

THE ROAD TO PEACE

Resource material on negotiations



ANC Department of Political Education

June 1990

NEGOTIATIONS

INTRODUCTION	2
SECTION 1: THEORY	
Negotiations as a terrain and method of struggle	3
Fighting with new weapons	10
The tactics of talking power	17
Lessons to learn	21
SECTION 2: ONE CONTINUOUS PROCESS	
The Freedom Charter	23
The Constitutional Guidelines	29
The Harare Declaration	34
From the Freedom Charter to a new constitution	41
SECTION 3: TALKS ABOUT TALKS	
Why we dare not stop the struggle yet	48
The Groote Schuur Minute	52
We can't rely on good faith alone	54
SECTION 4: OTHER VIEWS	
To negotiate is to capitulate now	59
A negotiated settlement won't free workers	64
Azapo condemns the talks as delaying the struggle	68
PAC, Azapo hit ANC for meeting government	70
SECTION 5: THE ROAD AHEAD	
CDF Resolution	72
Interview with Penuell Maduna of the ANC Legal Department	74
How far on the road to a negotiated peace have we come?	80
Questions for discussion	85

C O N T E N T S

NEGOTIATIONS

INTRODUCTION

This booklet provides ideas and data to help activists understand the meaning of the most recent advances towards a negotiation process. It also tries to locate these developments within a theoretical framework which sees negotiations as a form of struggle that is sometimes employed - as one of the means to realise our goals. Negotiations are not an end in themselves but one way to achieve our main objective, the creation of a non-racial democratic state. Such issues are dealt with in the opening section.

Another object of this package is to integrate the struggle over negotiations into our overall perspective. This is partly achieved by showing the link between the struggle for the Freedom Charter, organising around the Constitutional Guidelines and various sectoral charters, and the current demand for a Constituent Assembly. The second section provides documentation relevant to negotiations.

The third section contains analyses of developments on the negotiations front, including material on the recent Groote Schuur talks and an article interpreting the Minute.

The talks between the ANC and the government have aroused much criticism from various anti-apartheid forces outside of the Mass Democratic Movement. We print some of these articles and comments in the fourth section.

The final section assesses how far we have gone towards realising the process laid down in the Harare Declaration. It also presents documentation and an interview with Comrade Penuell Maduna of the ANC Legal Department, in which he clarifies the demand for a constituent assembly.

The main aim of this booklet is to enable people to understand how the peace process has been unfolding and, with this understanding, to enter the struggle to have our demands met. Whether or not negotiations help us realise our aims, depends, we believe, on the full participation of the masses in the process, raising the demands that must be met at the negotiating table.

NEGOTIATIONS AS A TERRAIN AND METHOD OF STRUGGLE

The way we consider negotiations must be part of our overall perspective on the national democratic struggle (NDS). We evaluate negotiations in any time or place according to criteria which guide us in our general approach to the struggle. We try to deploy mass power as effectively as possible, wherever possible, and our approach to negotiations must be one which mobilises this force as far as is possible, as a factor in discussions at the negotiating table.

The principles which must guide us here, as they do in other spheres of our political activity, are the foundations of popular power, that is, mandate and accountability to the people. We reject any form of negotiations over the heads or behind the backs of our people. Representatives may negotiate on behalf of the people, but only as agents of the masses, to whom they must return to explain what has been or has not been achieved and why or why not.

This conception of negotiations is fundamentally different from the anti-democratic process envisaged by the imperialists and various reactionary elements who wish to frustrate the achievement of mass democratic rule in South Africa.

The Thatchers of this world want to remove a leader such as Nelson Mandela from his political context and deal with him as a man, to whom a deal must be sold. His prestige will then be used, so the reactionaries imagine, in order to put this over to the masses. Such an approach also seeks to create as much division as possible within the democratic forces.

This approach depends on a subtle form of corruption, in this case an approach towards the most respected popular leader, that is doomed from the outset. But it is a tactic that is not intended for Mandela alone. It can take various forms, more or less subtle. It is essential that we are all, as people and in our organisations, vigilant in avoiding any form of co-optation or attempts to manipulate leaders with credibility into assisting anti-democratic plans.

WHY DO WE NEGOTIATE? WHAT ARE THE GOALS OF THE VARIOUS PARTIES?

Having said that there are these suspect motives on the part of imperialism, we are nevertheless living in a time when the concept of negotiations is at the forefront of political discussions. We need to be clear about our stand on various forms of negotiations and the goals we have in mind when we agree to or reject negotiations.

It is important to recognise that the question of negotiations is not on the agenda through the sudden conversion of the forces of reaction to the virtues of "rational debate" or argument instead of fighting. The imperialist posers have been urging the NP to negotiate. And the NP has finally recognised the need, because of the impact of the struggle of the forces for democracy, inside and outside the country.

NEGOTIATIONS MUST BE PART OF AN OVERALL STRATEGY TO FREE SOUTH AFRICA!

The urgent pressures impelling the South African government and the changed conditions confronting the popular forces have made negotiations part of the agenda, one of the key sites of struggle. Much more than previously, negotiations are integrally connected with the overall struggle to free or resist the freedom of the people of South Africa. Negotiations are not something that happen "out there" away from the struggle. We need to treat them as a crucial part of the means that we use to achieve our ultimate objectives.

No-one who is seriously interested in the future can be against all negotiations on principle.

Nor can we treat negotiation as a goal in itself. It is part of a process whose content or results may either advance or retard our struggle. Insofar as we can understand the likely pattern or unfolding of negotiations, we need to decide on the nature and degree of our participation according to the same criteria as we apply to the struggle in general.

NEGOTIATIONS

We must see negotiations as one of the many terrains of struggle. The possibility of negotiating may be attractive under some circumstances and repugnant at other times. It all depends on what such negotiations may reasonably be expected to achieve.

Negotiations may vary in their scope and content; they may be short and comprehensive or short and limited. They may, on the other hand, persist over a long time, covering an increasing range of questions. Alternatively, they may constantly focus on the same issues, but gradually find common ground that leads to a resolution. All that we seek to say, here, is that it is necessary to recognise the fact that we are dealing with a phenomenon that has numerous manifestations, many of which require from us diverse responses.

We can't always choose to negotiate from a position of strength or in a situation where we expect to achieve important advances or make maximum gains. A national movement may be forced to negotiate, in some situations, in order to achieve a more limited goal, e.g. a breathing space or a tactical retreat before resuming the struggle on a more intense basis. It may hope, on the other hand, that meeting at the negotiating table necessitates a greater degree of recognition of its legitimacy and may possibly lead to more space within which to operate, especially legalisation, in the case of banned organisations.

NEGOTIATIONS SELDOM LEAD TO COMPLETE VICTORY OR DEFEAT

According to dictionary definitions, the concept of negotiations means "give and take", a situation where parties of a different character meet to discuss or argue over areas where they may be capable of some agreement or modification of their positions, with results that may be mutually beneficial.

The concept of negotiations is in many ways completely incompatible with complete victory or defeat, though there is a case where revolutionary transfer of power has occurred through negotiations. In the peculiar circumstances existing in Hungary in 1918, the bourgeoisie negotiated the transfer of power to a dictatorship of the proleteriat which created a (short-lived) Soviet state.

T
H
E
O
R
Y

NUMEROUS TYPES OF NEGOTIATIONS

Negotiations can be of a variety of types, at different levels and for different objectives and the objectives may themselves be perceived differently by the various participating parties.

At present public focus is primarily on the question of negotiating a political settlement in South Africa. This may entail a phased transition or, as in Lancaster House, encompass within the negotiations a comprehensive solution of the problem of transfer of power.

Other modes of negotiating of an intermediary type may take place, e.g. periodic ceasefire negotiations, talks about talks and preconditions for one or other concession from one or other side. This may be the prelude to the surrender of one or other side or the meeting of both sides to negotiate a settlement.

Negotiations do not mean the assimilation of the positions of both sides into one. Instead, the viability of negotiations depends on the existence of areas within which there may at a particular moment be the possibility of give and take, despite each party maintaining its distinct character.

NEGOTIATIONS TAKE PLACE AT A VARIETY OF LEVELS

Negotiations take place on a number of different levels and under a variety of circumstances, many of these having quite different dynamics to negotiations over political power. We need to understand what is distinct about each of these processes e.g. labour and capital, regional negotiations, local negotiations, SPCC negotiations. What is the character of international negotiations, especially between the USSR and USA? What is the character of other negotiations between sovereign states? When lawyers saw Vlok during the hunger strike, were they undertaking negotiations on behalf of the detainees?

Negotiations must not be abstracted from their context. They are merely one part of an ongoing relationship between two sides, and the negotiations may co-exist with various forms of struggle, e.g. the Vietnamese shoot-and-talk approach over decades. When the Vietnamese met to discuss peace they continued to conduct their

NEGOTIATIONS

military struggle for the eviction of the French and, subsequently, American occupation forces. The fact that such military activity was present, strengthened the hand of the negotiators, who showed that they had real power behind them.

NEGOTIATIONS DO NOT SIGNIFY VICTORY OR DEFEAT

There is a tendency amongst some sectors of the political struggle against apartheid, to view any form of negotiations as amounting to surrender. It is true that one may be forced into negotiations on terms less favourable than one would wish. But the job of negotiators, in such a situation, is to use the negotiating table to advance the struggle in their exchanges with enemy forces. It may be that this is impossible, but this is not because negotiations are useless.

If we negotiate and achieve less than we would like, it is a result of the strengths and weaknesses of ourselves and the enemy forces, both at the table and outside. In other words, victory is never achieved at the negotiating table alone. It is merely one place of struggle and it is the job of the forces in every sector of struggle to do everything possible, wherever they may be, to strengthen the position of their representatives at the negotiations, but also to take the struggle further, in general.

In sum, those who do not take part are not merely passive observers. We all have, in our particular field of political activity, to continue to make life difficult for the apartheid regime, to speed up the process leading to a democratic South Africa.

Another reason why we stress that the struggle is not won or lost at the negotiating table alone, is that negotiations are a mode of struggle where neither party is able to dictate the terms of a settlement. They come together to talk precisely because there is no possibility, at the particular moment, to impose a solution from one or other side.

Such discussion or negotiation may be part of a continuous relationship, as with the struggle between capital and labour where, as long as capitalism survives, bargaining over wages, conditions of employment, etc, have to be negotiated.

T
H
E
O
R
Y

NEGOTIATIONS

THEORY

We cannot allow ourselves to depend on discussions at the negotiation table alone. Our power lies beyond the table. It lies in every corner of the country where people experience and struggle against oppression. A campaign like that concerning discussion of the constitutional guidelines must facilitate our contact with the masses, deepen our roots and build greater cohesion.

When our representatives speak they must be able to point to what the masses have declared are their hopes, and aspirations. This is important because we do not want individuals to go to the negotiating table. The more guidance our leaders are given by mass struggle and from contact between the demands of the masses the more difficult it is for imperialism to try to impose a puppet solution.

THE QUESTION OF PRECONDITIONS

In the past, when negotiations were a distant prospect and talks seemed likely only with puppets, we paid considerable attention to the preconditions which we have always said are necessary for negotiations to take place, e.g. release of all political prisoners, lifting of state of emergency and a long list of broader demands for the removal of all apartheid laws, the dissolution of bantustans, etc.

In the present situation, it seems that we need to consider some of these questions afresh or in greater depth. Do all our previous preconditions need to be met before there can be negotiation, i.e. must all apartheid laws be scrapped before the democratic forces can negotiate with the forces of apartheid?

It is necessary, in considering this question to understand a distinction that we have tended to ignore in the past - that is, the difference between negotiations, which may be fairly narrow or wide, but do not entail a total settlement, and on the other hand, the situation where there is a negotiated settlement.

What we now need to consider is whether all of our preconditions need to be met before there are any negotiations, or whether this applies only to the situation which is arrived at when there is transfer of power to the majority.

We need to be more precise and examine which preconditions need to be met immediately to ensure the participation of authentic leaders,

NEGOTIATIONS

acting with a mandate from organisations in an atmosphere where consultation is possible.

What is being suggested here, then, is a shift in the way that we tackle the question of preconditions. In no way do we abandon our demand for the total abolition of apartheid laws.

But what is necessary in the current conditions is that we recognise that we may be in a better position to achieve our fundamental, but ultimate, preconditions, if we negotiate, once the achievement of a climate conducive to discussion is created.

The struggle to free South Africa is, like all serious political struggles, one that requires a capacity on our part to be prepared to zig-zag, to adjust to changing conditions. The path to liberation is not a straight line. We suffer setbacks, we make detours, we act first in one way and then another - but always our actions are guided by our fundamental commitment, our ultimate objective, that is, whatever we do is ultimately motivated by the overriding aim of our struggle and any detours or side roads that we need to take, are taken because that is the way that best serves our struggle in the concrete conditions existing at the time.

We cannot conduct a struggle in some pure form where one tactic serves us all the time, or where we use only one weapon. The enemy uses many weapons. We, too, must master and use a variety of weapons and do so to deadly effect. We cannot treat formulations as rigid and unchangeable. We must change if the struggle needs it. What we now need to do is reorient ourselves towards the questions of negotiations, in order to deal in a sophisticated manner with a situation that has changed drastically.

(This article was originally written in August 1989. It has been adapted for this booklet.)

