

(SPICER)

SOUTH AFRICA & NEGOTIATING IN POLITICS ; MYTHS AND PROSPECTS

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INTRODUCTION

Circumstances are such that there is no immediate prospect of negotiating anything of major political consequence to reduce the potential for escalating conflict between Black and White in South Africa. This does not mean that violent reaction to those in power cannot be suppressed or that continuing political frustration cannot be controlled. It is precisely the circumstances which bring about coercive stability which preclude any effective negotiations taking place. That is why like "reform", "negotiation" is one of the most overused and abused concepts in current political rhetoric. Cabinet Ministers insist it is "the only way out", the Dakar Communique declared that there was "unanimous agreement" that "negotiation was the most preferable route" to solve our problems; Nkosi Buthelezi regularly emphasizes his commitment to negotiation and regular appeals come from business, Church and community leaders that we "must get round the table" and "sort things out". There is quite clearly an inverse relation between talking and acting on this issue. Yet, the current pre-occupation with negotiating in politics does reflect an awareness of the "dead-end" nature of our political conflict and the need for compromise. At the same time, the parties to the conflict are not now in a position to win on their own terms, nor do they face the prospect of impending defeat. So it appears that for the time being the objective is to increase the costs for the other side persisting with its perceived course, whilst all sides profess their commitment to negotiation. The critical question, of course, is whether all sides will actually begin to negotiate before the costs make either victory or negotiation irrelevant - a time as someone said, when those who remain, "inherit a wasteland called peace."

It is important to distinguish between whether there can be negotiations and whether there will be negotiations. Both have to do with the prospects of negotiation in politics in South Africa. In the former case certain objective conditions have to exist before negotiations can take place; in the latter case, given those circumstances, all parties must have the will to negotiate. For example, both the Government and the ANC say they want to negotiate, but that present circumstances make it impossible for either to do so. It is only when we realistically consider the prospects for negotiation in politics in current

South Africa that many of the myths that surround it become apparent.

PROSPECTS

It would seem that at least most, if not all, of the following circumstances must exist if there is to be any likely prospect of negotiation in politics. These are so-called "objective conditions", which are necessary, irrespective of whether key parties have the will to negotiate.

- 1. Can negotiators be accountable and responsible to their constituents?

This is such an obvious, self-evident condition but one which is totally absent in current South Africa. Do the major parties to the conflict have relative freedom of organisation, association and assembly so that they can elect committees and leaders, formulate an agenda and discuss conditions for compromise and agreement.

A party or movement in exile or underground is forced into a different style of politics than one which facilitates participation in a process of negotiation. Exile politics is bound to generate more uncompromising, militant, charismatic and less accountable leadership than the kind which is bound to the ritual of constituency politics. The very fact of being able to regularly communicate and discuss compromise with all the critical constituents of the party or movement must have a different impact on the style of leadership than under conditions of persecution or violent confrontation.

The absence of this condition in South Africa makes it impossible to even gauge the relevant strength of the potential partners to negotiation. For example : how strong is the ANC, SACP, PAC, INKATHA, Homeland parties, etc., relative to each other. What style of leadership would Mandela display under conditions of exile, or under circumstances of constituency politics? Would all the different parties remain distinct or will they merge ? Is there genuine diversity of political attitudes or is there one black organisation? All these questions force one into conjectures and speculation at present. It also enables potential partners to negotiation to make inflated or untestable claims about membership, support or conditions of compromise or victory. As long as this condition is absent it forces those who are against those in power to broaden their base of strategic solidarity in resistance or under oppression and of necessity predisposes them to more extravagant demands to settle their grievances. In short : "If you have nothing to lose, why not settle for the moon?" For the present Government, therefore, to talk about being committed to negotiation in the absence of negotiators being able to be accountable and responsible to their constituents, is

empty posturing. Particularly if they themselves continue to maintain the conditions which make negotiation impossible.

2. Can the negotiators give effect to the compromise ?

This condition obviously presupposes the previous one and relates to the critical area of control. Are the parties in the negotiation able to stick to bargains? How binding is the mandate to negotiate on representatives and their constituents? How strong is discipline? All these questions revolve around the issue of how well established or institutionalized a party or movement is.

