



Crossing the Rubicon – together

Even as the Grootte Schuur talks began on May 2, the ANC had its eyes focused on the next horizon. David Niddrie reports



The first indication of just how rapidly things were falling into place at the first African National Congress-government talks came just a day after they had started, with two full sessions still to go.

Addressing the Cape Town Press Club, ANC foreign affairs secretary Thabo Mbeki focused on where the negotiating process should go once the talks were over and obstacles to negotiations had been removed.

For the ANC, the next phase should involve preliminary discussions about principles for a post-apartheid constitution and the establishment of an appropriate mechanism for multi-party negotiations.

The ANC had never claimed to be the sole representative of the South African people, Mbeki said, and the next stage would require the participation of all parties claiming a significant following.

The movement believes there is only one guaranteed means of establishing 'who is bigger than who, who commands what support': the ballot box.

It is therefore pushing for national elections to a constituent assembly which will write a post-apartheid constitution and in which representation would be on the basis of demonstrated rather than claimed support.

President FW de Klerk is on record as opposing the idea, saying it

would, in advance, guarantee victory to one party. But the process was used successfully in Namibia just last year, and its ability to sidestep endless squabbles about representivity, make it a difficult proposal to resist.

The ANC is happy to see the decision for a constitutional assembly taken by multi-party talks. De Klerk may describe this negotiating table as a round one incorporating a range of opinions. The ANC believes the table will in practice be two-sided: with supporters of non-racialism (probably including a majority of bantustan leaders) lined up on the ANC's side. On the other, alongside De Klerk's National Party, would be those who claim to speak on behalf of 'racial groups - among them, in all probability', says Mbeki, 'someone who believes he represents seven million Zulus, Chief (Gatsha) Buthelezi'.

A possible obstacle at this stage will be the issue of who runs the country while the constitutional assembly decides on its future, and while the assembly is being elected.

Objections to having the National Party government in place are obvious: it will at that point become one of several parties contesting for support and should, correctly, not continue to enjoy the advantages that come with control.

And however hard De Klerk may have tried to depoliticise the South African Defence Force and police,

the idea of these forces policing the process is a difficult one to argue.

They have a tradition of direct political involvement and a political loyalty to the National Party - or, in the case of many within the police, to parties opposed to the idea of black political participation.

The Namibian independence process has, in any event, tacitly acknowledged the problem - thus the presence of the United Nations' Untag administration and monitoring force during and after Namibian elections.

Using Namibia as a blue-print, the ANC believes that when constituent assembly elections begin, the National Party will have to surrender power to a mutually-agreed interim government. And in advance, all parties will have to agree on how to politically neutralise the armed forces.

To this end, the ANC will put on the multi-party talks agenda a possible role for the international community.

All this lies in the future. Although talks could resume by June this year, ANC officials talk of the process unfolding over the next two to two-and-a-half years.

This looks possible given De Klerk's need to avoid another all-white election with the process still only partially resolved. Under the current constitution the next white election is due in 1994 - but to delay until the last minute will leave De Klerk vulnerable in negotiations.

But there remain many hurdles to cross before that stage is reached.

Although both sides ended the discussions feeling far more optimistic than when they began, the talks about talks have only made a start in eradicating obstacles to negotiations.

The four issues handled in the Groote Schuur talks were:

- * the release of political prisoners;
- * the return, under immunity from prosecution, of political exiles;
- * lifting the state of emergency and scrapping security legislation;
- * ending political violence;
- * ending the armed struggle.

The talks also commissioned a joint working committee to define 'political offences' to enable future agreement on which prisoners are 'political' and thus entitled to release, and which exiles are 'political' and thus qualify for immunity.

The government's eagerness to rid itself of the political embarrassment of convicting right-wing gunmen such as Barend Strydom and of having to prosecute police and military hit squad agents has meant the issues of immunity and amnesty have been among the easiest to

resolve.

And its desire to see Strydom and other right-wingers covered may well mean that the definition of 'political' offences will go beyond actions undertaken by soldiers in the ANC's army, Umkhonto we Sizwe.

Umkhonto fighters - and agents for police and military hit squads - are likely to be the first beneficiaries. But the breadth of the definition means people jailed for public violence could benefit too.

It is not yet clear whether those on death row for 'political' offences will actually be freed. At present it seems more likely that their death sentences will be commuted to prison terms.

These details will emerge from the working committee's report which will also include proposals on the mechanisms and time-scales for the release of prisoners and the return of exiles.

