

**FIVE FREEDOMS FORUM-AFRICAN NATIONAL CONGRESS CONFERENCE, JULY 1989  
REPORT OF COMMISSION ON NEGOTIATIONS (A1)**

**PRESENTERS: RICHARD STEYN AND THABO MBEKI**

**RICHARD STEYN**

1. Neither side, ANC or NP, is strong enough to defeat the other and yet both propose conditions that presuppose defeat of the other. The costs on both sides are not high enough to drive either into this type of surrender or into serious negotiations.

2. There has however been a shift in the power structure and both parties are under pressure. On one hand, the regime has begun to open the way for talks about negotiations centred on Mandela's possible release in September. On the ANC's side, the position of the Soviet Union has changed: they believe the armed struggle has failed and are therefore pushing for negotiations and trade with SA whilst still supporting the ANC morally.

3. As far as the NP is concerned the negotiating process will take place with the security agencies of the regime still in place and this will dominate the process. But the ANC is only prepared to negotiate over the transfer of power. What may be needed in this stalemate, as was the case in other situations, is the mediation of a third party.

4. The government's attempts to assemble black leaders will fail without the participation of the ANC but the ANC must recognise that it will not be the only black voice in negotiations. Inkatha, the chiefs, bantustan leaders and so on will have to be included.

5. The majority of whites will group around the NP in the process leading up to negotiations and the ANC's policy of armed struggle will only make it easier for whites to put off negotiating.

6. Any settlement must include:

- a) full participation in the democratic process by black people
- b) protection for whites from a winner takes all position
- c) acceptance by the grassroots of the decisions taken

7. We must ask whether a negotiated settlement is a realistic possibility. We should consider a "Grand Coalition" which would gradually bring the contending parties closer together. This might be the answer to the growing desperation and to the destruction of the economy.

**THABO MBEKI**

1. Although the NP has not shown a willingness to negotiate, we must continue the struggle to persuade and pressurise the regime. This makes it important to discuss the issue of negotiations thoroughly.

2. There has to be an agreed aim to the negotiations. The agreed aim should be that all South Africans must participate as equals in governing South Africa.

3. The present climate is hostile to negotiations. We will have to create the right climate.

4. Although we use the words "creating a climate", our precon-

ditions amount to more than this, as they have to do with ensuring the legitimacy of the process. For example in order for the ANC to participate meaningfully in the negotiations, there must be conditions that make it possible to consult with its constituency. Our preconditions are interlinked. It is meaningless to meet some and not all. For example it would be counter-productive to release Mandela into the State of Emergency and a situation in which the ANC is banned, as the regime would then technically have to arrest him again.

5. The ANC agrees that there should be movement towards a cessation of hostilities on both sides and this can be accomplished after the conditions for negotiations have been met. The EPG proposals included this issue.

6. This agreement to suspend violence cannot however be a unilateral moratorium. Even a Conservative British MP has advised the ANC against agreeing to any moratorium. The other side will simply set off bombs should we announce a unilateral moratorium in order to discredit us.

7. There are different mechanisms for negotiations. In our sub-region there have been a variety of different mechanisms. For example in Zimbabwe there were two broad groups around the table. We are however particularly interested in the way this issue is being dealt with in Namibia where a Constituent Assembly will take place. We believe we must let the people decide who they want to represent them at negotiations. A Constituent Assembly would prevent the negotiations being conducted in terms of skin colour. The claims of each group to representivity could be tested. It would also draw the people into the process, give it legitimacy and ensure that the decisions were supported.

8. There is the question of who would govern in the transition process. Who would ensure that all parties abided by the agreement? A neutral party might be hard to find that is acceptable to both sides.

9. There is the question of the timing. De Klerk has been talking of five years (ie the period for the new Parliament) but this is unacceptably long as far as the oppressed are concerned.

#### **SUMMARY OF DISCUSSION**

The consensus that emerged from the discussions was that constitutional negotiations must be about the formation of a non-racial, united and democratic SA and not about anything less. The following is a summary of the views of the group. They have been grouped into broad categories.

1. It was accepted that there is a difference between negotiations and surrender talks. In negotiations the two parties attempt to reach a compromise. The outcome will depend on the balance of forces at the time.

