



Joe Slovo, on the right, addressing workers during a Cosatu demonstration at the World Trade Centre

The Negotiations Victory

A political overview

An assessment presented to the SACP Central Committee, 20th November, 1993, by the party chairperson, **Joe Slovo**

The negotiated package that was finally signed on the night of November 17-18 at Kempton Park is a famous victory. It represents both the culmination of decades of struggle and the starting-point of a new struggle. We must claim our victories, but, in the same breath, we must not forget that what has come out of Kempton Park so

far is only a mountain of paper. The critical question now is implementation.

In the first place, implementation relates to the Transitional Executive Council (TEC). The capacity of the TEC to assert its role is the key to a free election. Yet, notwithstanding the importance of the TEC, it is also extremely important to counter mis-

understandings about the TEC. The general perception in our broad constituency might be that the TEC is an alternative government. We must get across to our people that, until the elections themselves, all the key power remains in the hands of the De Klerk government. The TEC is a multi-party mechanism to assist in creating conditions for relatively free and fair elections, it is not a government. In short, we must ensure that the TEC is able to carry out its work effectively, without raising false expectations about it.

In attempting to implement the negotiated package and empower the TEC, we can expect a rear-guard counteraction from some forces, both within and outside of the state. These forces will attempt to clip the wings of the TEC. Non-cooperation, subverting and, as a last resort, attempts at insurgency may occur.

In general, we can expect a right-wing back-lash. Our approach must be that if they go beyond political mobilisation (a right we cannot deny them) we must ensure that they are crushed. We must not pussyfoot with the right if they choose the option of violence. But, at the same time, and within the bounds of our basic principles, we must (as a Sandinistan comrade recently and aptly put it) provide the right-wing with an option short of armed resistance. This involves dialogue and a strategy to divide them.

Our success in all these endeavours, in the general area of implementation, will depend on our capacity (as it has up till now) to

mount pressures from outside of the process. To take a recent example, the COSATU ultimatums on the lock-out clause and other issues. I don't here want to re-open the debate around misunderstandings within and conflicting signals from the tripartite alliance. Whatever the fumbling from our side, there cannot be the slightest doubt that the COSATU intervention, and the massive COSATU led demonstration outside the World Trade Centre, at the beginning of November, had a positive outcome on the negotiating process. The capacity for this kind of pressure will remain critical in the coming weeks, months and years.

Assessment of the negotiations process – some general remarks

1. The experience of the past three years proved that negotiations are a terrain of struggle which, at the end of the day, depend upon the balance of forces outside the process. It was the link between the negotiations and our mass struggle that played an absolutely key role. I am not saying that our mass struggle, and the link between it and negotiations, were always adequate. We sometimes substituted cliches for realities, for example in the last few months we have vaguely talked about "rolling mass action". But, despite these weaknesses, I have no doubt that the mass ferment at different times played a critical role in the negotiations.

The position of the ANC and its allies as the overwhelmingly dominant force became visible to all, and it became visible through action on the ground. For instance, the massive turnout and enthusiasm for comrade Mandela's visit to Natal showed to all, including the IFP, that the IFP is not what it tries to make itself out to be. The mass response in Natal to Mandela was the uninvited guest at the negotiating table in the days following. Even the NP was making the point that the IFP is not what it claims to be.

In the last few days, when the package was about to be wrapped up, there was complete demoralisation in the ranks of our opposition, they looked demoralised. Their hope of a cohesive alliance between the regime and the IFP had been defeated.

2. Another achievement was the way we succeeded in combining inclusiveness in the negotiations process with a special role for the two key players – the ANC and the government. In the last three days, the critical days, the ANC and government were making one recommendation after another, which were then taken to technical committees for referral to the Negotiating Council. This is an open secret, and without this bilateralism the process would not have been possible. All along, the SACP supported this perspective on the negotiations.

3. The negotiations set an example of transparency which, we hope, will



be carried forward in South African politics. As far as I know, there is no previous example, internationally, of negotiations of this kind being conducted in full view of the press and television. We should record the fact that this transparency was the direct result of an SACP initiative back in the first half of 1992.

4. The struggle for gender equality (a struggle which is not yet won) received an enormous boost both at the level of representation at the negotiations, and in the content of the settlement. We won the demand that of the two leading negotiators from each party, at least one should be a



woman. In regard to the content of the package, I believe we have made many important gains for gender equality. Again, as an SACP and as an ANC-alliance we can be proud of this achievement.

These are just a few of the general achievements. No doubt, some will ask whether we did not have other revolutionary alternatives? In a way, the answer is: yes. We could have gone on with a combination of armed struggle and political assault. And in the end, inevitably, after five, ten or fifteen years we would have won. But this victory in the future is speculative, and in speculating about its possibility we must never

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forget that we engaged in negotiations with a revolutionary purpose. If we had continued with armed struggle, what kind of devastated country would we have inherited? We could have won the war, but we might have lost the revolution.

Some shortcomings

In claiming our victory, we must also honestly note our shortcomings in the process. There are many, which we must register. These include:

1. Shortcomings in ensuring the accountability of our negotiators to our structures. We have often discussed this problem within our party. There were ongoing difficulties in adequately reporting and discussing with our leading structures. This became more difficult with our rank-and-file cadres, and still more inadequate between the movement and the people as a whole. These shortcomings were especially damaging at particular moments, when people got information from an unsympathetic media whose dissemination of information we could not ourselves match.

2. The co-ordination within the al-

liance was certainly not always ideal.

3. The balance between negotiations and mass struggle was not always perfect. We were not always clear of what we were trying to achieve with mass action. Remember the debate about the "tap", our tendency to turn mass action on and off in a very instrumentalist way?