T
H
E
O
R
Y

FIGHTING WITH NEW WEAPONS

(This article originally appeared in New Era, September 1989. While it has not been possible to update it fully, we believe that it raises issues that remain of great relevance.)

Events that would have seemed unimaginable in Southern Africa 18 months ago are now history. Pretoria has negotiated Angolan peace and Namibian independence with Cubans and Soviets. Angola's President Dos Santos has shaken the hand of UNITA's Savimbi. Freilimo has offered to speak to the MNR bandits.

And there was more to come. Margaret Thatcher and George Bush predicted that Mandela would be released after September, and that negotiations between the government and its opponents would begin. "Negotiation" has now become a key part of National Party policy.

Our situation is changing rapidly, throwing up new challenges. The ANC and the Mass Democratic Movement have begun preparing for a new phase in which the issue of negotiations becomes a new arena of struggle.

WHY NOW?

The ANC has always been prepared for genuine negotiations towards a non-racial democracy in South Africa. The National Party government has always rejected such negotiations.

Botha's reforms were designed to resolve apartheid's crisis while ignoring the people of South Africa and their organisations. The major imperialist governments - the US, Britain and West Germany - backed this position. They believed that the liberation movement was too weak to topple the regime, and its anti-imperialist orientation was worrying.

The imperialists calculated that with their support, the regime could stabilise the situation through apartheid reforms.

Botha's reforms were defeated by the mass struggles led by the UDF. The nationwide revolt which followed created an immediate crisis.

NEGOTIATIONS

Mass struggle made it clear that the people's organisations could not be ignored.

IMPERIALIST AGENDA

Although they share common perspectives on the major issues, differences arose between the imperialists and the regime after 1984. The imperialists began to doubt the regime's ability to secure their interests. The growth of mass anti-apartheid movements in their own countries also put pressure on the imperialist governments.

The imperialists were worried that the intransigence of the regime was polarising many moderate forces towards the revolutionary camp - they were alarmed that groupings like NAFCOC, Inyandza and the CTPA were identifying with the democratic movement.

And they lacked a credible "third force" option, as the prestige of Buthelezi declined.

The regime, meanwhile, was bound by its white support-base which remained wedded to apartheid. But its financial crisis created an urgent need for loans and credit in Pretoria. Imperialism promised the relaxing of sanctions and international isolation if Pretoria began dialogue with "black leaders" including the ANC.

The pressure of sanctions has pushed the regime to co-operate with the imperialist negotiation agenda.

"Our ability to make decisions is limited", Police Minister Adrian Vlok has said by way of explaining why the government was now prepared to negotiate. "If sanctions are introduced against us we can do nothing..."

Thatcher and Bush believe that the ANC and the Mass Democratic Movement are not strong enough to dictate the terms of a settlement at this point, and that is therefore the ideal time for Pretoria to take the initiative.

Although Thatcher and Bush take joint decisions, the British Prime Minister will continue to play the leading role.

She has more credibility with Pretoria because of her opposition to sanctions, and Bush is held back by a Congress which is more firmly anti-apartheid.

THEORY

NEGOTIATIONS

THEORY

Internationally, Thatcher faced immediate pressure at the Commonwealth Conference in October.

Thatcher insisted that to relax sanctions, Pretoria had to release Mandela and other key prisoners, lift the Emergency and begin talks with a variety of different organisations.

NATIONAL POSITION

Serious negotiations involve a transfer of power. The National Party government is not prepared to surrender power. Nor has it yet been pushed to the point where it is forced to do so.

Nonetheless, the State of Emergency has failed to achieve its political objectives. The MDM was not eliminated, and the Black Local Authorities failed to win support. The regime struggled to find political direction.

The regime had insisted that it would only negotiate with the ANC if the movement renounced "violence" and broke its alliance with the South African Communist Party.

Imperialist pressure prompted a modification of this position.

At this point, the regime sees "negotiation" on its own terms as the way to regain the strategic initiative.

Its objectives are:

- ★ to relieve international pressure;
- ★ to confuse and demobilise the democratic movement;
- ★ to divide the forces presently ranged against apartheid.

THE FRONTLINE STATES

In the Zimbabwean struggle, the Frontline States forced ZANU and ZAPU to the negotiating table, by denying the movements' continued use of rear-bases if they refused to talk.

Pretoria and the imperialists hope that pressure on the Frontline States can result in the ANC being similarly forced to the negotiating table.

NEGOTIATIONS

Years of South African destabilisation have devastated the economies of Mozambique and Angola. Hundreds of thousands have been killed or maimed. Millions face starvation.

The Frontline States are no longer in a position to sustain a state of war with South Africa.

Offers of joint imperialist-South African economic aid in exchange for pressure on the ANC to negotiate are a powerful incentive.

Mozambique has come out clearly supporting negotiations. Angola's survival depends on ending the war and securing Western economic aid. President Dos Santos has allegedly told the ANC that there may not be time to wait for the democratic forces to build up their strength before negotiations.

Zambia is one the ANC's most important allies in the region, and the Zambian economy has also reached a stage of near-collapse.

This makes them likely to put strong pressure on the ANC to engage in negotiations.

Zimbabwe is economically stronger, and more resistant to imperialist and Pretoria initiatives. But it is not a major ANC support-base.

The situation in the Frontline States is likely to produce important pressures on the ANC to negotiate.

The balance of forces inside South Africa therefore becomes even more crucial.

SOVIET POSITION

The Soviet Union seeks to reduce international tension and the danger of nuclear war. They have promoted dialogue and political solutions to global and regional conflicts, and are promoting a political solution for South Africa too.

Nonetheless, the Soviets recognise that a political solution in South Africa involves a transfer of power, and that Pretoria is not yet ready to do this. A political solution therefore still depends on all-round pressure to weaken the Nationalist government to the point where it is prepared to hand over power.

**T
H
E
O
R
Y**

NEGOTIATIONS

THEORY

There is clearly debate among Soviet thinkers over the armed struggle. But the Soviets acknowledge the ANC's right to choose its own strategies. When an ANC delegation visited the country in February, all their military requirements were met in full.

The Soviets certainly encourage pursuit of a political solution, and will be prepared to play a role if called upon. But they do not appear to be exerting pressure on the ANC to adopt their approach.

The new climate in international relations has actually weakened Pretoria's position. The idea of a Soviet onslaught on Southern Africa has been thoroughly discredited, even in imperialist circles. This has created conditions for a consensus between the major powers over the need to end apartheid.

THE ANC'S POSITION

The ANC has emphasised that its objective is the transfer of power to the people of South Africa. It is committed to achieving that goal through the combination of its four pillars of struggle: mass mobilisation, political underground, armed struggle and international isolation.

The ANC stresses that it has always been ready to realise that goal peacefully, through negotiations, but that successive National Party governments have refused to end minority rule.

The ANC maintains that if the attitude of the regime changes, and genuine negotiations for a non-racial and democratic South Africa become a possibility, it will take that opportunity.

So the question of whether there are negotiations in South Africa or not depends on the attitude of the government, not on the ANC. If the government were serious about negotiations, it would create a climate for talks by:

- ★ Releasing all political prisoners and detainees and halting political trials
- ★ Lifting the State of Emergency in its entirety
- ★ Withdrawing its troops and paramilitary police from the townships and confining them to barracks

NEGOTIATIONS

- ★ Repealing all laws which allow the government to ban, restrict, detain and imprison individuals and organisations, and allowing freedom of organisation, speech and the press.

The ANC believes that these steps are essential for them to consult the people for a mandate in a process of negotiation.

Furthermore, the ANC insists that only a sovereign elected body can draw up a new constitution for South Africa. This will have to involve all South Africans voting on the basis of one-person, one-vote for a sovereign constituent assembly.

The ANC is committed to a political solution in South Africa. But it believes that the regime's present initiative is hoping to buy space and time for continued National Party rule.

A political solution in South Africa, according to the ANC, depends on escalation of the struggle on all fronts. The ANC is not prepared to suspend its struggle on the basis of promises about negotiations. The experience of Namibia, where South Africa has only begun implementing UN Resolution 435 12 years after accepting it, has served as a warning on this score.

At the same time, the movement recognises the importance of taking the initiative on this front, because of the dangers which arise if it is left to Pretoria and the imperialists to define the process of negotiation. The ANC engaged in consultation with its allies in the MDM over an acceptable negotiation process which would involve the people of South Africa. The ANC and its allies have won support, both inside South Africa and internationally, for their position.

THE CHALLENGES

Talking to the ANC is "a way of fighting them with another instrument", says Adriaan Vlok. "We want to be able to say in the future that we not only won on the battlefield, but also around the negotiating table."

The regime's objectives in negotiations are to regain the strategic initiative. It aims to do this by: defusing international pressure; demobilising the people from struggle; dividing the democratic movement and winning new allies

It is not exactly clear how far Pretoria will go. The challenge for the democratic movement is not a simple one.

T
H
E
O
R
Y

NEGOTIATIONS

THEORY

If the ANC and MDM stall on negotiations, this will hand a victory to the imperialists and Pretoria.

- ★ It will divide the democratic forces, and isolate the core of the MDM from our more moderate allies.
- ★ It will take the sanctions pressure off Pretoria, and surrender the initiative on the international front.
- ★ It might even isolate the democratic forces from the mass of the people.

The regime is particularly vulnerable to sanctions at present, because it is desperately short of funds. The democratic movement has to maintain maximum pressure on Pretoria from the West. Sanctions have been imposed because Pretoria refuses to negotiate. If Pretoria offers to talk and we simply reject negotiation under any circumstances, sanctions will be lifted and instead we will be isolated internationally.

Rejecting negotiations entirely would seriously weaken the democratic movement, and allow the regime to fight its way out of the corner into which our struggle and international pressure have forced it.

A second danger raised by the negotiation initiatives is that we suspend our struggle and wait for foreign pressure and diplomatic activity to create a settlement. This too will give the imperialists and Pretoria a victory. The balance of forces is not yet decisively in our favour, and unless we escalate the struggle on every front, our liberation will be stillborn. The democratic movement will have to approach the negotiations issue, bearing in mind the following objectives:

- ★ the struggle for the transfer of power;
- ★ the need to shift the balance of forces through intensified struggle and organisation;
- ★ the need to maintain our unity, and win new allies. We must ensure that we do not become isolated;
- ★ the need to create the maximum political space to organise the people.

THE TACTIC OF TALKING POWER

WHAT ARE NEGOTIATIONS?

Negotiations involve enemies attempting through dialogue, to find a solution to their conflict which is mutually acceptable. Negotiation is a drawn out process, which passes through a number of phases.

Talks are often mediated (refereed) by third parties, for example, other governments.

Negotiated settlements almost inevitably involve compromises - it is extremely unlikely that any side can have all of its demands met, i.e. a total defeat of the enemy at the negotiation table.

Some held the view that when the ANC and the National Party sat down and talked, all our problems would be solved. This is an incorrect view. The reason our country is at war with itself is not because people misunderstand one another.

The government and the ANC both represent blocs of classes whose objective interests are in contradiction. That contradiction cannot be resolved simply through discussion. It can only be resolved by replacing white minority rule with a national democratic state.

Negotiations, however, are one of the weapons used by both sides to advance their interests and positions.

Negotiations do not mean the end of the struggle, or a resolution of contradictions. Negotiations are another terrain of struggle, on which both sides seek advantages, at the same time as they continue to engage on other fronts of struggle.

Even if there were a negotiated settlement, the struggle to build a national democratic state would continue in new conditions.

NEGOTIATION AND STRUGGLE

The working class learns how to use negotiations as a weapon of struggle in their trade unions.

The trade unions teach an important lesson - negotiations do not eliminate conflicts. The struggle between the workers and the bosses continues even after certain agreements have been negotiated.

Workers go to the negotiating table with the bosses either when they cannot continue a particular form of action indefinitely (e.g. a strike), or to win agreements to strengthen themselves for the struggles which lie ahead (e.g. recognition of their unions).

Workers have also learnt that if they rely only on negotiations, they are weakened and defeated. Instead they combine negotiations with other tactics, like strikes, stoppages, court actions, demonstrations and consumer boycotts. This is because to win their demands at the negotiating table, workers have to use their power to pressurise the bosses.

From the trade unions we also learn that negotiations should be conducted by mandated representatives who report back. Workers do not send representatives to make deals behind closed doors.

If negotiations always involve compromises, how should compromises be judged?

COMPROMISES

A principle of "no compromise" is neither useful nor realistic to a serious movement. Circumstances arise which force revolutionary movements to compromise to avoid being weakened or defeated.

Compromises which sacrifice the objectives of the struggle for short-term advantages are treacherous.

But compromises made to maintain an organisation's mass base, because of the greater strength of the enemy on a particular terrain, or because it becomes impossible to continue a particular form of struggle indefinitely, are necessary.

NEGOTIATIONS

When the workers compromise on their wage demands and return to work after a three-week strike, we do not accuse them of treachery - they have made a necessary compromise.

Compromise has to be measured on the basis of whether it facilitates the democratic forces' ability to organise the masses and continue their struggle, or whether it undermines that ability.

Negotiated settlements will reflect the balance of forces in any struggle.

Skillful negotiation cannot make up for weaknesses on the ground.

When management concedes to a wage increase in negotiation, it is because they recognise the organised power of the workers, not simply the skill of the union negotiators.

It is the balance of organised power between the two forces which will determine the outcome of negotiations.

