

â\200\230

. ' Qi-\201â\200\234 KYâ\200\235 (a \3333\

â\200\230INPUT ON THE BACKGROUND TO NEGOTIATIONS

The person doing the input should read the DPE publication, The Road to Peace, pages 3 to 9 for the first par .

Negotiations as a form of struggle

1. The aim of the South African struggle has never been merely to sit down and negotiate. The aim is to get rid of apartheid and establish a democratic state.

2. If th t aim can be achieved peacefully through negotiations, we prefer that. That is why the ANC now enters talks.

3. But the fact that we negotiate does not mean that all other forms of struggle cease.

4. Negotiations is only one form of struggle that we employ, together with other forms, to free our country.

5. Negotiations is not only a form of struggle. It is also a place or terrain where we struggle.

6. We need to understand the character of this terrain, just as we have to understand what it means to take on the bosses in the labour field or the military in a military struggle

The terrain where workers struggle against the capitalist class is the workplace. The military struggle is on the battlefield and numerous other types of struggle occur on many other terrains. e.g. the cultural struggle may relate to the media, the theatre, the languages spoken and so on.

7. Our approach to negotiations is consistent with the democratic character of our struggle. We want to involve the people in the process. There can be no secret negotiations or deals behind the backs or above the heads of the people.

8. The involvement of the people and the accountability of the negotiators to our 'organisations is our guarantee against the possibility of cooption. If the government is forced to talk to us it does not mean that they will accept our demands. One way to subvert our challenge is by trying to coopt leaders.

9. Cooption means that you detach a leader from his or her base, from being rooted in the community. You then sell a deal to the oopted leader and get them toâ\200\230deliver' their followers. This can only work if the link between the leadership and the masses is broken.

r...â\200\230 e..- -..... .â\200\224-..

,, â\200\230-.-â\200\224p

Brief history of the ANCâ\200\231s attempts to
secure peace in South

Africa

The Comrade presenting the input, should consult
histories of the ANC e.g. Mary Benson, The
Birthright; Francis Meli, South Africa belongs to Us; or the Erip
series Let us speak of freedom. Copies of this work have been
sent to all regions. A history of ANC will be published by the
Department of Political Education, later this
1991

one of the

Struggle for a

year, or early in

1. The ANC has always preferred peaceful methods
of resolving
the conflict generated by apartheid.

2. For some 50 years' prior to its banning the ANC pursued a

3. Whether or not an oppressed people can use peaceful means in
pursuing their aims is dependent on the oppressors. Before 1980
the various South African government's often answered legitimate
protests with gunfire.

4. In 1980 they made further legal, nonviolent action against
apartheid impossible-the Sharpeville massacre and the banning of
the ANC

5. The ANC took up arms to defend the people and in the almost Â°
U

decades of MK'S existence managed to score some
successes.

important

THE HARARE DECLARATION

Further reading for the speaker: The Road To Peace, pages 23 to 48 and Raymond Suttner, Progress in the Talks, November 1990.

peace

1. Why was the situation in 1989 suitable to start a new regime?

The continued rule of the white minority in danger because of:

a. The level of mass activity in the 1980s culminating in the defiance campaign of 1989

-cn

b. The crisis of legitimacy, narrowing of base of support for the regime losing of support to both the right and the left

c. Continuing economic decline

d. Cooperation of USA/USSR in regional conflicts

These were all factors that made a

peace process more likely to

succeed than in the past

2. The goals of the Harare Declaration, the type of South Africa it envisages, are very similar to those found in the Freedom Charter and the Constitutional Guidelines.

3. Just as the Freedom Charter was made by the people, the Harare process seeks full participation by the people in the creation of the first democratic South African constitution.

4. The Harare Declaration outlines particular objectives of the process, in a Statement of Principles [See Progress in the talks pages 2-3 and Road to Peace pages 38-7. These are, in essence, What is required to make a nonracial, nonsexist, democratic constitution.