A key element of the 'Groote Schuur Minute', the joint government-ANC communique released after the talks, is the mutual commitment to 'a peaceful process of negotiations', rather than on the specific demands laid down by the

two sides.

The only practical programme agreed upon on preparations for the release of prisoners and the return of exiles.

The questions of the emergency and security legislation remain firmly in government hands through an undertaking to review their continued existence. And despite the government's high-profile demand that the question of the ANC's armed struggle be placed on the talks' agenda, the issue is dealt with only obliquely in the joint communique (see 'The Groote Schuur Minute').

The armed struggle itself - rather than public rhetoric on the need for it - appears to have been touched on only lightly in the talks.

When the joint working group presents its proposals on May 21, the ANC national executive committee is likely to have met and re-examined its commitment to armed struggle, according to Deputy President Nelson Mandela.

Assuming there is no repeat of the Sebokeng shootings, this should result in a (probably temporary) suspension of hostilities by the ANC, along the lines suggested by Umkhonto chief of staff Chris Hani earlier this year in *WIP* 64.

The Groote Schuur Minute

The government and the ANC agree on a common commitment towards the resolution of the existing climate of violence and intimidation from whatever quarter as well as a commitment to stability and to a peaceful process of negotiations. Flowing from this commitment, the following was agreed upon:

1. The establishment of a working group to make recommendations on a definition of political offences in the South African situation; to discuss, in this regard, time scales; and to advise on norms and mechanisms for dealing with the release of political prisoners and the immunity in respect of political offences to those inside and outside of South Africa. All persons who may be affected will be considered. The working group will bear in mind experiences in Namibia and elsewhere. The working group will aim to complete its work before May 21, 1990. It is understood that the South African government in its discretion may consult other political parties and movements and other relevant bodies. The proceedings of the working group will be confidential. In the meantime the following offences will receive attention immediately:

a) The leaving of the country without a valid travel

document.

b) Any offences related merely to organisations which were previously prohibited.

2. In addition to the arrangements mentioned in paragraph 1, temporary immunity from prosecution for political offences committed before today, will be considered on an urgent basis for members of the National Executive Committee and other selected members of the ANC outside the country, to enable them to return and help with the establishment and management of political activities, to assist in bringing violence to an end and to take part in peaceful political negotiations.

3. The government undertakes to review existing security legislation to bring it into line with the new dynamic situation developing in South Africa in order to ensure normal and free political activities.

4. The government reiterates its commitment to work towards the lifting of the state of emergency. In this context the ANC will exert itself to fulfill the objectives contained in the preamble.

5. Efficient channels of communication between the government and the ANC will be established in order to curb violence and intimidation, from whatever quarter, effectively.

The government and the ANC agree that the objectives contained in this minute should be achieved as early as possible.

While leaving Umkhonto structures in place, this will provide the justification for De Klerk to move on the emergency and security laws. The emergency is easy, and potentially an early sign of De Klerk's seriousness: due for renewal on June 10, it could simply be allowed to lapse.

This apparent flexibility allowed to the two sides marks a substantial shift from the deep suspicion, particularly from the ANC's side, marking the start of the talks.

In the four days between the arrival of the ANC exiles on the delegation and the start of the talks, officials of the movement acknowledged they were taking seriously warnings from Angola and Namibia's Swapo - both recent veterans of negotiations with Pretoria - to trust no South African undertaking until it was in writing. 'They warned us that the (South African) regime went back on every verbal agreement they had made', said one official.

ANC suspicions may have been genuine or a strategy to put De Klerk's nine-man delegation - himself and eight cabinet ministers - on the defensive. But the result was that the government team went in highly-conscious of the need to demonstrate their goodwill.

The ANC delegation's enthusiasm after the talks suggests De Klerk succeeded.

The 'give' in the give-and-take the government called for seems to have come mainly from the government. But the benefits did not go only one way.

When De Klerk flew out on a nine-nation tour of Europe just four days after the historic talks-about-talks, he went in a chartered jet bearing the insignia of the South African presidency.

It is the first time a South African president has been able to advertise himself in this way. In the past their chartered planes have been discreetly unmarked, the aerial equivalent of the plain brown envelope used to disguise potentially embarrassing items sent through the post.

The outcome of De Klerk's tour, however, will be crucial in deciding whether Pretoria continues to lean over backwards as it did at Groote Schuur.

Before jetting out of South Africa, De Klerk said he would be arguing that the way European governments and business interests could encourage reform and ensure progress in negotiations would be to ease sanctions and invest in this



A SACP supporter at the report-back rally in Johannesburg

country.