At the same time, the way in which we engage in the negotiation process can also shift the balance of forces, either for us or against us.

MORAL HIGH GROUND

Both sides in a negotiation process try to win the moral high ground, to be seen to be the more reasonable and just party. This is not simply to feel superior. The object of winning the moral high ground is to win new allies internationally and among the people of South Africa.

At the same time, both sides use the negotiating process to try and weaken, divide and demobilise the enemy's forces.

For example, the regime believes that its negotiation initiative can weaken the resolve of the people to struggle on, demobilise our organisations, and draw some of the allies we have won in recent years away from our movement.

On the other hand, the democratic movement uses its preparedness to engage in genuine negotiations to weaken the regime by winning over sections of the white community and Pretoria's international allies, to demobilise the defenders of the regime, and to isolate the most dangerous enemy.

T
H
E
O
R
Y

NEGOTIATIONS

THEORY

Negotiating does not exclude ongoing struggle. Both sides remain organised in the field, ready to continue the struggle on other fronts.

The Vietnamese struggle, for example, saw five years of negotiations with the US imperialists before they finally withdrew. During those five years, the war continued.

The Vietnamese revolutionaries were always prepared to talk, and resolve matters peacefully. At the same time, however, they were equally prepared to leave the negotiating table and defend their positions with arms in hand.

So, negotiations are not an alternative to struggle. They are part of an ongoing struggle, whose outcome will be decided less by what happens at the negotiating table, as by what happens away from it.

LESSONS TO LEARN

THE PALESTINIAN STRUGGLE

Since 1977, Washington has been conniving with Israel and reactionary Arab states to create a Middle East "settlement" which excluded the independent representatives of the Palestinian people.

Israel's 1982 invasion of Lebanon severely weakened the PLO's ability to wage armed struggle. Differences over the way forward split the organisation.

Imperialism took advantage of this disunity, and tried to negotiate the future of the West Bank and Gaza with Israel and Jordan, excluding the Palestinians.

Recognising the danger, the PLO stressed unity above all else. The most important thing was for Palestinians to speak with one voice.

The most effective response to the imperialists has been mass struggles in the occupied territories - the Intifada. Through a popular uprising lasting nearly two years, the Palestinian people rendered unworkable all schemes to bypass them and their organisation. The Intifada forced Jordan to back out of the imperialist plan and the US has been forced to pressurise Israel into talks with the PLO.

RESOLUTION 435

The Cuban-Angolan victory at Cuito Cuanavale shifted the balance of forces to make Namibian independence possible.

The fact that independence proceeded according to Resolution 435 raised certain problems. 435 left Pretoria in control through the transition.

This gave South Africa wide scope to interfere with free and fair elections.

The Namibian people made no input in shaping Resolution 435.

This highlights the need for the democratic forces to take the initiative in defining the internationally accepted process of transition to a new South Africa.

LANCASTER HOUSE

Zimbabwe's liberation struggle ended at the Lancaster House talks in London.

Despite fielding 6 000 guerillas and fighting in 90% of the country, Zanu and Zapu were forced to concede to a number of privileges for the white minority.

Zanu and Zapu had not prepared for this situation. They had relied too exclusively on one form of struggle, and had failed to anticipate the shift in conditions.

If they had taken more initiative on the negotiation front, and prepared themselves for the possibility that they might have no choice but to talk, they might have held a stronger position.

NEGOTIATIONS

FREEDOM CHARTER

We, the people of South Africa, declare for all our country and the world to know:

That South Africa belongs to all who live in it, black and white, and that no government can justly claim authority unless it is based on the will of the people;

That our people have been robbed of their birthright to land, liberty and peace by a form of government founded on injustice and inequality;

That our country will never be prosperous or free until all our people live in brotherhood, enjoying equal rights and opportunities;

That only a democratic state, based on the will of the people can secure to all their birthright without distinction of colour, race, sex or belief;

And therefore, we the people of South Africa, black and white, together equals, countrymen and brothers adopt this FREEDOM CHARTER. And we pledge ourselves to strive together, sparing nothing of our strength and courage, until the democratic changes here set out have been won.

★★★★★

THE PEOPLE SHALL GOVERN

Every man and women shall have the right to vote for and stand as a candidate for all bodies which make laws;

All the people shall be entitled to take part in the administration of the country;

The rights of the people shall be the same regardless of race, colour or sex;

All bodies of minority rule, advisory boards, councils and authorities shall be replaced by democratic organs of self-government.

ONE CONTINUOUS PROCESS

NEGOTIATIONS

ON
E
C
O
N
T
I
N
U
O
U
S
P
R
O
C
E
S
S

ALL NATIONAL GROUPS SHALL HAVE EQUAL RIGHTS!

There shall be equal status in the bodies of state, in the courts and in the schools for all national groups and races;

All national groups shall be protected by law against insults to their race and national pride;

All people shall have equal rights to use their own language and to develop their own folk culture and customs;

The preaching and practice of national, race or colour discrimination and contempt shall be a punishable crime;

All apartheid laws and practices shall be set aside.

THE PEOPLE SHALL SHARE IN THE COUNTRY'S WEALTH!

The national wealth of our country, the heritage of all South Africans, shall be restored to the people;

The mineral wealth beneath the soil, the banks and monopoly industry shall be transferred to the ownership of the people as a whole;

All other industries and trade shall be controlled to assist the well-being of the people; All shall have equal rights to trade where they choose, to manufacture and to enter all trades' crafts and professions.

THE LAND SHALL BE SHARED AMONG THOSE WHO WORK IT!

Restriction of land ownership on a racial basis shall be ended, and all the land re-divided amongst those who work it, to banish famine and land hunger;

The state shall help the peasants with implements, seed, tractors and dams to save the soil and assist the tillers;

NEGOTIATIONS

Freedom of movement shall be guaranteed to all who work on the land;

All shall have the right to occupy land wherever they choose;

People shall not be robbed of their cattle, and forced labour and farm prisons shall be abolished.

ALL SHALL BE EQUAL BEFORE THE LAW!

No-one shall be imprisoned, deported or restricted without fair trial;

No-one shall be condemned by the order of any Government official;

The courts shall be representative of all the people;

Imprisonment shall be only for serious crimes against the people, and shall aim at re-education, not vengeance;

The police force and army shall be open to all on an equal basis and shall be the helpers and protectors of the people;

All laws which discriminate on the grounds of race, colour or belief shall be repealed.

ALL SHALL ENJOY HUMAN RIGHTS!

The law shall guarantee to all their right to speak, to organise, to meet together, to publish, to preach, to worship and to educate their children;

The privacy of the house from police raids shall be protected by law;

All shall be free to travel without restriction from countryside to town, from province to province, and from South Africa abroad.

Pass laws, permits and all other laws restricting these freedoms shall be abolished.

ONE
MIL-
LION
S
P
RO-
CES

NEGOTIATIONS

ON
E
C
O
N
T
I
N
U
O
U
S
P
R
O
C
E
S
S

THERE SHALL BE WORK AND SECURITY!

All who work shall be free to form trade unions, to elect their officers and to make wage agreements with their employers;

The state shall recognise the right and duty of all to work, and to draw the full unemployment benefits;

Men and women of all races shall receive equal pay for equal work;

There shall be a forty-hour working week, a national minimum wage, paid annual leave, and sick leave for all workers, and maternity leave on full pay for all working mothers;

Miners, domestic workers, farm workers and civil servants shall have the same rights as all others who work;

Child labour, compound labour, the tot system and contract labour shall be abolished.

THE DOORS OF LEARNING AND CULTURE SHALL BE OPENED!

The government shall discover, develop and encourage national talent for the enhancement of our cultural life;

All the cultural treasures of mankind shall be open to all, by free exchange of books, ideas and contact with other lands;

The aim of education shall be to teach the youth to love their people and their culture, to honour human brotherhood, liberty and peace;

Education shall be free, compulsory, universal and equal for all children;

Higher education and technical training shall be opened to all by means of state allowances and scholarships awarded on the basis of merit;

Adult illiteracy shall be ended by a mass state education plan;

NEGOTIATIONS

Teachers shall have all the rights of other citizens;

The colour bar in cultural life, in sport and in education shall be abolished.

THERE SHALL BE HOUSES, SECURITY AND COMFORT!

All people shall have the right to live where they choose, to be decently housed, and to bring up their families in comfort and security;

Unused housing space to be made available to the people;

Rent and prices shall be lowered, food plentiful and no-one shall go hungry;

A preventative health scheme shall be run by the state;

Free medical care and hospitalisation shall be provided for all, with special care for mothers and young children;

Slums shall be demolished and new suburbs built where all shall have transport, roads, lighting, playing fields, creches and social centres;

The aged, the orphans, the disabled and the sick shall be cared for by the state;

Rest, leisure and recreation shall be the right of all;

Fenced locations and ghettos shall be abolished and laws which break up families shall be repealed.

THERE SHALL BE PEACE AND FRIENDSHIP!

South Africa shall be a fully independent state, which respects the rights and sovereignty of all nations;

South Africa shall strive to maintain world peace and the settlement of all international disputes by negotiation not war;

Peace and friendship amongst all our people shall be secured by upholding the equal rights, opportunities and status of all;

ANC
CONSTITUTIONS
AND
POLITICS

NEGOTIATIONS

ONE CONTINUOUS PROCESS

The people of the protectorates Basutoland, Bechuanaland and Swaziland shall be free to decide for themselves their own future;

The right of all the people of Africa to independence and self-government shall be recognised, and shall be the basis of close cooperation.

★★★★★

Let all who love their people and their country now say, as we say here: **THESE FREEDOMS WE WILL FIGHT FOR, SIDE BY SIDE, THROUGHOUT OUR LIVES UNTIL WE HAVE WON OUR LIBERTY.**

CONSTITUTIONAL GUIDELINES FOR A DEMOCRATIC SOUTH AFRICA

The Freedom Charter, adopted in 1955 by the Congress of the People at Kliptown near Johannesburg, was the first systematic statement in the history of our country of the political and constitutional vision of a free, democratic and non-racial South Africa.

The Freedom Charter today remains unique as the only South African document of its kind that adheres firmly to democratic principles as accepted throughout the world. Among South Africans it has become by far the most widely accepted programme for a post-apartheid country. The stage is now approaching where the Freedom Charter must be converted from a vision for the future into a constitutional reality.

We in the African National Congress submit to the people of South Africa, and to all those throughout the world who wish to see an end to apartheid, our basic guidelines for the foundations of government in a post-apartheid South Africa. Extensive and democratic debate on these guidelines will mobilise the widest sections of the population to achieve agreement on how to put an end to the tyranny and oppression under which our people live, thus enabling them to lead normal and decent lives as free citizens in a free country.

The immediate aim is to create a just and democratic society that will sweep away the centuries-old legacy of colonial conquest and white domination, and abolish all laws imposing racial oppression and discrimination. The removal of discriminatory laws and eradication of all vestiges of the illegitimate regime are, however, not enough: the structures and the institutions of apartheid must be dismantled and be replaced by democratic ones. Steps must be taken to ensure that apartheid ideas and practices are not permitted to appear in old forms or new.

In addition, the effects of centuries of racial domination and inequality must be overcome by constitutional provisions for corrective action which guarantees a rapid and irreversible redistribution of wealth and opening up of facilities to all. The Constitution must also be such as to promote the habits of non-racial and non-sexist thinking, the practice

NEGOTIATIONS

of anti-racist behaviour and the acquisition of genuinely-shared patriotic consciousness.

The Constitution must give firm protection to the fundamental human rights of all citizens. There shall be equal rights for all individuals, irrespective of race, colour, sex or creed. In addition, it requires the entrenching of equal cultural, linguistic and religious rights for all.

Under the conditions of contemporary South Africa 87% of land and 95% of the instruments of production of the country are in the hands of the ruling class, which is solely drawn from the white community. It follows, therefore, that constitutional protection for group rights would perpetuate the status quo and would mean that the mass of the people would continue to be constitutionally trapped in poverty and remain outsiders in the land of their birth.

Finally, success of the constitution will be, to a large extent, determined by the degree to which it promotes conditions for the active involvement of all sectors of the population at all levels in government and in the economic and cultural life. Bearing these fundamental objectives in mind, we declare that the elimination of apartheid and the creation of a truly just and democratic South Africa requires a constitution based on the following principles:

THE STATE

a South Africa shall be an independent, unitary, democratic and non-racial state.

b Sovereignty shall belong to the people as a whole and shall be exercised through one central legislature, executive, judiciary and administration. Provision shall be made for the delegation of the powers of the central authority to subordinate administrative units for the purposes of more efficient administration and democratic participation.

c The institution of hereditary rulers and chiefs shall be transformed to serve the interest of the people as a whole, democratic in structure and functioning, and dedicated to defending the principles of the constitution.

d All organs of government, including justice, security and armed forces, shall be representative of the people as a whole, democratic in

NEGOTIATIONS

their structure and functioning, and dedicated to defending the principles of the constitution.

FRANCHISE

e In the exercise of their sovereignty, the people shall have the right to vote under a system of universal suffrage based on the principle of one person/one vote.

f Every voter shall have the right to stand for election and be elected to all legislative bodies.

NATIONAL IDENTITY

g It shall be policy to promote the growth of a single national identity and loyalty binding on all South Africans. At the same time, the state shall recognise the linguistic and cultural diversity of the people and provide facilities for free linguistic and cultural development.

