

STRENGTHENING THE ANC'S NEGOTIATIONS TEAMS

The last National Consultative Conference resolved that the ANC's Teams involved in the process of talks about talks should be strengthened and that appropriate report back mechanisms be developed so as to keep the general membership of the ANC informed about the process.

This brief document will deal with the two issues as follows:

A. TALKS ABOUT TALKS

1. Observations

a) The government utilises specialists drawn particularly from the following departments:

- i) Department of Constitutional Development
- ii) Department of Justice
- iii) Department of Law and Order (the SAP)
- iv) National Intelligence Service
- v) Department of Home Affairs (to some extent)
- vi) The Office of the State President
- vii) The South African Defence Force

These specialists participate virtually in all the joint committees such as the Steering Committee and the two Working Groups i.e. one on the release of Political Prisoners and Return of Exiles and the one on the ANC's decision to suspend armed action and "related activities".

They have at their disposal a large pool of human and material resources as well as a lot of money. They also get technical assistance from non-governmental institutions such as universities.

Their work is supervised, directed and controlled by Cabinet Ministers to whom they account. They get clear instructions on their work too.

They expend a lot of time and energy planning and strategising for negotiations which they regard as inevitable and unavoidable.

- b) One major problem is that the govt., whilst at some levels it may be quite committed to the process, seeks to be regarded and treated as the govt. which would give them an unfair advantage. They also want the process to be conducted strictly in accordance with the "law of the land".
- c) The ANC teams on the other hand work on their own, without any visible supervision, direction, guidance and control by the National Executive Committee.

They have virtually no resources at their disposal. They hardly have a proper office, equipment and staff. They have several other tasks that consume their time and energy.

Though it may be easily said that there is a lot of expertise the ANC could use and benefit from, the fact of the matter is that, as experience has shown, such expertise is very expensive. For

instance, the lawyers that were involved initially, and in conjunction with whom quite a lot of work was done up to and after the Groote Schuur Summit, demanded a lot of money from the ANC and the IDAF for their contribution. Those who had intimated that they would be prepared to serve full-time till the process was over, were making a lot of demands on the ANC.

The impression that ANC seems to give is that to it negotiation is one other minor facet of struggle. Not much is invested in the process by way of time, personnel and resources. It is as though the ANC is not aware that constitutional negotiations will soon start.

2. PROPOSALS

- a) The National Executive Committee has to assume full responsibility for, and generally oversee, the work of the ANC's negotiation teams. For this purpose, an NEC sub-committee has to be set up to supervise, direct, guide and control the work of the teams on a day-to-day basis, and regularly receive reports from, and discuss such reports with, the teams and the Strategising Committee of Experts. The NEC sub-committee on negotiations shall be accountable to the NEC.
- b) In addition, the NEC will have to set up a Strategising Committee of experts in various fields, which will, among other things, draw an appropriate negotiation strategy, work out proper tactics, collect and collate information, conduct research, gather intelligence, assist and advise the proposed NEC sub-committee and the negotiating

teams, be the source of information on the process of negotiation and the ANC's perspective thereon, and perform such other tasks as their work may demand. Such Strategising Committee of Experts shall be accountable to the NEC through the proposed NEC sub-committee, and shall ~~consist of~~ NEC members and any other ANC members selected by the NEC. Not all of them need be full-time on this, though, as the ANC obviously cannot afford to pay all the experts involved.

- c) The existing negotiating teams may have to be augmented so as to develop a fully-fledged and comprehensive negotiations committee, which will be full-time.
- d) The negotiations committee will have to be equipped as follows:
 - i) proper and adequate offices;
 - ii) proper and adequate personnel;
 - iii) proper and adequate office furniture and other paraphernalia;
 - iv) adequate transport;
 - v) a library ~~with~~ a full-time research officer;
 - vi) a budget;
 - vii) adequate allowances.
- e) Regular meetings and consultation with the proposed NEC sub-committee as well as with the proposed Strategising Committee of Experts have to be held. The negotiations committee shall be accountable to the proposed NEC sub-committee, and

all meetings and summits with the govt. shall be preceded and followed by adequate consultation with the NEC sub-committee.

B. REPORT BACK MECHANISMS

- a) Existing ANC structures at the national, regional and branch levels ought to be used to report back and inform the membership on meetings with the govt. and generally on developments in the process of negotiations.
- b) Regional Executive Committees of the ANC could ^{each} be asked to nominate one person from their members to attend regular briefing meetings at HQ so that they can brief their regions and branches.
- c) NEC members as well as members of the negotiations committee can also visit regions and branches and brief the membership, answer questions and generally provide guidance in the process.
- d) As reporting and consultation are two-way processes, regions and branches will be expected to report on their own work in this regard and brief the leadership about the general problems, perceptions and concerns in their own areas.
- e) Regular briefings will have to be given to the allies of the ANC, namely the SACP, COSATU and UDF.

C. The NEC will have to discuss how to involve its allies named above directly in the process of negotiations, by way of strengthening the ANC's negotiation position generally.

D. Bearing in mind the problems of security and leakages, the NEC will have to discuss how best to involve and benefit from the expertise available outside the ranks of the ANC.