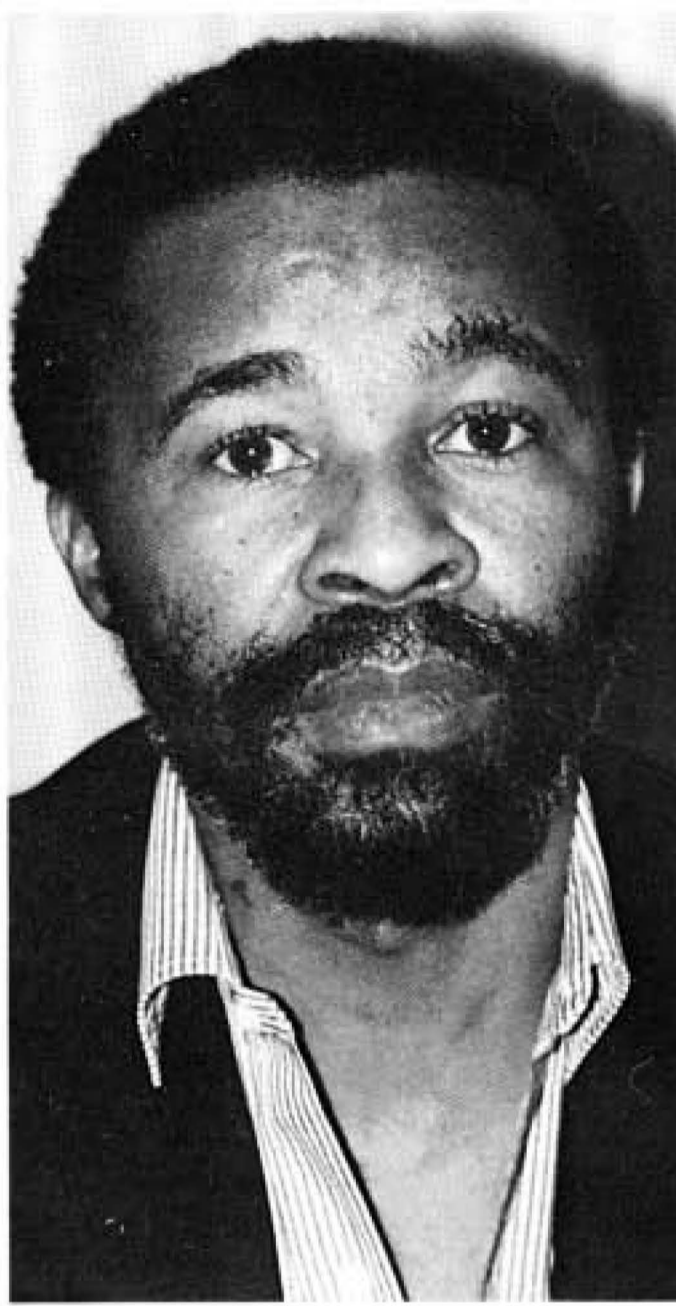
It is important to view these anomalies in the context of the heated debate on the legitimate use of force, which statements such as the Kairos Document have given rise to in the last few years.

Virtually all church leaders on either side of the South African conflict support the doctrine that violence is justifiable as a last resort. In other words, they hold to the theory of the just war rather than to the doctrine of total pacifism. It is inevitable that political leaders should adopt a similar position.

It is also a misconception that negotiation and coercion (with violence as its extreme form) are mutually exclusive. In practical politics this is not so. It is not unusual for warring factions to step up attacks on each other whilst their leaders are sitting down to negotiate.



Mompoti.



Thabo Mbeki, ANC negotiator.



FW de Klerk, leads the government negotiating team.

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The role played by coercion in bringing unwilling parties to the negotiation table should not be underestimated. Thus it is unreasonable to expect any party to suspend coercion or renounce violence as a precondition to negotiation. The ending of violence is one of the purposes of negotiation, not a precondition.

But an overemphasis on coercion and negative tactics over the years has contributed to the cycle of polarisation. It has produced a siege mentality in large sections of the white population and a boycott mentality among anti-apartheid activists.

When this approach becomes an end in itself, a principle instead of a strategy, the result is a stalemate. The chances of the constructive accommodation of conflict become increasingly remote.

Conciliatory gestures and flexibility on both sides are essential to creating a positive negotiating climate, if concrete progress is to be made and the process itself is to gain any credibility with the constituencies on either side.

NEGOTIATION is traditionally equated with an adversarial bargaining approach in which each side tables hard-line proposals and attempts to gain the upper hand by various tactics.

Typically, after a protracted period of hard bargaining, a compromise solution may be reached and implemented, but only with heavy reliance on external mechanisms and safeguards to maintain the agreement. Trust levels between the parties remain low.

In a situation such as the South African conflict, where the parties are so interdependent, this type of outcome would be less than satisfactory.

A growing body of international research on negotiation in deep-rooted conflicts comes out in favour of an alternative approach to negotiation.

In this scenario, parties refrain from putting forward their preferred solutions as a first move. Instead they attempt to jointly de-

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fine and analyse their common problem and to identify their real needs. New and creative solutions may then emerge from discussions. It may become possible to meet the needs of each party to a greater extent than was previously assumed.

This might sound utopian, but the approach has been successfully applied to various conflicts in different parts of the world. It's an approach that merits serious consideration in South Africa, where it is clear that the issue of endemic and growing violence should be jointly addressed by both the government and the mass-based opposition.

It has already been suggested by political observers that the upsurge of violence could, paradoxically, serve as a unifying factor to parties involved in negotiation.

There are other factors which would maximise the chances for the acceptability and stability of any future agreement. One would be the parties' commitment to the negotiation process above other means of coercing opponents.

Another would be to refrain from trying to weaken or divide the opposing party. Solutions cannot be effectively implemented by weak partners lacking a mandate from their constituencies.

Allied to this principle is the need to include all parties in national negotiations. No party with the potential to overturn an agreement should be excluded from the negotiating process.

Finally, negotiations need to be supported by a simultaneous process of public education. Especially at a time when rapid developments are taking place, constituencies need to be reassured, not allowed to become alienated and aggrieved.

Positive gains must be seen to be worth concessions made, on the part of both the white electorate and the black masses. Otherwise agreements reached by leaders on both sides may fail to gain general and lasting acceptance.

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