BILL OF RIGHTS AND AFFIRMATIVE ACTION

h The constitution shall include a Bill of Rights based on the Freedom Charter. Such a Bill of Rights shall guarantee the fundamental human rights of all citizens, irrespective of race, colour, sex or creed, and shall provide appropriate mechanisms for their protection and enforcement.

i The state and all social institutions shall be under a constitutional duty to eradicate race discrimination in all its forms.

j The state and all social institutions shall be under a constitutional duty to eradicate, speedily, the economic and social inequalities produced by racial discrimination.

k The advocacy or practice of racism, facism, Nazism or the incitement of ethnic or regional exclusiveness shall be outlawed.

l Subject to clauses (i) and (k) above, the democratic state shall guarantee the basic rights and freedoms, such as freedom of association, thought, worship and the press. Furthermore, the state

NEGOTIATIONS

ONE
CONTINUOUS
PROCESS

shall have the duty to protect the right to work and guarantee the right to education and social security.

m All parties which conform to the provision of (i) and (k) above shall have the right to exist and to take part in the political life of the country.

ECONOMY

n The state shall ensure that the entire economy serves the interests and well-being of the entire population.

o The state shall have the right to determine the general context in which economic life takes place and define the limit to the rights and obligations attaching to the ownership and use of productive capacity.

p The private sector of the economy shall be obliged to cooperate with the state in realising the objectives of the Freedom Charter in promoting social well-being.

q The economy shall be a mixed one, with a public sector, a private sector, a co-operative sector and small-scale family sector.

r Co-operative forms of economic enterprise, village industries and small scale family activities shall be supported by the state.

s The state shall promote the acquisition of management, technical and scientific skills among all sections of the population, especially the blacks.

t Property for personal use and consumption shall be constitutionally protected.

LAND

u The state shall devise and implement a land reform programme that will include and address the following issues: Abolition of all restrictions on ownership and use of land; Implementation of land reform in conformity with the principle of affirmative action, taking into account the status of victims of forced removals.

NEGOTIATIONS

WORKERS

v A charter protecting workers' trade union rights, especially the right to strike and collective bargaining, shall be incorporated into the constitution.

WOMEN

w Women shall have equal rights in all spheres of public and private life and the state shall take affirmative action to eliminate inequalities and discrimination between the sexes.

THE FAMILY

x The family, parenthood and children's rights shall be protected.

INTERNATIONAL

y South Africa shall be a non-aligned state committed to the principles of the Charter of the OAU and the Charter of the UN and to the achievement of national liberation, liberation, world peace and disarmament.

ANC DEPARTMENT OF POLITICAL EDUCATION

HARARE DECLARATION

Declaration of the **OAU Ad-hoc Committee on Southern Africa** on the Question of South Africa; Harare, Zimbabwe: August 21, 1989.

I. PREAMBLE

1 The people of Africa, singly, collectively and acting through the OAU, are engaged in serious efforts to establish peace throughout the continent by ending all conflicts through negotiations based on the principle of justice and peace for all.

2 We reaffirm our conviction, which history confirms, that where colonial, racial and apartheid domination exists, there can neither be peace nor justice.

3 Accordingly, we reiterate that while the apartheid system in South Africa persists, the peoples of our continent as a whole cannot achieve the fundamental objectives of justice, human dignity and peace which are both crucial in themselves and fundamental to the stability and development of Africa.

4 With regard to the region of Southern Africa, the entire continent is vitally interested that the processes, in which it is involved, leading to the complete and genuine independence of Namibia, as well as peace in Angola and Mozambique, should succeed in the shortest possible time. Equally, Africa is deeply concerned that the destabilisation by South Africa of all the countries of the region, whether through direct aggression, sponsorship of surrogates, economic subversion and other means, should end immediately.

5 We recognise the reality that permanent peace and stability in Southern Africa can only be achieved when the system of apartheid in South Africa has been liquidated and South Africa transformed into a united, democratic and non-racial country. We therefore reiterate that all the necessary measures should be adopted now, to bring a speedy end to the apartheid system, in the interest of all the people of Southern Africa, our continent and the world at large.

6 We believe that, as a result of the liberation struggle and international pressure against apartheid, as well as global efforts to liquidate regional conflicts, possibilities exist for further movement towards the resolution of the problems facing the people of South

NEGOTIATIONS

Africa. For these possibilities to lead to fundamental change in South Africa, the Pretoria regime must abandon its abhorrent concepts and practices of racial domination and its record of failure to honour agreements, all of which have already resulted in the loss of so many lives and the destruction of much property in the countries of Southern Africa.

7 We reaffirm our recognition of the rights of all peoples, including those of South Africa, to determine their own destiny, and to work out for themselves the institutions and the system of government under which they will, by general consent, live and work together to build a harmonious society. The Organisation of African Unity remains committed to do everything possible and necessary, to assist the people of South Africa, in such ways as the representatives of the oppressed may determine, to achieve this objective. We are certain that, arising from this duty to help end the criminal apartheid system, the rest of the world community is ready to extend similar assistance to the people of South Africa.

8 We make these commitments because we believe that all people are equal and have equal rights to human dignity and respect, regardless of colour, race, sex or creed. We believe that all men and women have the right and duty to participate in their own government, as equal members of society. No individual or group of individuals has any rights to govern others without their consent. The apartheid system violates all these fundamental and universal principles. Correctly characterised as a crime against humanity, it is responsible for the death of countless numbers of people in South Africa, resulting in untold loss of life, destruction of property and massive displacement of innocent men, women and children. This scourge and affront to humanity must be fought and eradicated in its totality.

9 We have therefore supported and continue to support all those in South Africa who pursue this noble objective through political, armed and other forms of struggle. We believe this to be our duty, carried out in the interest of all humanity.

10 While extending this support to those who strive for a non-racial and democratic society in South Africa, a point on which no compromise is possible, we have repeatedly expressed our preference for a solution arrived at by peaceful means. We know that the majority of the people of South Africa and their liberation

ONCE AGAIN WE COME TO THE RESCUE

movement, who have been compelled to take up arms, have also upheld this position for many decades and continue to do so.

11 The positions contained in this Declaration are consistent with and are a continuation of those elaborated in the Lusaka Manifesto, two decades ago. They take into account the changes that have taken place in South Africa since that Manifesto was adopted by the OAU and the rest of the international community. They constitute a new challenge to the Pretoria regime to join in the noble effort to end the apartheid system, an objective to which the OAU has been committed from its birth.

12 Consequently, we shall continue to do everything in our power to help intensify the liberation struggle and international pressure against the system of apartheid until this system is ended and South Africa is transformed into a united democratic and non-racial country, with justice and security for all its citizens.

13 In keeping with this solemn resolve, and responding to the wishes of the representatives of the majority of the people of South Africa, we publically pledge ourselves to the positions contained hereunder. We are convinced that their implementation will lead to the speedy end of the apartheid system and therefore the opening of a new dawn of peace for all the peoples of Africa, in which racism, colonial domination and white minority rule on our continent would be abolished for ever.

II. STATEMENT OF PRINCIPLES

14 We believe that a conjuncture of circumstances exists which, if there is a demonstrable readiness on the part of the Pretoria regime to engage in negotiations genuinely and seriously, could create the possibility to end apartheid through negotiations. Such an eventuality would be an expression of the long-standing preference of the people of South Africa to arrive at a political settlement.

15 We would therefore encourage the people of South Africa, as part of their overall struggle, to get together to negotiate an end to the apartheid system and agree on all the measures that are necessary to transform their country into a non-racial democracy. We support the position held by the majority of the people of South Africa that these objectives and not the amendment or reform of the apartheid system, should be the aims of the negotiations.

NEGOTIATIONS

16 We are at one with them that the outcome of such a process should be a new constitutional order based on the following principles, among others:

16.1 South Africa shall become a united, democratic and non-racial state.

16.2 All its people shall enjoy common and equal citizenship and nationality, regardless of race, colour, sex or creed.

16.3 All its people shall have the right to participate in the government and administration of the country on the basis of a universal suffrage, exercised through one person one vote, under a common voters roll.

16.4 All people have the right to form and join any political party of their choice, provided that this is not in the furtherance of racism.

16.5 All shall enjoy universally recognised human rights, freedoms and civil liberties, protected under an entrenched Bill of Rights.

16.6 South Africa shall have a new legal system which shall guarantee equality of all before the law.

16.7 South Africa shall have an independent and non-racial judiciary.

16.8 There shall be created an economic order which shall promote and advance the well-being of all South Africans.

16.9 A democratic South Africa shall respect the rights and sovereignty and territorial integrity of all countries and pursue a policy of peace, friendship and mutually beneficial co-operation with all peoples.

17 We believe that the agreement on the principles shall continue the foundation for an internationally acceptable solution which shall enable South Africa to take its rightful place as an equal partner among the African and world community of nations.

III. CLIMATE FOR NEGOTIATIONS

18 Together with the rest of the world, we believe that it is essential, before any negotiations take place, that the necessary climate for negotiations be created. The apartheid regime has the urgent responsibility to respond positively to this universally acclaimed demand and thus create this climate.

NEGOTIATIONS

19 Accordingly, the present regime should, at the very least:

19.1 Release all political prisoners and detainees unconditionally and refrain from imposing any restrictions on them.

19.2 Lift all bans and restrictions on all proscribed and restricted organisations and people.

19.3 Remove all troops from the townships.

19.4 End the state of emergency and repeal all legislation, such as, and including, the Internal Security Act, designed to circumscribe political activity.

19.5 Cease all political executions.

20 These measures are necessary to produce the conditions in which free discussion can take place - an essential condition to ensure that the people themselves participate in the process of remaking their country. The measures listed above should therefore precede negotiations.

IV. GUIDELINES TO THE PROCESS OF NEGOTIATION

21 We support the view of the South African liberation movement that upon the creation of this climate, the process of negotiations should commence along the following lines:

21.1 Discussions should take place between the liberation movement and the South African regime to achieve the suspension of hostilities on both sides by agreeing to a mutually binding ceasefire.

21.2 Negotiations should then proceed to establish the basis for the adoption of a new Constitution by agreeing on among, others, the Principles enunciated above.

21.3 Having agreed on these Principles, the parties should then negotiate the necessary mechanism for drawing up the new Constitution.

21.4 The parties shall define and agree on the role to be played by the international community in ensuring a successful transition to a democratic order.

NEGOTIATIONS

21.5 The parties shall agree on the formation of an interim government to supervise the process of the drawing up and adoption of a new constitution; govern and administer the country, as well as effect the transition to a democratic order including the holding of the elections.

21.6 After the adoption of the new Constitution, all armed hostilities will be deemed to have formally terminated.

21.7 For its part, the international community would lift the sanctions that have been imposed against apartheid South Africa.

22 The new South Africa shall qualify for the membership of the Organisation of African Unity.

V. PROGRAMME OF ACTION

23 In pursuance of the objectives stated in this document, the Organisation of African Unity hereby commits itself to:

23.1 Inform governments and inter-governmental organisations throughout the world, including the Non-Aligned Movement, the United Nations General Assembly, the Security Council, the Commonwealth and others of these perspectives, and solicit their support.

23.2 Mandate the OAU ad-hoc committee on Southern Africa, acting as the representative of the OAU, assisted by the Frontline States, to remain seized of the issue of a political resolution to the South Africa question.

23.3 Step up all-round support for the South African liberation movement and campaign in the rest of the world in pursuance of this objective.

23.4 Intensify the campaign for mandatory and comprehensive sanctions against apartheid South Africa; in this regard, immediately mobilise against the re-scheduling of Pretoria's foreign debts; work for the imposition of a mandatory oil embargo and the full observance by all countries of the arms embargo.

23.5 Ensure that the African continent does not relax existing measures for the total isolation of apartheid South Africa.

NEGOTIATIONS

ON
E
C
O
N
T
I
N
U
O
U
S
P
R
O
C
E
S
S

23.6 Continue to monitor the situation in Namibia and extend all necessary support to SWAPO in its struggle for a genuinely independent Namibia.

23.7 Extend such assistance as the Governments of Angola and Mozambique may request in order to secure peace for their people.

23.8 Render all possible assistance to the Frontline States to enable them to withstand Pretoria's campaign of aggression and destabilisation and enable them to continue to give their all-round support to the people of Namibia and South Africa.

24 We appeal to all people of goodwill throughout the world to support this Programme of Action as a necessary measure to secure the earliest liquidation of the apartheid system and the transformation of South Africa into a united, democratic and non-racial country.

FROM THE FREEDOM CHARTER TO A NEW CONSTITUTION

Raymond Suttner

The Freedom Charter is a unique document. It was created through unprecedented and thorough consultation with the ordinary oppressed people of South Africa. For many months, 35 years ago, a campaign was conducted to elicit from the masses what their grievances were and what type of South Africa they would like to live in, instead of the state of apartheid. People sent in their demands on paper from cigarette boxes, old school exercise books, and whatever else could be used to write down both simple and complex grievances and aspirations. Those who could not write asked campaigners to write down their demands for them.

All these were collected and consolidated into one document, which we now know as the Freedom Charter. It was adopted by the Congress of the People, held at Kliptown, in the Transvaal, on 25 and 26 June 1955. Those who had sent in demands came from all walks of life and all parts of South Africa. Likewise, delegates were drawn from the countryside, urban townships, the mines, factories, women's organisations, educationists, and students.