In the present South African context the absence of this condition presents major difficulties to negotiation in politics. The most established or traditional mass political movements are banned or underground. A number of Fronts, Forums or Movements continue a precarious existence. Those parties that are tolerated lack credibility or viability or continuously face a crisis of participation in structures which are either denied to or rejected by other movements. Radical and moral outbidding becomes a common feature and any "agreement" or "negotiation" is easily ridiculed or discredited. There is a high turnover of leadership through detention, persecution or voluntary exile. The present leaders defer to previous ones and can never be certain how binding their existing mandates are in the absence of leaders before them. There is a volatile and emotional relationship between followers and leaders. Leadership style is charismatic, symbolic or demagogic and the rhetoric confined to well worn slogans which reflect commitment and loyalty to "the cause" or "the struggle". Most energy is devoted to creating and maintaining solidarity of membership rather than assuming it as a basis for negotiation.

Again under such circumstances it is futile, even cynical of the Government to state that it is seeking credible leaders with whom to negotiate, when they have virtually debilitated a whole cohort of leadership through banning, imprisonment or exile. It is self-defeating to destabilize those with whom you have to negotiate and then demand a disciplined and controlled response to your invitation for negotiation.

3. Is Negotiation a "reasonable" alternative to resolving the conflict?"

The word "reasonable" here does not refer to any partisan point of view. It refers to the extent to which the basic minimum objective conditions for all relevant parties involved in potential negotiations have been met. In this respect consider the relationship between the South African Government, the ANC and Inkatha.

The South African Government says the ANC must renounce violence and the armed struggle before it will enter into negotiation with it. On the face of it a "reasonable" condition.

The ANC says it will reconsider on violence or the armed struggle only if the government is prepared to unban the movement, release its leaders and give a clear commitment to dismantle all Apartheid structures. These led, according to the ANC, to a commitment to the armed struggle in the first place. Again on the face of it, "reasonable" conditions.

The South African Government says to Buthelezi that it is prepared to negotiate with him without preconditions. Buthelezi responds by saying that unless Mandela is released and a clear commitment to dismantling Apartheid is given, he cannot participate in negotiation. Also "reasonable" conditions.

We thus have a number of "reasonable" conditions for negotiation which appear to contradict one another. Viewed in the "abstract" the problem is unresolvable, but viewed historically there is a "reasonable" way out of it. Both the conditions stated by the ANC and Buthelezi relate to actions initiated by the South African Government. The South African Government implemented apartheid structures, banned organisations and imprisoned their leaders. In short, it cut off all effective routes to negotiation. This led to a commitment to the armed struggle by the ANC. Is it "reasonable" to expect the ANC to renounce the armed struggle if the Government persists with the conditions which led to it? The short answer is "No", whatever one's moral views on the use of violence for political ends may be.

In fact, should the ANC renounce the armed struggle under these circumstances, it most likely will tear itself apart as a movement and be radically outbid almost immediately by more militant domestic/external factions. Similarly, should Buthelezi participate in any negotiations without his "reasonable" conditions being met, he, according to his own view, will destroy any credibility and viability he enjoys as a political figure. Thus in a clear historical sense, the initiative for creating the conditions which make negotiation a "reasonable" alternative, lies with the South African Government. However, should the South African Government bring about those conditions it immediately becomes "unreasonable" for the ANC to continue with the armed struggle or for Buthelezi to refuse to negotiate.

There is another dilemma however. If a party is in a position to inflict damage to the process of negotiation and is excluded because some critical "reasonable"

condition is not met and other parties begin to negotiate, the process could become an exercise in futility. Let us assume the Government releases Mandela and gives a commitment to dismantle Apartheid, but is not prepared to unban banned organisations. The ANC's position is that all political leaders have to be released and organisations unbanned. If the Government refuses to do this, does Buthelezi enter into negotiations or not? Or does he insist that all the basic "reasonable" conditions of all relevant parties be met before negotiations can begin? The answers must lie in the point that if negotiation is not a "reasonable" alternative to all the relevant parties, the chances of stability and success will be very doubtful indeed.