5. These goals are meant to be achieved through following a particular process:

a. First, a climate suitable for negotiations must be created. To achieve this, the apartheid regime must remove various obstacles, including the unconditional release of all political prisoners. [See Progress in the talks page 3 and Road to Peace pages 37-8]

b. Once that is achieved there must be discussions

between the regime and the liberation movement to agree

c. The parties should then agree on how the new

Constitution should be made, and also agree on the principles mentioned, in point 4 above.

d. They must also agree as to whether and what type of international involvement there should be

(0

e. The parties must then agree on an interim

s

government to supervise the process

f. Once a new Constitution is drafted

hostilities will cease and sanctions lifted

N

v-l

w

.

J-

HVU

W n

m (0

fl LL.

What has happened to this process in reality?

See Progress in the Talks, pages 4-5

1. The government has removed some obstacles, for example the unbanning of banned organisations and partially removed others, for example, the release of leading figures in the ANC

2. On the whole, it has not complied with the requirements of the Harare Declaration, needed to provide a climate suitable for negotiations. Large numbers of political prisoners remain in jail and exiles outside the country. The suspension of armed action has been on the side of the ANC alone. Security legislation remains in place etc etc

3. The government has not met its undertakings under the Pretoria and Groote Schuur Minutes. In particular we should note

a. The failure to release people whose only offence was membership of the ANC. This category of people should, according to the Minutes, have been released automatically

b. The attempt by the regime to extend the meaning of 'the suspension of armed action and related activities' to mean surrender by MK, as an army and of its weaponry etc

c. The attempt to include mass action within the category of 'related activities' suspended

4. The ANC has not itself followed the procedure of the Harare Declaration, in particular, through its unilateral suspension of armed activity, without obstacles having been removed.

5. . It has to be considered whether or not this was a tactical compromise, necessary to fulfil the overall strategic objectives of the process

6. There is talk about negotiations in 1991 and the Pretoria Minute commits the parties to explore this. But is there a basis

for negotiations?

Do the parties share a-common objective, that is, do they agree on the goals of the process, that it should result in the destruction of apartheid and the creation of a nonracia, democratic state?

See Progress in the Talks, pages 4-8 and â\200\230Do

we continue the

talks? Sechaba, November 1990, pages 11-20

THE WAY FORWARD:THE DEMANDS THAT WE MAKE:

THE DEMAND FOR A CONSTITUENT ASSEMBLY

It may be helpful to have participants first read the article
â\200\230Forward to a Constituent Assembly!’ from Learn and Teach,
October 1980 and Handla Nkomfe â\200\230The Case for a Constituent
Assemblyâ\200\231

The Comrade presenting the input should also refer to The Road To
Peace pages 74 to 79 and Progress in the Talks pages 6 to 8

WHAT THE ARC WANTS:

1.A constitution that is made by the people. In other words we
want a constitution that is not only democratic in its content,
but also resulting from a process where ordinary people have
participated meaningfully

This will be the first time that a constitution has been made
from below in South Africa

0) H) [â\200\2300

We believe that the best way of achieving this is to have the
constitution made by people who are elected to a Constituent
Assembly on the basis of one person one vote.

4. The words Constituent Assembly[which may sound very
complicated] are not as important as the idea: that we want an
election to decide, who will make the constitution.

5. We want an election to determine what support all

6. That will mean that parties with a lot of support will be able
to exert more influence than parties with little support. The
degree of influence of a party will correspond to the percentage
of the vote that it obtains. This support will enable a party to
exercise a degree of influence on the shape of the constitution,
corresponding to the percentage of the vote it has obtained.