The process was so broad and democratic that the resulting Charter is justified in claiming in its first words to speak on behalf of "the people of South Africa." In those words also lie the qualities that make it subversive of the current racist social order, which has no moral justification for its existence, representing as it does a minute percentage of the population of the land.

From its opening words the Charter challenges the legitimacy of the existing state, asserting that "South Africa belongs to all who live in it, black and white, and that no government can justly claim authority unless it is based on the will of all the people."

As the first step towards remedying this situation, the opening clause of the Charter declares that "THE PEOPLE SHALL GOVERN!" The people have never governed in South Africa. The present state was

NEGOTIATIONS

created after conquest of the majority of the population. For decades (and, in the case of the Xhosa, a century) wars raged while the African people resisted the seizure of their land. With the aid of the British imperial army, all of these peoples were ultimately conquered and in 1910 the Union of South Africa was created.

In effect, this Act of the British parliament handed independent statehood to the whites. For all practical purposes, the black majority have continued to live as colonial subjects. From the analytical perspective of all sections of the democratic movement, South Africa is a special type of colonial state, special because colonisers (the white minority state) and colonised (the black population) are not geographically separated and their relationship persists within one territorial unit.

The assertion that the people shall govern is a demand for popular sovereignty, that the South African state become a truly South African state and not continue as a "European" state in Africa. (It is significant that until fairly recently whites used to refer to themselves as "Europeans" and blacks were called "non-Europeans" and, in the case of Africans, "Natives.")

The Charter is basically a very simple document in that it deals with the ordinary grievances encountered in the daily lives of black South Africans, but it also connects these ordinary demands for remedies to the broader demands that can ensure that they are met. If we take for example, the statement that "the aged, the orphans, the disabled, and the sick shall be cared for by the state", this deals with a situation that remains unresolved in the black community where state care for these categories of people is minimal. At the same time it is located under the Charter heading: "THERE SHALL BE HOUSES, SECURITY, AND COMFORT!"

In other words, realisation of the demands for social responsibility towards the aged, orphans, and so on is part of a broader demand that all should enjoy houses, security, and comfort. But this in turn needs to be related to other clauses of the Charter. Unless the people govern and share in the country's wealth, resources cannot be made available to meet these and other needs.

The political importance of this interrelationship between grievances experienced by specific groups and the broader demands that are in turn related to one another is that people can see, through the

NEGOTIATIONS

Charter, how what they experience in their lives can only be remedied by political organisation, aimed at meeting more fundamental aspirations.

Sitting in an academic lecture hall it is easy to find fault with the Charter. Many scholars might find (and in fact do claim to find) better, more precise formulations or wording that conform more precisely than the Charter does to one or other doctrines. The Charter was not drawn up as a scientific document. It is a people's Charter and it has continued to be regarded by most South Africans as the most accurate statement of their grievances and aspirations. At the time of its adoption, delegates reported back to their constituencies and organisations and there was general satisfaction with the contents of the Charter.

There have been people who allege that the contents of the Charter do not correspond with the demands that people made. Some critics suggest that the demands were diluted by communists, so that the Charter has a less socialistic content than the masses had wanted. Alternatively, others have suggested that the communists manipulated the demands in the opposite direction, including clauses on nationalisation of monopoly industry, because of their revolutionary inclinations as opposed to what the people actually requested.

Interviews conducted for the book *Thirty Years of the Freedom Charter* indicated that the wording of the Charter corresponded to basic demands as they were actually voiced by workers, women, landless peasants, and others. Naturally every eccentric demand could not be included. The approach in drafting such a document is to include that which is the consensus. And that consensus was easily identifiable as it still is today and remains substantially in accord with the Charter.

The Charter Today

Political developments in recent years have provided the democratic forces in South Africa with experiences and insights that have enriched our understanding of the Charter. The period since 1984 has seen the rise of what have been called elementary organs of people's power. Following the eviction of state officials from many townships and the neutralisation of state repressive forces in many situations, popular organisations sought to move from a situation of

ON CONTINUOUS PROGRESS

"ungovernability" (that is, the inability of state organs to function) to popular control.

We have learned repeatedly that people are not very receptive to spectacular political theories when their immediate problems are unattended. For many ordinary people, one of the most pressing problems is crime. It has been one of the weaknesses of the democratic movement in South Africa that we have often only been able to "deliver boycotts" at most times. Groups who collaborate may not enjoy much support, but they do have access to various facilities that enable them to dispense patronage.

Being able to reduce crime significantly has made a significant impact on communities and has given people a sense of their own power, their own capacity, to deal with problems. I recently spoke to an African from a township where street committees had been crushed by the state repressive forces. He spoke wistfully of what he termed "the time of the UDF (United Democratic Front)", when people could walk the streets of his township safely. The democratic process through which these and other activities have been organised (though there have been many cases where there have been abuses, mainly when the various segments of the community were not all represented, and youth predominated) has ensured that people feel involved in whatever political decisions are taken. People do not need to be coerced into consumer boycotts when they themselves are involved in the decision.

In many cases, people who form part of these processes of people's power have seen themselves implementing the clause of the Charter that says "The People Shall Govern". Certainly the experience of this period enriches our understanding of what the potentialities are for popular participation, in realising the sub-clause "All bodies of minority rule, advisory boards, councils, and authorities shall be replaced by democratic organs of self-government".

Constitutional Guidelines of the African National Congress

Another very significant factor, affecting any contemporary assessment of the Charter, is the recent publication by the ANC of its constitutional guidelines. The guidelines are submitted for discussion, amendment, and revision by all sections of the South African people,

NEGOTIATIONS

as part of a process leading to the ultimate establishment of a truly popular constitution.

The guidelines are not meant to replace the Charter but are intended to stimulate thinking on the type of constitution that might derive from the Charter. We, in the ANC and the broader mass democratic movement, consider this a very important intervention and we are hoping that many of our structures will initiate discussion on a widespread basis, as broadly as the original Congress of the People Campaign. The result, we hope, will not only be that we re-establish links that have been severed in the repression of the states of emergency, but that whatever constitution ultimately emerges from this process will enjoy great legitimacy.

My impression is that already ordinary people are taking seriously the invitation to treat the guidelines critically. There has been controversy over the reference to any form of incorporation of "traditional leaders", a multiparty system of government, and alleged inadequacy of reference to popular participation. Positions are by no means settled and the consensus that will emerge will obviously not satisfy everyone. What we hope, however, is that all who want to express a view will feel that it has been considered, even if it is not ultimately accepted.

Beyond the process concerning the guidelines are campaigns, presently underway, to develop Charters for various sectors, for example a new women's charter, a workers' charter, an education charter and the possibility of charters for many other sectors.

These charters elaborate provisions of the Freedom Charter. Not everything we demand can find a place in a new constitution. These specific, separate charters may form the basis of future legislation. At this point in time, work around such charters broadens the democratic movement and facilitates the march to democracy.

The Question of Peace

The final clause of the Freedom Charter reads "THERE SHALL BE PEACE AND FRIENDSHIP!" It is the view of the ANC that there will not be peace in South Africa or in the southern African region so long as apartheid exists. The creation of a state based on the Freedom Charter will allow the peoples of southern Africa to achieve their long-desired state of justice and peace.

NEGOTIATIONS

ONE CONTINUOUS PROCESS

Much as the people of South Africa desire peace, they have learned very painfully that mere professions of good faith and desire for discussion rather than warfare do not necessarily mean that that is what is in fact intended, or that there is a will to create conditions necessary for its realisation.

To secure peace we need to ensure the complete dismantling of apartheid and creation of a government and state system established through universal suffrage (quite apart from many other demands of the Charter, though universal suffrage may go some way towards their achievement). In demanding the vote for all adults, we do no more than is accepted as fundamental in the Universal Declaration of Human Rights.

Whatever changes have been initiated by the De Klerk government do not, therefore, have as their objective the establishment of a democratic state. Indeed, indications remain that the Nationalist Party remains wedded to the concept of a South Africa where "group rights" (that is, group privileges, the privileges of whites) coexist with the disabilities of blacks or at the very least provide for a parliamentary veto by whites, thus undermining majority rule.

The road to peace is mapped out elsewhere. The Harare Declaration adopted in August 1989 by the Organisation of African Unity and subsequently also the Non-Aligned Movement and with slight modifications, the United Nations General Assembly sets out a process leading to a negotiated settlement of the South African conflict.

The Declaration requires the South African government to create a climate for negotiations; that is, they must, at the very least release all political prisoners and detainees unconditionally and refrain from imposing any restrictions on them; lift all bans and restrictions on all proscribed and restricted organisations and persons; remove all troops from the townships; end the state of emergency and repeal all legislation, such as, and including the Internal Security Act, designed to circumscribe political activity; and cease all political trials and executions.

A suspension of hostilities on the part of both the South African government and the liberation movement can then be negotiated, prior to the establishment of an interim government. The mandate of this government will be to oversee the creation of a new constitution.

NEGOTIATIONS

We believe that such a Constitution should be created by a Constituent Assembly, elected on the basis of one person one vote.

The Harare Declaration is an important contribution to the peace process. It is part of the new context, which may lead to the speedier realisation of the goals of the Freedom Charter - the creation of a new South Africa that will truly belong to all who live in it, black and white.

(This is an updated version of a paper published by the **Institute of International Education**, New York, 1990)

ONE
M
C
O
N
T
I
N
E
S
A
R
E
O
U
S

WHY WE DARE NOT STOP THE STRUGGLE YET

WALTER SISULU

The ANC will begin discussions with the South African government in the next few days. We want peace and we are concerned to create a climate that will make it possible to seriously negotiate a settlement of the apartheid conflict.

Our basic stand on negotiations is to be found in the Harare Declaration, adopted by the Organisation of African Unity in August 1989 and subsequently endorsed by the Non-Aligned Movement and the United Nations. Our stand is not therefore a position of the ANC and MDM alone but the process behind which the entire international world has thrown its weight.

The present talks are not negotiations proper but discussions aimed at removing obstacles to the commencement of this process. The Harare Declaration states that:

"Together with the rest of the world, we believe that it is essential, before any negotiations take place, that the necessary climate for negotiations be created. The apartheid regime has the urgent responsibility to respond positively to this universally acclaimed demand and thus create this climate."

This is a demand made against the government alone. It is their "urgent responsibility". When De Klerk introduces the question of abandoning armed struggle, he is raising an issue which is not relevant here. The cessation of hostilities cannot be a unilateral demand and it cannot be discussed before negotiations. When and how there should be a cessation of hostilities is a distinct question to be negotiated.

The preconditions necessary to create a climate conducive to negotiations are well known and I will not repeat them here. Suffice it to say that they have only been partially met. It is important for the public not to allow itself to be misled into thinking we are unreasonable in not moving on to negotiations immediately. People who march are being shot down, detained and subjected to various means of intimidation and repression. When we point to failure to

NEGOTIATIONS

meet these preconditions we have sound reasons. In the words of the Harare Declaration:

"These measures are necessary to produce the conditions in which free discussion can take place - an essential condition to ensure that the people themselves participate in the process of remaking their country. The measures listed above (the preconditions) should therefore precede negotiations."

FREE DISCUSSION

It is important to note then, that demands for lifting security legislation and so on, are vital if the ANC is to be able to hold "free discussion" and if participation of the people in the process is to be allowed.

At present we know that our capacity to organise and consult our people is dependent on State discretion and this has often led to their barring ordinary political activities, leaving many dead in the process.

Although we view the discussions very seriously, we are entering with a very clear goal. After 340 years of white domination and countless casualties in our struggle for democracy, we are not prepared to debate whether apartheid must go, nor the desirability of its replacement by a non- racial, democratic state. In the process set out in the declaration, it has as a fundamental point, commitment to this goal:

"We (the OAU) encourage the people of South Africa, as part of their overall struggle, to get together to negotiate an end to the apartheid system and agree on all the measures that are necessary to transform their country into a non- racial democracy. We support the position held by the majority of the people of South Africa that these objectives and not the amendment or reform of the apartheid system, should be the aims of the negotiations."

It is disturbing to note in the most recent speeches of President De Klerk that he speaks of two legislative chambers, one of which would effectively be able to bar the peoples' will through a racist veto.

We believe that no group has anything to fear from a non- racial democratic South Africa and the law and the constitution will protect people's language, cultural and religious rights. When President De Klerk speaks of not being prepared to give up what has been gained

T
A
L
K
S

A
B
O
U
T

T
A
L
K
S

NEGOTIATIONS

TALKS ABOUT TALKS

over 340 years, what does he have in mind? The centuries of racist aggression against blacks and the resultant state system is something whose continuance cannot be countenanced.

The government has to understand that we will not tolerate a negotiation process which seeks to ensure continued apartheid domination under the simplest or the most intricate constitutional device. It must go.

We are committed to ending the bloodshed as soon as possible, but we do not delude ourselves. There are no short cuts. The ANC leadership is not entitled to negotiate without a proper mandate. We need to organise our followers and consult them and explain and account for whatever we do in discussions or negotiations. It is not even three months since our unbanning and the shortness of time as well as State repression has meant that we require time and conditions that allow us to set up adequate structures.

Perhaps it is the government's awareness of this that has led them to try to propel the discussions as quickly as possible.

We are not prepared to allow De Klerk to sidestep the Declaration and substitute a process that undermines our claim to legitimate rights, universally recognised as necessary in any democratic state.

