

DEMOCRACY IN ACTION

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All clear for negotiations?

Political journalist **HENNIE SERFONTEIN** reviews the state of play.

THE ROAD to an all-party conference in the near future and the subsequent drafting of a constitution for a new South Africa is now wide open, the basic obstacles to "real negotiations" having been effectively removed.

Already the two key parties in the process are said to have reached an unofficial "understanding" on how to overcome the two major obstacles facing the all-party conference — the ANC's demand for a constituent assembly and an interim government.

Furthermore, the government has apparently moved considerably in its understanding of the ANC's internal problems, specifically as regards the importance of addressing the negative perceptions of ANC supporters about negotiations.

The accord reached between the government and the ANC in Cape Town on February 6 has effectively ended the deadlock that existed between them since the Pretoria Minute was signed early in August last year.

The controversial Article 3 of the Pretoria Minute, dealing with the "suspension of armed action and related activities" by the ANC, led to conflicting interpretations and caused a six-month stalemate in the release of political prisoners and return of exiles.

Both sides made important concessions. The

ANC agreed to stop "war talk" and refrain from new underground military activity. The government on its part accepted the right of the ANC to peaceful mass protest actions.

Agreement was reached that the release of political prisoners and the return of exiles, following indemnification, could proceed. This means that the "ultimatum" of the ANC's consultative conference in December has been met. It called for agreement on the "prisoners and

exiles" process to be completed and implementation to start before April 30 — also the date agreed upon in the Pretoria Minute.

In practice, of course, the return of exiles will be a long-drawn-out process taking many months.

Looking back on the negotiation process which began on February 2 last

year, but more particularly at the events of the past three months, it can only be described as the political miracle of modern times.

As the most crucial aspect of the whole process took place quickly and mostly behind the scenes, it was conducive to intimate personal relationships. Understanding and mutual respect has developed on both sides, despite



President De Klerk and Nelson Mandela: a tandem operation securing negotiations.

Confusion en route to perfect ending

By Sue Valentine

THE transition in South Africa epitomises the perfection of ends and the confusion of means.

It was with this paraphrase of Albert Einstein that Idasa policy and planning director Van Zyl Slabbert opened a 10-lecture programme on "Issues in Transition" hosted jointly by the institute and the University of Cape Town's Summer School.

Sketching his analysis of the chances for a transition to democracy in South Africa, Slabbert said *the* issue was that of white minority domination. In terms of this, there was a tendency to adopt the decolonisation agenda when speaking about solving this problem.

"But, this perspective is not valid for South Africa because in other situations whites left the country or some sort of external formula was imposed. These two modes are not available to us," said Slabbert.

In South Africa there was no clear political script to follow; problems would have to be solved "along the way".

He said that, by and large, everyone in South Africa believed negotiations were a good thing, but there were numerous interpretations of what negotiation meant.

Slabbert distinguished between the process of normalisation with which the government was busy at present and the process of democratisation.

Normalisation included the creation of space for political expression, restoring basic rights to all citizens and creating a climate conducive to negotiation.

To Page 4

To Page 6

INSIDE

Signs of hope
and despair
— PAGE 4 —

Social democrats
one and all?
— PAGE 11 —

Activists vs
academics
— PAGE 13 —

Democratisation implied the involvement of new parties in power structures, broadening accountability and seeking legitimacy for political actors and their policies.

A sign of progress in the transition process would be the involvement of a diversity of interests in bargaining and decision-making. However, the imponderables which could scupper the process included the unresolved security situation; the unemployed/uneducated urban black youth; the business community and the durability of compromises that would have to be reached.

Looking ahead Slabbert speculated that in five years' time:

- the government was likely to be broad-based and stable;
- the security situation was likely to be politically stable, but with a high crime rate;
- the economy would be marked by a low growth rate;
- socially, privilege was likely to be non-racial and social spending would be high;
- internationally South Africa would be respectable;
- white domination was likely to be a thing of the past, but unless a democracy had been created, there would still be domination, this time by a non-racial group.

Speaking specifically about constitutional change and likely areas of disagreement, UCT law professor Dennis Davis said he was far less optimistic than Slabbert.

He said unless accountability was enforced or insisted upon now, there was little hope that any future constitution agreed upon through negotiation would endure.

Time and again, throughout the two-week series, the tenuity of the transition to the much vaunted "new democratic South Africa" was brought home.

"The jury is still out as to whether this government is committed to democracy," he added.

DAVIS said the all-pervasive issue and question was how to bring the present orgy of violence under control to begin the task of planting the seeds to build a nation with a tradition of sharing.

Two major issues would dominate the process of negotiation and transition — the security structures (army, police and civil service) and the economy.

He said a constitution was based on a shared need for survival. There could be no hope for a finely-worded constitution if there was no tradition of curbing the powers of leaders and society was based on the practice of resolving disputes by killing each other.

"You don't win political debates by crushing people physically, but by crushing their ideas," he said.

The issue of the security establishment needed to be brought under public scrutiny.

• See also page 10 for what Slabbert predicted five years ago

Towards a new land policy

Government's plans for land reform were criticised as inadequate to deracialise and stabilise land ownership in South Africa at the UCT Summer School.

By Sue Valentine

THE RIGHT to the land, unlike other rights, cannot be extended to the whole population through the mere stroke of a pen because land is finite. The reason the issue evokes such strong responses is because to give to some, one has to take from others.

This was one of the issues raised by Aninka Claassens, senior researcher in the Centre for Applied Legal Studies at Wits University, when she shared a platform with the Minister of Agriculture, Jacob de Villiers, during the focus on transitional issues hosted jointly by Idasa and UCT's Summer School in January.

While the minister was reluctant to give much away before the opening of parliament, Claassens argued strongly that government's plans for land reform were inadequate to meet the need for deracialising and stabilising a situation created by historical injustices and inequitable access to land.

In a country where less than 10 percent of the population owns more than 80 percent of the land, landlessness — and redistribution — are burning issues.

However, the right to own land, (a God-given, finite resource which predates the notion

of "property") should not degenerate into the absolute right of the individual to hold vast tracts purely on the basis of personal wealth.

Proposals that land would change hands on a "willing buyer willing seller" basis within a free market economy and President De Klerk's assurances to white farmers that their title deeds are secure meant that very few black South Africans would have money enough to purchase land at current market prices, she said.

"The right to buy land does not address the claims of communities who were forcibly remove...These people believe their land was stolen from them and must simply be returned, with reparation rather than a debit order."

CLAASSENS said that President De Klerk's guarantees to white farmers, guaranteed that South Africa remained in white hands.

However, the existing distribution of land — which government-proposed reforms would serve only to consolidate — was the result of wars of conquest, land grants to white settlers and a market which "was never free because the majority of the population was prohibited from buying or leasing land".

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