WHAT THE GOVERNMENT â\200\234ANTS:

7. The government prefers a situation where all interested
parties have a seat at the negotiating table and the support that
they command is not counted. All parties are treated as if they
are equals

8. This means that to achieve agreement on a new constitution we
would need to make compromises with the government and their
puppets, and meet some of their demands, even if they command
next to no support amongst the people

9. We disagree with a scheme where parties get together as if

they are equals, where the actual support that is commanded by some organisations is treated as irrelevant to the process

OTHER ALTERNATIVES:

10. An alternative to a Constituent Assembly that is also unacceptable-, is to have a constitution agreed on between, say, the government and the ANC, and then have a referendum where the people vote afterwards to say 'yes' or 'no' to this constitution.

11. In other words, parties get together and they work out a deal and produce a constitution. They may produce a fairly satisfactory constitution or a bad one. After they have agreed, the people are asked to say 'yes' or 'no' in a referendum.

12. The government seems to want separate referendums for whites and blacks. That is obviously unacceptable. But is a nonracial referendum after a constitution has been drafted, acceptable?

13. It is unacceptable because the people have no part in the process of creating the constitution. They only come into the picture to say yes, to what has been done on their behalf.

CONCLUSION;

We want elections for a Constituent Assembly, so that those

who

are elected

make a constitution in accordance with a mandate from the people.

--Mme-Mahabane

In mm"...-

Before Interim government-agreement on need for change
-agreement on process for change

11. Before there can be an interim government there must have been a commitment by all parties to allow free and peaceful political activities.

2. There should also have been acceptance of the need for fundamental change, in particular, change in line with the statement of principles in the Harare Declaration, that is, the creation of a nonracial and democratic South Africa

13. There would also have had to be agreement as to mechanisms

for drawing up a new constitution, who would do it
how such people would be chosen

14. The interim government would have the initial mandate to implement these agreements

Who should make up the Interim Government?

15. Who comprises the Interim government would have to be negotiated. Should it be the government and the ANC? Should all political parties and organisations be represented? Who and how is it decided who should be in such a government?

8 To operate effectively any Interim Government must be representative, act impartially and with a broad commitment to assist in the process of transfer of power.

17. Should the ANC join a NP Government as ministers?

What sort of authority would various partners have? What level of responsibility would they have for the actions of the government?

existence of the interim government should be
resisting change have little

time to obstruct the transition

19. Is this an unrealistic goal-an Interim government? If the answer is yes, can one make it realistic?

"WI.

WHAT IS AN INTERIM GOVERNMENT?

The person presenting the input should read Progress in the Talks pages to 10 and the article 'Government in the Interim' in Hayibuye no. 2 September 1990 pages 29 to 32

INTERIM/TEMPORARY-FOR SPECIFIC TASKS

a- To oversee the process of negotiations

b. to contribute to the transfer of power

1. The South African government cannot be in charge during the process of negotiations.

2. You need to be sure that there is a degree of impartiality so that all parties who are negotiating can operate in freedom. One party cannot be favoured at the expense of another.

3. The South African government is not a neutral body but a party to negotiations, with its own idea as to the goal and destiny of negotiations.

4. We say that you cannot be both referee and player. Some body other than the present government should be the government overseeing the process of negotiations and creation of a new constitution. 200\230

5. The word interim means temporary, that is, something created to perform a particular task and no more. Once its purpose is completed it ceases to exist

The process of transition

8. 200\231 The concept of a government for a transition period is not something new. It has been used to deal with the process of transition from colonial rule to independence

7. It gives people who have been denied opportunities, the chance to get some experience in governing. This makes it less likely that there will be maladministration after the transfer.

8. The main thing to stress is that the interim government must be seen as part of the process of transfer of power to the people.

9. It must be a vehicle for realizing democracy. It must play a crucial part in the dismantling of apartheid and creating the basis for democracy.

10 Such an interim government would dissolve the existing parliaments and rule by decree. It would eliminate all apartheid laws and laws that inhibit freedom of political action

A_____J

DO WE CONTINUE THE TALKS?