Nor do we intend stopping any form of struggle that furthers the achievement of our just goals. We do hope that a negotiation process can begin, but all forms of pressure need to be stepped up to ensure that the South African government genuinely takes the road to peace.

This includes the continuation of the international struggle. It is very important to note that the Harare Declaration states that it is only after the adoption of a new constitution that the international community would lift the sanctions that have been imposed against apartheid South Africa.

STEP UP STRUGGLE

The general tone of the Declaration, and our view is, that all international solidarity must continue to the end, unlike the attempts by the Thatcher government to water this down at any real or imagined sign of progress.

NEGOTIATIONS

We also say to all democratic and freedom-loving South Africans: keep up and step up the struggle to end apartheid. Let the government have no doubt that we claim full rights in a democratic state.

This is in the interest of all South Africans. Whites need have no fears. The Freedom Charter, our key political document, begins with an affirmation of non-racialism. It begins by stating that South Africa belongs to all who live in it, black and white ... it ends on a note that I address to all patriots:

"Let all who love their people and their country now say, as we say here: 'These freedoms we will fight for side by side, throughout our lives, until we have won our liberty'."

(Sunday Star 29.4.90)

T
A
L
K
S

A
B
O
U
T

T
A
L
K
S

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 granting of immunity in respect of political offences to those inside and outside South Africa. All persons who may be affected will be considered. The working group will bear in mind the experiences in Namibia and elsewhere. The working group will aim to complete its work before 21st May 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 selected other members of the ANC from 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.**

NEGOTIATIONS

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.

T
A
L
K
S

A
B
O
U
T

T
A
L
K
S

WE CAN'T RELY ON GOOD FAITH ALONE

RAYMOND SUTTNER

There has been speculation and assertion around the meaning of the Groote Schuur Minute agreed between the South African government and the ANC on May 4 1990. In many cases these statements have been at variance with the wording and spirit of the agreement.

It is necessary to correct such misunderstanding so that the future actions of both parties can be measured against what has actually been agreed on, and what expectations lie behind such an agreement.

There has been speculation of various deals, in particular that the ANC has agreed to suspend the armed struggle in exchange for the release of political prisoners.

The ANC's approach at the talks was in conformity with its commitment to the process set out in the Harare Declaration. Within this process the question of suspension of hostilities is addressed to both sides, the ANC's people's army and that of the government.

CLIMATE

Such a suspension of hostilities is to be negotiated after the removal of the obstacles identified in the Declaration. These "obstacles" refer to factors whose removal helps create a climate suitable for negotiations. Included here are the need to unconditionally release all political prisoners, including those on Death Row, lifting the state of emergency, and repeal of all security legislation.

The ANC does not, and has not, renounced any form of struggle that may advance its cause. At the same time we do look ahead to the future phases of this process when it will be possible for both sides to suspend warfare and ultimately lay down arms entirely.

In this context, how do we interpret the agreement? The preamble refers to a "common commitment towards the resolution of the existing climate of violence and intimidation from whatever quarter, as

NEGOTIATIONS

well as a commitment to stability and to a peaceful process of negotiations".

The way we interpret this preamble must be seen within our understanding of violence in South Africa. In the first place, the overwhelming cause of violence is the system of apartheid which operates inherently through repressive means. We need only think of the violence of forced removals, eviction of so-called squatters, violent suppression of peaceful protest etc.

Apartheid repression has also spawned many "unofficial" forms of violence, for example, hit squads and vigilantes.

While we interpret the reference to violence and intimidation as addressed, in the first place, to the forces of apartheid and further right, we recognise that some of our followers have been involved in acts of indiscipline.

It is part of our duty, in establishing the ANC as a mass legal presence, to ensure that this does not continue and that we spread understanding of our policies by reasoning, not by any form of intimidation.

This is a commitment born out of confidence in our policies and also a sense that it is both morally wrong and short-sighted to believe that followers can be won over by violence. This goal can only be achieved through establishing strong grassroots structures, organised on a disciplined basis.

FORCED

The reference to a "commitment to stability and to a peaceful process of negotiations" is nothing new, nor a compromise on the part of the ANC. The entire history of our organisation is related to attempts to seek peace.

The path of armed struggle was not chosen by us, but forced on the ANC by its banning and the violent response to our protests.

In South Africa, as in any society, whether or not a people has to resort to violent or illegal means is not determined in the first place by the oppressed, but by the response of the oppressor to its demands.

T
A
L
K
S

A
B
O
U
T

T
A
L
K
S

NEGOTIATIONS

TALKS ABOUT TALKS

If a non-racial democratic society can be established without further bloodshed we would prefer that. We want peace. But we want a just peace where democracy is assured.

"Flowing from this commitment" in the preamble, the government and the ANC agreed to establish a working group, composed of ANC and government representatives, "to make recommendations on a definition of political offences in the South African situation..."

The mandate includes discussing "time scales" and advising on norms and mechanisms for dealing with the release of political prisoners and the granting of immunity to people who may have committed political offences inside or outside the country.

The working group is mandated to "bear in mind the experiences in Namibia" where the release of political prisoners included a process of defining who would qualify for such status. The urgency of the group's task is emphasised by the statement that it "will aim to complete its work before 21st May 1990".

Apart from this process, immediate attention will be given to any offences relating to leaving the country without a valid travel document and related merely to "organisations which were previously prohibited". This refers to the probable speedy return of ANC members who fall into this category.

Special arrangements are envisaged to enable the ANC to operate as a normal political organisation.

The agreement states that "temporary immunity from prosecution for political offences committed before today, will be considered on an urgent basis for members of the National Executive Committee of the ANC from outside the country".

ASSIST

This will "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".

The government undertakes to review existing security legislation and to work towards the lifting of the state of emergency.

NEGOTIATIONS

Urgency is again stressed when the document concludes by stating that the "government and the ANC agree that the objectives contained in this Minute should be achieved as early as possible".

The wording of this agreement does not bind the government to do any of the things on which it must seek advice. It is not compelled to release any or all political prisoners or to repeal any legislation.

But the spirit of the agreement and the character of the entire exercise is dictated by a commitment to remove the obstacles in the way of normal political activity and the achievement of a climate conducive to negotiation.

There is no point in studying the definition of political offences and time scales for release, unless one is contemplating releases.

ANC deputy president Nelson Mandela indicated that he believed the government is seriously committed to removing the obstacles that the ANC has identified. But we cannot rely solely on government goodwill or good faith.

IMPACT

There are numerous factors that impact on government decision-making and we realise that some of these may militate against implementation of this agreement, according to the spirit of the talks and in line with the process laid down in the Harare Declaration.

We know that there are many factors in the government's constituency that may, at some stage, cause them to hesitate in implementing the spirit of the agreement.

But our constituency demands that we ensure that the agreement be speedily implemented and thus bring us to a point where obstacles are removed.

The agreement does not entail any limit on our normal political activities. That is why we will not relax in our struggle to free South Africa and create a non-racial democracy. It is through such struggle that we forced the government to address these issues and meet our representatives.

T
A
L
K
S

A
B
O
U
T

T
A
L
K
S

NEGOTIATIONS

TALKS ABOUT TALKS

We will continue to mobilise and organise our supporters, within and outside the country, to strengthen the possibility of a just, negotiated settlement.

(Sunday Star 13.5.90)

TO NEGOTIATE NOW IS TO CAPITULATE NOW

Barney Desai

The co-ordinator of the Pan-Africanist Congress of Azania, who recently returned to South Africa after 30 years in exile, outlines PAC policy and gives reasons for refusing to negotiate with the Government.

It is necessary to re-state the PAC's position as succinctly as possible, and in this regard the words of its first president, Robert Sobukwe, are the vehicle through which we reiterate our case.

"We are quite aware of the fact that we are faced with an overwhelming combination of forces internally in the form of the white ruling minority, and externally in the person of the forces of Western capitalism and international imperialism.

"... Our contention is that Africans are the only people, who, because of their material position, can be interested in the complete overhaul of the present structure of society.

"...As South African history so ably illustrates, whenever Europeans 'co-operate' with African movements they keep demanding checks and counter-checks, guarantees and the like with the result that they stultify and retard the movement of the Africans.

"The reason is, of course, that they are consciously or unconsciously protecting their sectional interests.

"Politically we stand for government of the Africans, for the Africans, by the Africans, with everybody who owes his allegiance and loyalty only to Africa and accepts the democratic rule of an African majority being regarded as an African.

"We guarantee no minority rights, because we are fighting precisely that group exclusiveness which those who plead for minority rights would like to perpetuate.

'HIGHEST'

It is our view that if we have guaranteed individual liberties, we have given the highest guarantee necessary and possible.

"There is no reason why in a free and democratic Africa a predominantly black electorate should not return a white man to parliament, for colour will count for nothing in a free Africa.

"We stand for a planned economy and the most equitable distribution of wealth. The slogan 'equal opportunities' is meaningless if it does not take equality of income as a springboard from which we take off.

"Our problem, as we see it, is to make a planned economy work within the framework of a political democracy.

"Socially we stand for the full and complete development of the human personality, with the active creation of conditions that will encourage the rapid disintegration of group exclusiveness and the emergence of a united African nation."

These words were spoken 31 years ago, and remain our perspective and goal for a future Azania.

Starting with negotiations, both the PAC and the ANC subscribe to the principle of one person one vote in a unitary state.

We are both committed to the demand for the establishment of the mechanism for the calling of a constituent assembly where representatives of the people elected by universal adult suffrage will deliberate and enact a new constitution for our country.

PRECONDITIONS

Both organisations demand the unconditional release of our political prisoners and the return of exiles.

The PAC also demands as a precondition to any negotiations with this regime:

- ★ The abolition of the Land Acts which reserve 90 % of the land to the white settler population.

NEGOTIATIONS

- ★ The Population Registration Act must be scrapped.
- ★ The abolition of the Bantu Education Act.
- ★ The abolition of all security laws which restrict our freedom of speech and of assembly, and the right to a fair trial. We demand the lifting of the state of emergency.
- ★ The regime must unequivocally commit itself to the equitable redistribution of resources, and must commit itself to righting the wrong done to the black masses of our country.

What has been the regime's response to the demands?

It has rejected, out of hand, the demand for convening a constituent assembly. No doubt they fear such an assembly would terminate white supremacy for good.

On majority rule Mr De Klerk says: "I want to emphasise that I am against simplistic majority rule."

He asserts that there have to be "checks and balances", leading to a "consensus government". Votes will be of "equal value".

The PAC poses these questions: can there be consensus between master and servant? Can we reconcile the irreconcilable? Can there be any doubt this is yet another attempt to secure group privilege and to frustrate the majority oppressed?

Mr De Klerk's proposal (or ruse!) is an attempt to divide the three million white votes enough times to ensure that the majority vote does not mean majority rule.

In essence, the baseline for this De Klerkian concept is, simply stated: "Votes for all, but whites rule, okay!"

The Land Acts will not be scrapped, only amended. Questioned on television on April 23 1990 whether this would not merely perpetuate a situation where the country's wealth would be concentrated in white hands, Mr De Klerk responded:

"One of the basic values in which I believe is free enterprise. Redistribution of wealth is a socialistic term. I am absolutely against that."

O
T
H
E
R

V
I
E
W
S

Thus land acquired through the barrel of the gun will be legitimised as private property by a process of negotiation.

The Population Registration Act, the pillar of apartheid, will remain in place until a "new constitutional dispensation" has been arrived at. Clearly Mr De Klerk, wedded to group privilege, sees this Act as vital to identify the group for which special protection and privilege will be sought.

The Group Areas Act, which has been used to diabolical effect not only to enforce blatant racial discrimination but also to plunder black property, will be amended and not scrapped.

PRESERVE

No doubt the amended version will now be used to preserve established residential patterns and living standards. According to Dr Gerrit Viljoen the protection of property values would be one of the major objectives of the "replacement measures".

Amendments would include those aimed at ensuring that established residential patterns and living standards do not drop when blacks move into neighbourhoods at present reserved for whites.

Can there be any doubt that here is another game being played out by the regime to frustrate the desire of blacks to live wherever they wish? Conversely, when white economic interests move into black areas in pursuit of the spending power of our people, the black trader and small business entrepreneurs will be obliterated - all in the name of upgrading the depressed black areas.

The question the PAC poses at this juncture is a fundamental one. With regard to our stated policies and responses of the ruling class to them, we boldly ask: "What self-respecting organisation within the liberation movement can come, even within spitting distance, of the negotiating table?"

The regime is in deep economic and social crisis. While its legitimacy has been dented so that it formally rejects apartheid, it is nevertheless still powerful enough to dictate the terms to ensure an "informal" system of white domination of the majority black population, namely to impose a neo-colonial system the likes of which Africa has never seen.

NEGOTIATIONS

BATTLEFIELD

It is in these circumstances that the PAC rejects negotiations, for we hold the simple truth that what has not been won on the battlefield will never be won at the negotiating table.

Negotiating from a position of weakness opens the way to unacceptable compromises.

We certainly do not see negotiations as "another form of struggle", nor do we wish to engage in the futile exercise of building castles in the air about a "post-apartheid society".

The PAC sets itself the task of building the organisational structures of our people into a formidable fighting force that will offer the real challenge for fundamental change.