4. Are there adequate lines for regular informal communication?

Many, if not all, formal political treaties or negotiations are the result of a multiple series of informal meetings and preliminary bargaining. It is totally inconceivable that a summit of any consequence could be a one off affair. Regular and trusted channels of communication have to exist and regular use of them has to precede any public agreement. This is a very underdeveloped area in the South African context.

Part of the explanation for the Government supporting media's frenetic and hysterical response to the recent "Dakar talks" is that they themselves are totally out of touch with an organisation which enjoys substantial domestic support and by all objective criteria is critical for the success of any negotiation in the politics of South Africa. This is, of course, a reflection of the Government's own attitude towards informal channels of communication with potential partners to any negotiation. It not only refuses to create them or allow them to develop, it actively discourages this through propaganda and threats. At present it has so effectively demonized the ANC for its own followers, that any future attempts to "talk" will undoubtedly cause massive confusion amongst its present supporters and make them more vulnerable to right-wing fanaticism.

Another very important role that informal communications can play, particularly with regard to negotiation in politics lies in the area of arbitration. The South African situation has no obvious external agent which can play the role of an arbitrator in negotiating our conflict. Rhodesia/Zimbabwe had Lord Soames as a "constitutional midwife", most colonial societies had the "mother country" who could cope with the delivery or birth of a post-colonial era. In the South African context, it would be very difficult, if not impossible, for any of the potential parties to negotiation to play

the role of both negotiator and arbitrator. It is in this area where special interest lobbies : church, business, unions, experts can play a vital informal role in clearing out options and determining priorities. Again in the South African situation we must be one of the most segmentally isolated communities in the world. It is astonishing, given the extent of our economic integration, that most whites really do not have any idea of how most blacks live or what their attitudes are.

Obviously there are other objective conditions relevant for negotiation : the state of the economy, the rate and degree of urbanization, the extent of external isolation or involvement etc. These are important structural circumstances which have important implications for the possibility of negotiation in politics. Those that I focussed on bear directly on negotiation in politics itself. They assume the more conducive structural circumstances as it were. I focussed specifically on them to highlight how far away we are from negotiation in politics and to demonstrate the almost unreal quality which the statements of the many protagonists for negotiation have in our present circumstances.

But let us assume that the major parties to the conflict are serious about negotiation even though obviously favouring their own terms. How are the immediate objective conditions discussed above going to come about ? It has to be understood in terms of the cycle of reform-revolt-repression in which South Africa is trapped. Ideal types are useful in illustrating a situation, but they have a tendency to oversimplify. Nevertheless : conventional wisdom on the reform side has it that through the Government maintaining control it can "stabilize" the situation, restore "normality" and gradually create the conditions in which effective negotiations can take place. Conventional wisdom on the revolt side has it that through determined resistance areas of control, physical (i.e. liberated zones, townships) and functional (labour, education, civic associations) can be established in which the conditions can be brought about in which effective negotiations can take place. At the end of the revolt initiative negotiation is about capitulation and the transfer of power (the Zimbabwe/Mozambique model). At the end of the reform initiative negotiation is about accommodation and "power-sharing". The struggle at present is also about different kinds of negotiation. That struggle can either get locked into a period of inconclusive violence or either side can use its initiative to bring about more conducive conditions for negotiation. At present the initiative for doing so lies very much with those in power in South Africa. That is why the question as to their willingness to negotiate is more relevant to the problem than the other potential partners.

In distinguishing between conditions which make negotiations possible and the willingness to negotiate on the part of the parties concerned, one must avoid regarding the distinction in a mechanical or chronological sense. It would be a distortion to see the process as one of : first "someone" (?) creates the conditions and then the parties become willing. There is an obvious interplay between changing conditions and attitudes. Not to forget the role of personalities as well : a bellicose, cantankerous and ruthless tyrant will never negotiate, no matter how conducive the circumstances or willing his supporters may be.