This was a rather different message from that given, in advance of the Groote Schuur talks, by government officials briefing journalists on the trip.

At that point the agreement reflected in the Groote Schuur Minute was by no means guaranteed, and the officials asserted that on his tour De Klerk would be taking no initiatives on sanctions nor raising the issue in his discussions.

The contradictory positions reflect a government recognition on the sensitivity of the sanctions issue and the need to avoid its becoming a sticking point.

Clearly, however, De Klerk is hoping to benefit from the international goodwill generated by the May 2 talks.

And he will be using the talks to argue strongly to European bankers the need to roll over a part of the R6-billion foreign debt South Africa is due to repay this year - a figure uncomfortably close to the country's total current reserves.

Right now, with the gold price more than \$30 down on its February 2 \$400-plus high, the state's R6-billion foreign currency and gold holdings cushion has been seriously eroded.

With already-rescheduled foreign debts looming, De Klerk urgently needs to talk about a further rolling-over of the payments.

If he succeeds, there will be less pressure on him to keep the negotiation process on track. ●

Lord Charles: A hotel full of contradictions

The discreetly opulent Lord Charles Hotel, nestling in the hills above the quiet seaside hamlet of Somerset West outside Cape Town, is a vivid symbol of white economic and political privilege.

Here Nelson Mandela and his 11-person African National Congress (ANC) delegation returned every night after meeting President FW de Klerk and officials of his white government.

The three days of talks took place at Groote Schuur, traditional home of white prime ministers in Cape Town.

But with the threat of far-right assassination attempts against the ANC team, government security agents insisted they should be housed out of the city and somewhere easily protectable.

Eighty kilometres outside Cape Town, out of sight of the main coast road, in its own strip of forest and with a substantial security team of its own, the Lord Charles Hotel was an ideal venue.

Several of the ANC delegation, used to more humble accommodation, made uncomfortable guests in the hotel's quiet pink-and-grey pastel decor - a discomfort they shared with some of the hotel's other temporary guests, the several dozen police guards set to protect them.

Burly white men with moustaches haunted all parts of the hotel, several carrying unlikely brief-cases - apparently housing machine-pistols.

Several were visibly unhappy with the job they have been given - guarding men against whom they have been waging an undeclared war for three decades.

It was, the National Intelligence Service official overseeing the government protection unit acknowledged wryly, 'a unique and unusual task'.

His own politics, the official said, approximate those of De Klerk, who legalized the ANC three months ago and began talking to them on May 2.

But the previous three weeks had produced evidence from two judicial commissions of direct police and military involvement in the assassination of anti-apartheid activists, and the ANC had its own armed guards in the hotel,



Slovo: the government tried to have him excluded from the talks

specially trained members of the ANC's Umkhonto we Sizwe army.

The sight of revolutionaries walking through the hushed corridors of one of South Africa's most prestigious hotels was not the only stark contrast in the next three days of historic talks.

The make-up of the delegations was, itself, sufficient explanation of why the talks need to take place at all.

Mandela led a team of eight black delegates, two white, one 'coloured' and one Indian - a close approximation of South Africa's national racial demographics. It included two women - the only two in the talks - while the age gap between the oldest and youngest delegates is 35 years.

De Klerk's team, by contrast, was made up entirely of middle-aged white men, all members of one of the three pro-government Afrikaans-language churches - part of a 3% minority which has exercised a monopoly on political power for the past half-century.

Conscious of the need to speak to and for all sections of South African society, even white Afrikaners, the ANC included in its delegation Beyers Naude, an internationally-renowned anti-apart-

heid cleric and an Afrikaner.

A former moderator in the Southern Transvaal Synod of the Nederduitse Gereformeerde Kerk, Naude has been reviled in the Afrikaner community since resigning publicly from the Afrikaner Broederbond.

During the talks, ANC officials also paid special attention to the handful of Afrikaans-language journalists among the several hundred from around the country and abroad in Cape Town to cover the talks.

The movement produced press releases in both English and Afrikaans, and held separate briefings, in Afrikaans, for journalists from Afrikaans-language newspapers.

The movement did not, however, attempt to concede to all the biases of white South Africa.

When he met De Klerk in March, Mandela rejected a private plea that the ANC exclude Joe Slovo, white general secretary of the South African Communist Party and former head of the ANC guerilla army, from the team. Still unhappy, however, government officials attempted to persuade the ANC to exclude Slovo from the post-talks ANC rally at Soweto's soccer city. ●