We refuse to negotiate under the present conditions, for to do so will make us accomplices in our own oppression. To negotiate now is capitulation now.

We are for peace, but not for appeasement. Our struggle for self-determination continues until victory is assured.

This land must be returned to its rightful owners.

Sunday Star 13.05.90)

O
T
H
E
R

V
I
E
W
S

NEGOTIATED SETTLEMENT WON'T FREE WORKERS

The newly formed Workers' Organisation for Socialist Action gives its views on negotiations.

It is clear that negotiations between the Government and the ANC have already begun.

For the Government, the strategy of negotiations represents a decisive initiative to win the time and space to extract itself from the economic, social and political crisis that the system of apartheid-capitalism is in.

It is unclear what the ANC and the SACP, who support a negotiated settlement, expect to gain from negotiations. It is obvious that negotiations cannot deliver the transfer of real power from the minority to the oppressed masses.

We need not give credibility to the neo-apartheid regime by "negotiating" with them about the abolition of racist laws which they themselves put on the statute book. This is like saying "Thank you" and giving a medal to a thief who returns a valuable article which he has not only used, but broken as well.

The balance of forces is still starkly in the Government's favour. Although the regime faces a deep economic crisis, which makes it vulnerable to international pressure, power is still firmly entrenched in their hands.

RACIAL LAWS

In the past, this has engendered a false sense of stability. In recent time though, economic problems as well as mass struggles have strengthened the oppressed, overstetching the capacity of the state to rule in the old way.

While the Government is prepared to get rid of most of the racial laws on the statute books, they are not yet ready to hand over power to the majority.

NEGOTIATIONS

The Government could reintegrate the bantustans into South Africa and may even formally introduce some form of universal franchise. But it will insist on some form of minority rights or veto for the whites. This is necessary to ensure that economic wealth and material privileges are maintained for whites.

Besides the question of majority rule, all the major social contradictions in our country, our people's screaming need for work, food, housing, education, health facilities, social security and a totally different quality of life, will not be met through a negotiated settlement.

Negotiations hold before our people the hope for peace, land and bread. But this hope will be an illusion.

WOSA absolutely rejects any settlement which offers "universal franchise" (as proposed by De Klerk) which still maintains white privileges in any form.

We support unconditionally the demand for one person one vote in a unitary non-racial South Africa/Azania. Only when ownership and democratic control of the wealth of our society is in the hands of the majority, can we tackle the fundamental problems of poverty and social inequality.

Historical experience shows that the owners and controllers of the wealth do not "negotiate" away their ruling position. The majority must seize back the wealth they have created, through class struggle.

Given the balance of forces between the masses and the state, WOSA believes that our energies in the current period should be directed at three main areas:

- * Towards the building of independent, mass-based democratic structures in the unions, the workplaces, communities, the rural areas, schools and among the youth. This includes encouraging the labour movement to form a single federation. The union movement must be independent of political organisations, but must allow for debate and plurality of views, and involvement in the liberation struggle.

Similarly, we need to build and strengthen democratic and representative civic organisations, on the basis of street and area committees, especially around the essential class demands of housing, living conditions, amenities, services, transport and so on.

OTHER VIEWS

NEGOTIATIONS

OTHER VIEWS

* In this period, we need to fight for reforms which strengthen the working class. WOSA says no to reforms or 'deals' which weaken or demobilise the working class. We must extend all working class actions, such as strikes and demonstrations, which consolidate class consciousness.

PASSIVITY

We say no to class demobilisation or enforced passivity for the illusion of "the national interest" or in the supposed interests of negotiations.

* Instead of negotiating with the enemy, liberation organisations should be negotiating with each other. We must build unity in action.

The Conference for a Democratic Future experience, whatever its faults, could have been a starting point in this process. Any attempts by one party to impose its strategy on all the others, will only sharpen divisions within the liberation movement. This could lead to civil war.

MINIMUMS

Negotiations should not be accepted or rejected in principle, but must be seen as a tactic. A truly democratic negotiation process means that there should be no secret negotiations, and that issues to be discussed must be democratically agreed upon through mass structures. "Negotiators" must be mandated and recallable by these structures.

We believe in a democratic Constituent Assembly, where all the mass and political organisations will participate on the basis of delegates from rank and file structures. Before that happens, no organisation can claim the right to negotiate with the Government on our behalf and speak in the name of all of us. A Constituent Assembly cannot be convened by the present regime.

There are basic minimums which are non-negotiable:

- * One person one vote, without any restrictions.
- * The immediate abolition of all racial legislation.
- * The dismantling of the repressive forces and fascist groups.
- * Dismantling the bantustans.

ANC DEPARTMENT OF POLITICAL EDUCATION

NEGOTIATIONS

- Agrarian reform that allows for redistribution and nationalisation of the big landholdings, and
- The nationalisation of the banks, mines and monopoly industries, with workers' control.

The historic weapon of the national liberation movement can only be the class struggle. There are not short cuts to liberation. The only way to destroy apartheid and achieve real democracy, is in a situation where the black working class takes both political power and control of South Africa's economic riches.

(Sowetan 21.5.90)

O
T
H
E
R

V
I
E
W
S

AZAPO CONDEMNS THE TALKS AS 'DELAYING THE STRUGGLE'

The Azanian People's Organisation on Saturday condemned this week's historic talks between the South African Government and the African National Congress.

Azapo's publicity secretary, Mr Strini Moodley, said "the De Klerk regime has succeeded in tying up the ANC in the perennial structures designed to delay the struggle, and to water down solutions to our problems in this country".

Azapo, reacting to the so-called Groote Schuur Minute document, said nothing substantive had emerged from the talks except for a series of platitudes which had only legitimised the South African Government.

In a joint statement on Friday at the end of the three-day talks, President FW de Klerk and ANC Deputy President Mr Nelson Mandela declared both parties had made a dramatic breakthrough.

The ANC had committed itself to peaceful solutions, while the government, in exchange, had made important concessions, it was announced in Cape Town.

Azapo said it was obvious the ANC had been trapped in a well-laid plan designed by Mr De Klerk, Britain's Mrs Margaret Thatcher, and President George Bush of the US, with the connivance of the Soviet leader, Mr Mikhail Gorbachev, and several African heads of state.

"Why must a working group be set up to investigate the release of political prisoners? Why must the De Klerk regime be given the opportunity to review security legislation?" Azapo asked.

Azapo said these were not matters for discussions. "Why must there be a committee to make recommendations on a definition of political offences in South Africa?"

The government stood accused of committing the most "horrendous political offences, and it is now being offered the opportunity to actually define these offences."

NEGOTIATIONS

Azapo said it could only assume the ANC was set on a path of forging an alliance with the National Party - an alliance that had left the South African people in perplexity.

Azapo called on the ANC to put a halt to the killings in Natal.

It also vowed to continue its "liberation" struggle.

(The Citizen 07-05-90)

O
T
H
E
R

V
I
E
W
S

PAC, AZAPO HIT ANC FOR MEETING GOVT

Pretoria. - The Pan Africanist Congress and Azapo, the Black Consciousness movement, have strongly criticised the ANC for agreeing to hold talks with the South African government.

Mr M Makwetu, vice-president of the PAC, said the ANC had "sold out" by agreeing to the talks.

He was addressing thousands of mourners at Attridgeville stadium, near here, on Saturday at the funeral service of PAC founder member and former Robben Island prisoner Mr Japhta Masemola, who died a fortnight ago.

And Azapo, denouncing the talks in a statement issued yesterday, accused the ANC of trying to reach "an illusory winning post".

Azapo said the proposed meeting did not enjoy the mandate of black people and the talks would bear no fruit as "the people's suffering will not be alleviated".

Mr Makwetu said the problem in negotiating with the government was that the armed struggle had to be suspended.

Another problem was that the white minority had a veto over what was agreed by the negotiators.

He said the end result of talks would be the attainment of reform. "We do not need reform. We need a complete overhaul of the entire economic and political system.

"That means we need to bring the land back to its rightful owners," Mr Makwetu said, adding that there could be no compromise.

PAC president Mr Zeph Motopeng, in an apparent reference to ANC deputy president Mr Nelson Mandela's assurance to whites that they had nothing to fear from ANC policies, said: "In his life Masemola was guided and moved by the spirit of Pan Africanism and had no time for compromise and appeasement."

Mr Motopeng said: "Slaves have nothing to gain from negotiating with their masters."

NEGOTIATIONS

The PAC's trade union arm, the National Council of Trade Unions (Nactu), also attacked the ANC for agreeing to the exploratory talks.

Nactu assistant general-secretary Mr Cunningham Nqukana, also speaking at the Masemola funeral service, accused the ANC of going into talks with the government without consulting other sectors of the liberation movement. This was "arrogant" of the ANC, he said. - Sapa

(Cape Times 30.04.90)

**O
T
H
E
R

V
I
E
W
S**

RESOLUTION ON NEGOTIATIONS AND THE CONSTITUENT ASSEMBLY

We, the 4 600 delegates to this historic Conference for a Democratic Future of the broad anti-apartheid liberation forces:

1. Salute the fighting forces of our people who have conducted armed struggle, in view of the situation in which all peaceful avenues have been closed.

Noting that:

1. Organisations of the people remain banned, restricted and prevented from operating freely and hundreds of key individuals remain restricted.

2. Freedom of assembly, movement, association and speech and free political activity do not exist, thus making consultations with our people difficult, if not impossible.

3. Repression in many forms continues, including detention without trial, political imprisonment, political trials, the state of emergency and suppression of the media.

4. The government totally controls radio and television.

5. All major blocks which constitute and sustain the apartheid system remain intact.

Believing:

1. That there can be no solution in the interests of the oppressed and exploited masses whilst apartheid structures and its laws still exist.

2. That the basis and climate for genuine negotiations do not exist and that De Klerk's proposals for negotiations, supported by the imperialists, are designed to enmesh our organisations and people in schemes to maintain the status quo.

T
H
E

R
O
A
D

A
H
E
A
D

NEGOTIATIONS

Realising:

1. Our immediate tasks are to strive for: One person one vote in a united democratic country; lifting of the State of Emergency; unconditional release of all political prisoners; unbanning of all banned organisations.
2. The abolition of all laws which inhibit free speech, press, association and assembly; a living wage; the right to work.
3. That the demand for a Constituent Assembly of the oppressed and exploited is in opposition to all attempts of the regime to divide us in the name of "power sharing", "group rights" and negotiated settlement.

Thereby Resolves:

1. To adopt the Harare Declaration on how the conflict in SA could be resolved and the solidarity and support of the Organisation of African Unity and the frontline states in particular.
2. To call for a Constituent Assembly established on a non-racial basis representing all the people of SA to draw up a New Constitution for our country.
3. To call on our people and organisations to mobilise our forces, to organise and intensify the struggle for the creation of a single non-racial democratic SA with a single parliament and a single universal suffrage.
4. To call on the international community to intensify the isolation of the SA regime and to impose comprehensive and mandatory sanctions.
5. That real democracy be given to the freely elected delegates of the people, united in the Constituent Assembly on the basis of one person one vote in a unitary South Africa.
6. Only the constituent assembly has the right and duty to define a new constitution as well as the form and social content of a new and just society.

**T
H
E

R
O
A
D

A
H
E
A
D**

INTERVIEW WITH CDE PENUELL MADUNA OF THE ANC LEGAL DEPARTMENT - 20 MAY 1990

Q. People are concerned about the process of the Harare Declaration. As I understand it, what has happened now, is there have been discussions to remove obstacles. When these are removed, will the next phase be to negotiate a suspension of hostilities?

A. Yes, yes.

Q. A lot of people are curious about the demand for a constituent assembly. It doesn't appear in the Harare Declaration. Would you like to comment on this?

A. In fact the Harare Declaration, though not mentioning the constituent assembly specifically or by name, says that we need to work out a democratic mechanism which will give our country a new constitution, and not only that. It talks about a need for an elected mechanism. Needless to say, that is a constituent assembly.

There was a particular reason why we thought we should not mention it specifically. I remember when we were drafting that document, the president O R Tambo said he didn't think mentioning it specifically would be right, because there are other viewpoints, you know, coming from the other people who wanted a South African document rather than an ANC position. We wanted a document that would go through as a document sponsored by the people of South Africa rather than by a single organisation. Of course the organisations that sponsored the document were the Mass Democratic Movement generally together with the ANC so that therefore you could ask the question 'why didn't you mention it specifically?'

But still we would not be able to sell it when we were approaching other countries that we thought we could work with to pilot the whole project, and it was quite a success. But the policy of the ANC is that

NEGOTIATIONS

the whole process of negotiation should lead to the election of a constituent assembly which will work out a constitution for our country.

Q. Would you say that the experience of processes in other countries influenced our approach?

A. You see, we have been asked that question, and we have been given the examples of countries where constitutions were negotiated and eventually knocked together, for instance, the example of Zimbabwe, where the whole Lancaster House process ended, or rather, culminated in the 1980 Zimbabwe Independence Constitution.

We do not think that for our purposes that would be appropriate, because it would entail negotiation between the apartheid regime and all those who lay claim to a good and sound following on the ground. We would like our people to be involved in the process of constitution making. Part of the process of course, would entail the election of the constituent assembly. This morning I was asked what the whole process would involve, and I said, no, in our opinion, it would involve mass political education regarding the issue of a new constitution. In other words, our own people, the masses, should begin to grapple with the concepts involved in the debate, so that by the time the elections for the constituent assembly take place, people would know what work it would do, in other words, they would be an agency of the people to give us a new constitution rather than would be the case if we were to sit down with the government and knock together a constitution and then come out and say 'here we are, coming out with your constitution'.