Yet, given these cautionary statements, there is enough written and researched in this area to give us a fair idea what the willingness to negotiate entails.

(a) Is the conflict defined in zero-sum terms?

This is the familiar : "We will rather die than surrender" or "More suffering is no problem, we are used to it" phenomenon. Cost articulation is a crucial element in determining the willingness to negotiate. Leaders can define thresholds of sacrifice and suffering which can lead to great determination and resolution on the part of their followers.

One of the disturbing developments in recent years in South Africa is the growth on either side of the polarization process of extremist views defining ultimate sacrifices. It is still fairly limited.

(b) Is the conflict defined as winnable in partisan terms?

This is different to the previous attitude where there is a disposition of bearing costs irrespective of outcome. Here the costs are justified in terms of the certainty of the outcome "Victory is Certain", "History is on our side" etc. Very often extravagant claims of this kind are part of the posturing which precedes effective negotiation, but they can also reflect a serious commitment to an inflexible agenda for change. One thing that appears to be certain and that is the longer the objective conditions for negotiation are absent, the more frequently the outcome of the conflict will be defined in apocalyptic terms.

(c) Is the legitimacy of the other parties existence and demands accepted.

Legitimacy here does not necessarily mean legality. It refers to the degree of support and power that the other enjoys, or put differently, the ability the other has to hurt or escalate costs. "Whites have no right to govern in this country" or "the ANC is a foreign based terrorist organisation with no role to play in the future." Often

this kind of attitude reflects a desire rather than an assessment of reality. To the extent that it is prevalent among those who have to negotiate, potential partners will tend to define each other out of the picture.

(d) Is time on "our side"?

This attitude reflects an assessment of the other parties resources and ability to last or endure the costs of conflict. There is no immediate prospect of victory or defeat, but an implicit confidence that as time goes by, circumstances will change in favour of one rather than the other. Some blacks use the crude demographic argument - "We are becoming more, they less", whilst whites sometimes rely on technological and economic circumstances changing in their favour. "A strong black middle class as a buffer against revolution" or "We will grow to build ourselves out of the crisis."

By now it should be fairly obvious that the major parties to the South African conflict do not find themselves in the objective circumstances to negotiate nor at this stage do they appear willing to if they could. This does not mean that both the conditions and willingness cannot change more favourably at some future stage. But now we should recognize the current myths that surround negotiation in politics in South Africa.

CONCLUSION : MYTHS

Some tend to approach negotiations in politics as an exercise in industrial bargaining : it is simply a question of getting the major parties around the table and settling the dispute. They forget that a whole history of labour-management and state relations preceded our present system of industrial conciliation.

Another misconception has to do with confusing a process with an event. "Why don't we have our "Turnhalle" or "Lancaster House" as if negotiation in politics can be confined to a one day jamboree where major issues can be settled under the glare of publicity. They tend to forget that Lancaster House was the final comment on a tragic and brutal conflict; that "Turnhalle" took place despite the continued intransigence of the South African Government and an unsympathetic international community.

A very popular misconception, often deliberately fostered, is to confuse negotiation with consultation or "talking". Often Government spokesmen would call in some black spokesmen for consultation and at the end refer to "fruitful negotiations". Perhaps this is why they were so keen to typecast the Dakar talks as an attempt at "negotiation". The people who attended from South Africa, a group of predominantly Afrikaner academics, did not have a mandate to negotiate the time of day, let alone any political conflict. If anything, the Dakar talks was an exploratory attempt to find out what negotiation could be about.

These recurring misconceptions concerning negotiation in South Africa obscure the highly complicated and complex nature of the process, should it ever come about. Negotiation in politics in South Africa involves fundamental questions of power. If ever there should be successful negotiations in South Africa, one thing is absolutely certain : At the end of that process an exclusive and privileged white minority will no longer be in control of the overall political situation in South Africa. To appreciate what this entails in terms of social and political transformation enables one to understand why neither the conditions nor the willingness to negotiate are present in South Africa today. It is still a long haul before, and if, we get there. We can only pray we do so while it is still worth it for all concerned.