4. But, above all, we took too long to determine a clear and general strategic perspective for the negotiations. As a result, some of our positions looked like purely ad hoc responses to pressures from the other side, or like an ad hoc pursuit of compromise, just for the sake of compromise. Let me note three examples:

The Government of National Unity

4.1 The Government of National Unity (GNU), which is the main insecurity in the minds of people about whether we have gone too far. The question we must ask ourselves is whether the GNU is a compromise in the dirty meaning of the word, or is it in the interests of what we want to achieve?

I absolutely do not believe that the GNU is designed merely to give perks to the other side, or to suck them in. Nor do I believe its main purpose was simply to get a settlement. The main substance of the GNU is that it is in the interests of the revolution. We cannot dismiss

the thesis that what we will win with elections will be political office, not state power in the fullest sense. In order to transform political office into effective state power we need, and needed, to have a strategy that minimises the threat to the democratic transformation. The GNU can be a threat if it is used by the old group to threaten progress. But, on the other hand, it can ensure that when we get political office we will be able to use it in a framework which will minimise the threat of counter-revolution.

Reflecting on all of this, if I had my life over again, I would change the title of my paper "Negotiations - What room for compromise?" to "Negotiations - What is in the interests of the revolution?"

The regional question

4.2 Three or four years ago we did not have a regional policy. As with any other liberation movement, our focus was on the destruction of an oppressive state. It was only in the very recent period, once we had to begin to address ourselves, in earnest, to the question of how to govern this country, that we began to develop a regional policy. We moved away from what could have been interpreted as a policy of a completely and mechanically centralised system. This earlier, rather unelaborated position was, of course, hardly in line with our own concrete organisational experience. You just have to be in a national



The PAC's Benny Alexander in discussion with the government's Roelf Meyer. An important achievement was the way the negotiations succeeded in combining inclusiveness in the process with a special role for the two key players – the ANC and the government

SACP or ANC meeting to note how regions jealously (and correctly) guard their jurisdiction over those areas on which they are most informed and with which they are most connected. This intra-organisational experience surely applies more broadly? The people on the ground want, not just an abstract input into government, but they want a real feeling that they are actively engaged.

Here, too, we took far too long to theorise this, and our “concessions” on the regional question looked like ad hoc compromising.

The civil service

4.3 Much the same can be said on this topic as well. We certainly have a policy of making the South African civil service look like South Africa's

people. But taking seriously the whole question of what we do with the existing civil service is not a sop to the other side. It is a question of fundamental importance to the very delicate post-election period. An intelligent handling of this area needs to take seriously the imperative of limiting dangers of counter-revolution and chaos that could ensue from just dumping existing civil servants in accordance with some mechanical policy.

Overview of the main categories of the agreement

Within a complex, multi-party negotiations process there is, inevitably, plenty of give and take in relation to

specific components. For instance, in the last days of the process there was horse-trading between the ANC-alliance and the DP, in which we amended the way in which the Constitutional Court is to be appointed in exchange for their support for a single ballot (that is, a single ballot on April 27 counting for both the regional and national lists).

But, looking at the result as a whole, I can say without hesitation that we got pretty much what we wanted.

■ The key question from the start was: Who writes the constitution? Our opponents wanted a "one-stage process", that is, for the constitution to be drawn up in the multi-party negotiations themselves. Our approach was for a "two-stage process", in which an elected Constituent Assembly would draw up the future constitution. This we have won. Apart from the constitutional principles (which we support), everything in the interim constitution can be rewritten by the democratically elected representatives of the people.

■ We have always stood for a united South Africa, our opponents hoped to weaken a future democratic state by imposing federalism. We have won a united South Africa, which does not exclude important decentralising measures. In all critical areas, however, the future democratic state will have overriding powers. If you look at the finance provisions of the whole dispensation you will see

that the purse-strings are firmly in the hands of the central government. In regard to the armed forces, at least on paper we have won the battle against their federalisation. This was touch and go in the last days and hours, and the issue very nearly caused a crisis. Although there are elements of decentralisation, in essence regional commissioners will be appointed by the national commissioner, in consultation with regional legislatures. The national police force (under the direction of the President) will also have the right to move in, where law and order requires. We have also won the case for the reincorporation of the TBVC states, at least on paper. Once more, translating all of this into actuality on the ground will require political will.

■ In regard to decision-making in the future executive, in the multi-party cabinet of national unity, we thought that this was going to be the final battle royal. The regime had been holding out for special majorities. In the end we won the principle of majority decision-making, taking into account the spirit of a government of national unity and effective government.

There are many other significant areas in which objectives were achieved, including:

■ Effective instruments for free and fair elections (including the Independent Electoral Commission and the Independent Media Commission);

■ Breaking the regime's monopoly

NEGOTIATIONS



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over public media;

- A Land Restitution mechanism;
- Realistic deadlock breaking mechanisms in the event of the Constituent Assembly being unable to achieve the requisite two-thirds majority;
- A progressive language dispensation, overcoming the special and artificial privileges accorded to two languages.

In conclusion

Let me end where I began. Transforming this negotiations victory, this stack of papers, into an irreversible process of democratic change depends on vigilance and determination from our side. We need to be vigilant in regard to the SADF, the SAP and the right-wing. We need to ensure that the constitution-making body is dominated by

the liberation forces in such a way that the special percentages become irrelevant. There is no reason why we shouldn't achieve a two-thirds majority in the elections. Our job as the SACP in these elections is, obviously, to inject a working class bias into the campaign, ensuring that we are not all submerged in "patriotic" cotton-wool.

Looking back over the last three years, we've had weaknesses, we've had minor defeats, but, overall, we've achieved a really important victory for this stage. Translating this into an overall victory is the challenge that we now confront. ★