It must be theirs even in terms of psychological preparedness to elect people that are going to give us what we want. In our perspective, the whole thing starts from the Freedom Charter, it goes through draft constitutional guidelines, through the Harare Declaration, right up to the election of the CA itself. It's a whole, long process, a whole continuum, as you say.

Q. That's very interesting. I was going to ask whether there wasn't a very close connection between popularising and getting a response to the ANC constitutional guidelines, and the process of the constituent assembly, because the constituent assembly would presumably be a process of implementing what the people want from the guidelines.

T
H
E

R
O
A
D

A
H
E
A
D

NEGOTIATIONS

THE ROAD AHEAD

A. Right. Right.

Q. With modification, obviously?

A. Right. It's the culmination of a whole long process.

And of course now that the ANC has been unbanned, we should in my opinion, utilise the political space that we have gained. In other words, we see the election of the constituent assembly itself not only as a culmination of this process, but also as a victory of the struggle itself. We cannot win it otherwise. The regime is not going to concede to it. It has a notion, a very interesting notion, and that is that those who lay claim to representing a significant constituency would sit down with it and work out a constitution. I have the impression that they have since discarded their idea of a national council or a national statutory council, as it used to be called. Or the so called Great Indaba. They are no longer even referring to it. It had all sorts of flaws, which were rather too glaring for us to ignore them. And they seem to have discarded that idea, but they are still peddling the notion of them sitting together with, say, the ANC, the PAC, Inkatha and so on and so forth to work out a constitution.

We say that the people must be involved in that process. They must elect those they have absolute faith in, in terms of giving us a new constitution. In that way, our people would have given their imprimatur, their stamp, to the constitution. You know, we have a very curious tradition in terms of giving ourselves a constitution in this country. All along, the constitutions have been coming from above, right up to the 1983 constitution, Act 110 of 1983, the current constitution.

For a change, the constitution must come from the bottom. Our people must tell those who actually think they are fit enough to lead us what type of constitution they want. The people must tell us. So, part of the process, therefore, involves mass political education about these very concepts that are being used in the debate.

And of course, I must say, it's late, we should have long started - but it's never too late to mend. Of course, our conditions have contributed towards this delay. We are at the point of trying to set up an appropriate organ called the ANC's Constitutional Committee, which is going to be broader than the one that we had in Lusaka all along. We have, you know, already selected people who are going to

NEGOTIATIONS

participate in its work and very soon the debate will begin in earnest, and we hope that by the time negotiations proper get off the ground, we shall be able to say at least our people know what these concepts entail, and they will be able to make informed choices.

Q. The process of constitution-making is part of the process of empowering the people, when you speak of choices being made...

A. That's it.

Q. What happens from here? The constitutional guidelines being mainly a discussion between legal specialists. Will they be translated into language which makes it possible for ordinary people to make their contribution?

A. In fact, it was never the intention of the ANC to confine the debate around the Guidelines to experts of whatever hue. The intention was and still is that the people themselves must grapple with the concepts to be found in the guidelines and in the constitutional debate generally. Eventually, after all this debate, a general consensus about a future constitutional order should emerge. This is the viewpoint the ANC holds.

It's easy for a few so-called experts to sit together in one small, smoke-filled room, and knock together a constitution, and come out with it, smiling broadly, and say, 'look boys and girls, here we are, giving you the constitution' as though we are descending from Mount Sinai, you know, with the twelve tablets or whatever, with laws from above. But this is not how the ANC looks at it. The ANC is actually the people themselves, and the ANC is an agent of the people in terms of leading up to the point where the people say 'we are now, through the constituent assembly, giving ourselves a new constitution'. People must be involved from the very word go, in the process.

Q. Now, in regard to this question of explaining to the people. Do you think that the present state monopoly; on broadcasting, and the commercial press, producing predominantly anti-ANC position, would be a hindrance? Do we not have to do something about breaking that in the process of, when there is an interim government, or in fact, now?

**T
H
E

R
O
A
D

A
H
E
A
D**

NEGOTIATIONS

THE ROAD AHEAD

A. In fact, we have to advance that now. We, fortunately, have already, on the ground, the alternative press. In fact, I would be happier if it is not called the alternative press, but progressive, and ...

Q. Popular...?

A. Right, people's press. It is emerging, and there are already papers which are prepared to carry our position, and I'm sure the commercial press itself, when it realises the stiff competition that will emerge, will eventually look in our direction. I mean our ideal serves, and they will carry our attitudes, I'm sure.

The SABC, itself, is undergoing a metamorphosis of some sort, and it is no longer scowling at us when it sees us. It seeks interviews with us, and so on, and so the situation isn't as bad as it was five, six years ago. But of course it still leaves rather much to be desired. A breakthrough will be made, and of course the ANC itself will set up its own small press, and begin to muscle into the market, and so on, and that way we will be able to put forward our own ideas. Hopefully, the regime will realise that it has a contribution to make to the debate by allowing us to feature every now and then on the telly and the radios, the various radio programmes that the country has, or is endowed with. I'm just hoping that they will realise that sooner than later, because if they try to stifle the popular voice, they will have only themselves to blame because it will actually seep through in many ways.

Q. Just one other thing. How do you understand the concept and the role of the Interim government?

A. That's a very interesting question. First and foremost, let us reject this question, this notion that there already is, on the ground, this thing, an interim government. That is nonsense, as far as I am concerned. The apartheid regime still is the apartheid regime. It cannot, by any stretch of the imagination, be regarded as 'the transitional government'. I am not talking about the farcical structures that underpin the other two houses of the tri-racial parliament. No. But, you see, our notion of this is that it will come about as a result of negotiation itself. In other words, we envisage that negotiation will reach a point where the interim government, par excellence, becomes the most logical thing to have in the country, where in other words, the current order of things becomes unacceptable even to them. At that moment, you would actually be finding yourselves in conditions where

NEGOTIATIONS

they would draw us in, and of course, as we say in the Harare Declaration, it must govern the country, it must supervise the whole process, oversee the whole transition.

Q. So, it doesn't have a longer term than that?

A. No.

Q. Essentially temporary ...?

A. Mainly - to take us across really to the world that we are working towards.

Q. The new world?

A. Right.

**T
H
E

R
O
A
D

A
H
E
A
D**

Discussion paper:

HOW FAR ARE WE ON THE ROAD TOWARDS A NEGOTIATED PEACE SETTLEMENT?

The road to peace in South Africa is one continuous process from the adoption of the Freedom Charter in 1955, through the discussion of the ANC Constitutional Guidelines and the gradual implementation of the Harare Declaration. The highpoint of this process will be the election of a Constituent Assembly to draft a new constitution for a free South Africa. (See the interview with comrade Penuell Maduna in this package.)

At the present moment, we have not yet negotiated any matter of substance. The ANC has met the government and there continues to be discussion regarding the removal of obstacles in the way of a climate conducive to negotiations.

At the same time we are raising the demand for a Constituent Assembly now, even though its operation is to be at a later stage of the process.

Talks and negotiations are not the concern of the government and our leaders alone. They concern all of us, all democratic and peace-loving South Africans. Our voice must be heard in the negotiating process. It is we who must determine the direction and character of that process. We must be present at every stage.

The demands that are made at the negotiating table must be our demands and the government must know that they are ours because we raise them in the streets, factories, rural slums, at public meetings and wherever else we exercise our right to free expression.

The immediate demands that we make are:

A. the demand for a climate for free negotiations be created

This means that the government remove obstacles in the way of the peace process. In the first place, this relates to the preconditions listed in the Harare Declaration. But that is not the end of the matter. The declaration states that 'the present regime should, at the very least' remove the obstacles that are mentioned.

The purpose of doing this is to create the climate necessary for free discussion and consultation.

If the listed preconditions do not suffice in meeting those needs, the purpose of the exercise is not met and whatever other obstacles stand in the way of creating such a climate, must also be removed.

The Harare Declaration only refers to one level of repression, that exercised by security forces and through specific legislation. But we know that there are many other factors that have assumed increasing significance in our lives. In evidence given to the OAU Ad Hoc Committee on Southern Africa on the Implementation of the Harare Declaration, submitted by COSATU on 26 May 1990 it was stated:

'Our experience in the last nine months since the Harare Declaration was adopted leads us to believe that it is necessary to elaborate and expand on what constitutes a climate of free political activity.' In addition it is essential to devise ways of monitoring and acting against breaches of our people's rights to engage in free political activity, as long as we don't infringe on the rights of others to do the same. It is clear that the regime and its allies have a very different conception of what constitutes a climate of free political activity from what is normally understood by the term.

The evidence suggests that 'we need to examine the extent to which pro-apartheid forces are being allowed to deny the majority of their right to free political activity. Even when some of the formal legal obstacles are removed, these forces are able to use their access to arms, resources etc, to prevent the majority from exercising their rights.'

T
H
E

R
O
A
D

A
H
E
A
D

The popular activity since the unbanning of the ANC and SACP on February 2 has led to vicious police repression. The SADF has deployed the notorious 32 Battalion in Natal.

While the 'spirit of reform' may be observable at times in police restraint in the main cities, it is in more remote areas, outside the view of the television cameras that continued repression is at its highest level.

Right wing armed groups have been allowed to roam around with a licence to kill. It is only now when they are threatening the NP itself, that steps are being taken to control them.

A climate conducive to peace requires, additional to those factors listed in the Harare Declaration, amongst others:

- * the monitoring of SAP activities in general to ensure that they fulfil purely legitimate crime prevention and control activities

The question of an appropriate climate does not only mean ending direct repression. Free organisation and discussion also means that the population should have free access to our views. The monopoly over the SABC means that we are denied adequate access to that medium of communication, just as we are effectively limited in our access to most others.

There is also a need for steps to be taken to ensure that it is possible for us to organise rallies and meetings without the many restrictions that we face in obtaining venues.

B. THE DEMAND FOR A CONSTITUENT ASSEMBLY.

Clause 21.5 of the Declaration states:

"The parties shall agree on the formation of an interim government to supervise the process of the drawing up and adoption of a new constitution; govern and administer the country, as well as effect the transition to a democratic order including the holding of elections."

The transition to a democratic order, the ANC and the entire MDM believe, requires the election of a Constituent Assembly, on the basis of one person one vote on a common voters roll. All parties may

NEGOTIATIONS

contest such elections and demonstrate what support they can muster and consequently, what weight their view must carry in the final negotiations to create a new constitution.

The election of a Constituent Assembly is one phase in the process of realising the key demand of the Freedom Charter that "The People Shall Govern". We will not accept any watering down of the right of the South African people to create a democratic state, whether through "checks and balances" disguised as racist vetoes or anything else.

In the meantime we must prepare ourselves and the people for future elections and ensure that we all understand the meaning of our demands and the nature of the process that we may be entering.

THE PEOPLE MUST DECIDE!

Whether the Groote Schuur Minute is implemented in a way that removes all the obstacles mentioned in the Harare Declaration, whether the government takes steps to remove some of the additional obstacles we have mentioned, whether we create a new constitution through a democratically elected Constituent Assembly, does not depend on the government alone.

Whether this process leads to a democratic result is not ultimately dependent on the wisdom or persuasive powers of our leaders. The real weapon that is aimed at racist tyranny and the only weapon that can ensure its final defeat, is the power of the people. It is the broad masses of the oppressed and democratic South Africans who must ensure that apartheid goes, that we will have peace in a democratic state.

The masses must intervene directly in the peace process by raising the demands that have to be met at the table. It must not only be the leaders who call for a Constituent Assembly. The people must raise banners demanding dissolution of the present illegitimate parliament and the negotiating of a new Constitution by a truly representative Constituent Assembly.

Attempts to rob the masses of the fruits of victory, by privatising state industry must be combatted by all means. Cosatu's campaign against privatisation is an issue that affects all of us. It affects the capacity of a future democratic government to meet the welfare, educational and

T
H
E

R
O
A
D

A
H
E
A
D

NEGOTIATIONS

THE ROAD AHEAD

other needs of our people, that the state's resources are being sold to monopoly capital.

The development of distinct Charters dealing with the interests of various sectors e.g. workers, women, cultural, land and others, provided these are the result of wide consultation, are important supplements to the Constitutional Guidelines, weapons in negotiations that indicate what is popularly supported. Such charters will be the basis on which people from broad sections of the population can be organised. But they may also legitimately be advanced as the basis of future legislation in a free South Africa.

Whether there is agreement at the negotiating table and what may or may not be decided depends in the final analysis on the masses manifesting their power in every form. Victory is not certain. It must be made certain by the masses showing their might.

DISCUSS:

- 1. What do we understand by the word "negotiations"?**
- 2. What are the differences between "talks about talks" and negotiations?**
- 3. What do the following forces/groups aim to achieve from negotiations:**
 - a. Imperialist powers such as the United States and Great Britain.**
 - b. The apartheid regime.**
- 4. "Victory is not certain unless..." What conditions would:**
 - a. strengthen**
 - b. weaken****the position of the liberation movement at the negotiating table?**
- 5. How far are we on the road to a negotiated peace settlement?**
- 6. Do you agree with the slogan "Long live the spirit of no-compromise"?**