1. Has the entire process been worthwhile? Have we compromised too much and got too little in return? Are we not trusting the government too much?
2. Compromise is an element in any negotiations.
3. But this does not mean, when we set out on this process, that we aim to compromise.
4. But do we not have to be ready to compromise where it is in the interests of the struggle?
5. We need to consider whether the Pretoria Minute, in which the ANC unilaterally undertakes to suspend armed action, without an equivalent undertaking on the other side, and without obstacles being removed, -was a justified compromise? [See Do We Continue the Talks?]
6. Are there some things that are entirely non-negotiable?
7. Can any or every non-negotiable not be made negotiable? Our job is to safeguard what we regard as non-negotiable and make what they regard as non-negotiable subject to negotiation?
8. If we continue the talks, do we continue in the same way as before? Has this period not taught us some things that may influence us towards much greater involvement of the masses?

' THE GROOTE SCHUUR AND PRETORIA MINUTES

The Comrade presenting the input should have read the Groote

Schuur and Pretoria Minutes, as well as the article Do we continue the talks?â\200\231 and The Road to Peace pages 52 to 53. The Groote Schuur Minute is itself printed on pages 52 to 53. The Pretoria Minute is enclosed with this package.

THE GROOTE SCHUUR MINUTE

1. The Groote Schuur Minute was the result of the first formal meeting between the ANC and the government, aimed at removing obstacles in the way of negotiations.

2. The ANC raised the obstacles mentioned in the Harare Declaration and presented much evidence of repression against activists and communities since February 2.

3. The government, in turn, argued that the armed struggle was an obstacle in the way of creating a climate for negotiations. This was not accepted by the ANC, just as the government did not agree with ANC interpretation of police action in areas like

4. Both parties committed themselves to ending violence and intimidation, though the ANC saw this as emanating primarily from the government side and vice versa.

5. Flowing from the agreement on the general principle, a working group was established, comprising representatives from the government and the ANC to work out a definition of political

offences and to work out the mechanisms for release of political prisoners.

8. In the meantime the Minute recognised that some categories of prisoners and exiles wishing to return could be easily disposed of:

â\200\230the following offences will receive attention immediately2a) The leaving of the country without a valid travel document. b)Any offences related merely to organisations which were previously prohibited.â\200\231

It was expected that this category would be quickly released or allowed into the country as the case may be.

7. The government undertook to review security legislation as well as to move towards lifting the state of emergency.

See further The Road to Peace pages 52-3

PRETORIA MINUTE

1. At this meeting the ANC unilaterally succeeded the armed struggle
2. The government undertook to release political prisoners within a specific time table
3. A timetable was also set out for return of exiles
4. Mechanisms for implementing these decisions were to be worked out by special working Groups

Q-

Kas this a deviation from the process of the Harare Declaration? [With the aid of the literature suggested for consultation, the comrade providing the input needs to raise the following questions, which should enable participants to move towards answers:

If it was a deviation as it undeniably was], was it justified? Was it a compromise? Can a compromise ever be justified? If the answer is yes, would the Pretoria Minute be a justified compromise?

see the article "Do we continue the talks?"

Implementation of the agreements

See Progress in the Talks pages 4-224

(n

1. At this point in time, December 1990, the government has not yet fulfilled its undertakings under the two Minutes. In particular, exiles who should have been allowed back still languish in exile and prisoners who should have been released automatically still sit in jail.

2. Furthermore, the government uses its position in government to delay implementation of the agreements through trying to alter the terms of the agreement e.g. linking progress in the question of suspension of armed action, to the releases and giving suspension of armed action and 'related activities' a totally illegitimate meaning, including mass struggle

The way ahead

See Progress in the Talks pages 10-11
and Stan Nkosi, Current conditions

1. The way the talks should continue, needs to see a reinforcement of the logic of the negotiators with the power of the people
2. The 'Peace and Freedom Now' campaign needs to become a mighty force, removing obstacles in the way of talks, and ensuring that an interim government is speedily installed, paving the way for elections to a Constituent Assembly