2. There was general agreement that the regime is not serious about genuine negotiations at this time. Some indications of this are the following:

a) Over 30 organisations have been banned

- b) The State of Emergency has been renewed
- c) The NP's election programme is designed to perpetuate apartheid

But this does not mean there are no shifts of emphasis. The NP is very likely to initiate a process which it will project as "negotiations" while in fact it seeks to maintain apartheid. A likely scenario is the release of Nelson Mandela, lifting the ban on those in the ANC whom the regime hopes wish to commit themselves to struggle through constitutional means without the renunciation of violence, and a lifting of the State of Emergency. The regime will then talk to what it describes as all black leaders in order to investigate whether there are common interests. The contributions of each grouping will be given equal value and the ANC will be made one of a number of legitimate forces. The NP will then announce to the world that they are negotiating.

We should not lose the initiative and should anticipate such attempts by presenting a unified position of the ANC and mass democratic movement clearly. If we allow the initiative to pass into the regime's hands we may appear to be avoiding negotiations.

### 3. DEGREES OF STALEMATE

Based on the general view that the current situation with regard to negotiations is characterised by degrees of stalemate, four broad views emerged on how to break this.

A. The ANC's preconditions are unrealistic. Some kind of gesture of compromise or adjustment is necessary from the side of the ANC. Variants of this were:

- a) The ANC should compromise and bargain around its preconditions
- b) Indicate its willingness to unconditionally negotiate immediately in order to make progress
- c) It should suspend violence in the interests of gaining the moral high ground and winning the support of the majority of whites by allaying their fears. There was a view expressed that the armed struggle is counter-productive to the ANC both inside and outside the country.
- d) The wording of our goal should be changed from "a single united and democratic SA" to "negotiations that will end up with a government with the consent of the governed". This will allay white fears.

B. The second set of views accepted that the ANC's preconditions were a practical necessity for genuine negotiations to take place. Variants of this position were as follows:

- a) The response to the stalemate should be all-round intensification of the struggle to eradicate apartheid. This, and not negotiations per se, is our objective.
- b) The ANC's preconditions are necessary to place the parties on an equal footing. We should accept these as already adopted ANC policy and work towards pressurising the NP to implement them by all possible means. The Five Freedoms are consistent with the preconditions.
- c) The third view was that, given the relative stalemate, the major world powers should be asked to mediate.
- d) Finally, the view was expressed that one solution to the stalemate would be to promote negotiations from the bottom up. For example by beginning at regional level.



#### **4. TALKS AND NEGOTIATIONS**

There were two opposed views:

- a) The first accepts that there can be a process which does not have as its immediate aim a negotiated settlement. This will open channels, break the deadlock and lead to progress.
- b) Talks would set us back by allowing the NP to claim that it was negotiating. This would enable them to stall for time and would perpetuate the apartheid system. If negotiations are to be meaningful we have to bring the NP to a point where it recognises the necessity of genuine negotiations.

#### **5. WHITE ATTITUDES**

There was much discussion on white attitudes as they affect the possibility of negotiations. There were two broad views on the reasons for white resistance to negotiations.

A. Whites fear a non-racial future. They fear they will be a minority whose interests will be ignored or undermined. They fear that what they have done to black people will be done to them. The answers suggested to this problem were as follows:

- a) The ANC should offer some guarantees to whites
- b) Joint single issue campaigns should be initiated to enable black and white to gain confidence in each other
- c) A perception of common interests in a common future should be projected using the Freedom Charter and Constitutional Guidelines

B. The basic fear in the white community is of losing the privileges that racial domination has provided and protected. There are real conflicts of interest. This means that some fears cannot be allayed as this would involve entrenching guarantees to protect these privileges. Attention needs to be given to promoting an understanding in the white community that apartheid can no longer serve their long-term interests. The white community has to be brought to see the inevitability of a more equitable distribution of wealth and resources. Increasing numbers of the business community already appreciate this fact. The increasing number of whites (estimated to be 30%) that see negotiations as necessary have done so as a result of struggle. Although sanctions and the armed struggle have played a significant part in this, they are rejected by many whites. We should strive to unify all these people behind a rejection of the NP's election platform.

Finally, the view was expressed that it is not primarily a question of shifting white attitudes, but of shifting the balance of power. What is required is not a change of heart but increased pressure.

#### **6. The final broad category of discussion concerned the question of who would be PARTIES TO THE NEGOTIATIONS.**

There was general agreement that although there would be a polarisation involving the ANC on one side and the NP regime on the other, meaningful negotiations would not be between white and black. They would be between democrats and those committed to some form of minority rule. Many felt a Constituent Assembly would be a more appropriate negotiating forum for such constitutional negotiations.