

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 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 one, temporary immunity from persecution 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 undertake to review existing security legislation to bring it into 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.
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.

Comrade Joe Slovo has argued fiercely in the past against undermining the sovereignty of the Constituent Assembly but his latest proposals for an indication of agreement in bilateral discussion negates this. In any case, haven't we indicated publicly where we stand on majority rule, regional powers, general amnesty etc.? Maybe J.S may care to elaborate on his ideas lest we accuse him of proposing something to the contrary.

We need a Sovereign Constituent Assembly:

In a letter to P W Botha, comrade Nelson Mandela argued for nothing short of majority rule based on a new constitution that enjoys the support of all South Africans, by the same token, the NEC statement and pronouncements by the leadership of the movement on breaking talks with the regime clearly put the need for a new constitution to be drawn and adopted by a Constituent Assembly without any veto. The same message is repeated in the Record of Understanding (the list goes on).

Joe Slovo, has often argued (correctly so) that the deadlock at CODESA was not about / around percentages but about whether a new Constitution will be drawn and adopted by a structure such as CODESA or by a sovereign Constitution Making Body (CA), unfettered in its powers save for those general principles agreed upon at CODESA.

If the above is true then J.S is adding a new feature which will result in undermining the sovereignty of the Constituent Assembly and reduce it to a rubber stamp body for agreements reached either at a bilateral or multi-lateral level on top of general principles.

This view is best summed up in a question posed by Cde Mzala in an article on NEGOTIATIONS AND PEOPLE'S POWER. Comrade Mzala wrote: Will the current struggle go on to the complete overthrow of the racist regime and the establishment of people's power? Or will it be forced into a premature compromise, a negotiated settlement, whose ultimate effect would be to curtail apartheid and establish a government of some form of power sharing?

2. What is the likely outcome.

I think that Joe Slovo deals with this issue from one angle only. Our starting point should not and can not be about power sharing with the Nats. We should aim for the following :

- 2.1. Broad principles agreed to, at a multi- lateral forum should be of such a nature that they do not tie the hands of the Constituent Assembly.

- 2.1.1. Any Interim arrangements including Interim Constitution , Government of National Unity should be of a temporary measure and should cease to exist once a new constitution has been adopted and fresh elections held based on such a constitution . In any case, isn't the question of coalitions based on the outcome of an election rather than a gentleman's agreement?
- 2.1.2. While there may be some form of regional demarcation for purpose of elections ,this should not be entrenched.

It is clear from the above, that while we may not be able to force total surrender at the table the outcome will not be as Joe Slovo paint it . One where we merely take over hoping to fix things as we hop along. We can't argue as Joe Slovo does that as long as it does not permanently block our movement forward such a compromise should be acceptable. What J. S. is also not explaining is what is the difference between his proposals on power sharing and those by De Klerk except that his will not be entrenched in the constitution?

3. What are our negotiating positions?

For once I am in total agreement with the need to spell out our bottom lines and to ensure our members know what these are: However, to me the issue is not about bottoms lines, but ensuring that our negotiating positions are clear. To confuse bottom lines with negotiating positions means that if the enemy refuses to accede to your demands (which is your bottom line), and you compromise with them, you have given in to the other side. If your bottom lines are the negotiating position, how do we defend ourselves against being seen as unreasonable (The 2/3 -70% is a case in point) Our opening shot has been 2/3 majority and as the regime moved from total consensus to 75 - 70% we looked unreasonable. On the other hand had we formerly opened with a simple majority we need not have scurried around for cover in trying to justify our refusal to move from 65%.

In grasping his nettle, J.S argues that we should take our members with us. No one in his/her right mind would argue with that. However the issue goes deeper than that. Shouldn't it be our constituencies who are giving us mandates for us to have a clear negotiating position. While I've got no quarrel with J.S's bottom lines, I have a serious problem with publicly spelling our bottom lines. It is like saying never mind us making this or that demand, we are willing to settle for less as our bottom line. J.S having been the MK Chief of staff will agree with me that it would be suicidal to send troops into the battlefield while announcing at the same time terms for a cease-fire / surrender. Therefore the issue is not about bottom lines but about formulating policies for the future as part of our preparation for negotiations.

4. How do we increase Mass participation:

Our program of rolling mass action has shown that the masses are keen to participate in mass struggle provided the demands are clearly spelt-out, program of actions are not perspective and where it is possible to connect broad political demands with socio-economic issues. It is therefore surprising that comrade J.S hardly mention this aspect. Instead he confines them to being informed of the bottom lines while the negotiators are given a free hand to clinch deals without coming back for mandates. It is our role to create structures on the ground and to build a strong movement which is able to wrest more concessions from the regime. The Record of Understanding come about as a result of our people's determination to rid themselves of the National Party ad its surrogates, yet lack of a program to ensure implementation will see that victory evaporating into thin air. Indeed some of our regions think the Record of Understanding has brought about confusion.

In conclusion let me deal with the supposedly unfavourable balance of forces, both now and in the future. The balance of forces are not static and are not only based on our weaknesses only. It must take into account that enemy is in serious problems as well . Some of their surrogates are unpredictable, (they) do not have a constituencies, they are riddled by scandals for murder and corruption etc. The issue facing us is two - fold:

1. Having recognised weaknesses on our part, how do we strengthen ourselves in a manner that tilt the scale in our favour?
2. How do we exarcerbate the weaknesses on the regime's side particularly after Pik's unsuccessful mission (so far) in Angola?

One accept that negotiations are a give and take situation. But to go into them having announced what we are prepared to give will lead into another percentage debate. We should bear in mind our own position as outline in the path to power: "We should be on our guard against the clear objectives of our ruling class and their imperialist allies who see revolutionary transformation. The imperialists seek their own kind of transformation which goes beyond the reform limits of the present regime but which will, at the same time, frustrate the basic objective of the struggling masses" .