

The 1991 session of Parliament saw repealed all the significant laws upon which apartheid had been structured. Their scrapping, an extraordinary achievement for President F.W. de Klerk, has left people of all political persuasions uncertain about the future. GERALD SHAW, political analyst and associate editor of the Cape Times, reviews De Klerk's remarkable determination and suggests that now there is but . . .

ONE WAY AHEAD

THE 1991 session of Parliament has seen the legislative underpinning of the apartheid system finally swept away, only 18 months after President F.W. de Klerk's historic speech at the opening of the previous session on February 2, 1990.

It is an extraordinary achievement to have scrapped the bedrock racial legislation which Afrikaner Nationalist leaders from D.F. Malan to P.W. Botha have seen as vital to the survival of Afrikanerdom. It is even more extraordinary that Mr De Klerk, in doing so, has managed to take the Nationalist caucus with him and has survived as leader of the party.

It has been a tricky balancing act, made possible by Mr De Klerk's success in attracting enough English-speaking and coloured/Indian middle class support to compensate for the loss of much of the NPs traditional Afrikaner nationalist constituency to the Conservative Party. In the result, the NP — although still Afrikaner-dominated — is becoming more and more a party of the urban middle-classes generally, with the rural and white working class vote going to the Conservatives.

Misplaced confidence

Mr De Klerk's success has also rested on the assumption that the next parliamentary election, whenever it ultimately takes place, will be on the basis of a non-racial universal franchise. Another whites-only election is seen as unthinkable, presenting the Conservative Party with a chance to gain control of the country under the existing constitution, turning back the clock and triggering political and economic chaos.

Perhaps the most significant development this session has been the National Party's growing — but almost certainly misplaced — confidence that it can put together an electoral alliance with the

Inkatha Freedom Party and various moderate groups which could beat the African National Congress at the polls. This new-found confidence, which grew as the ANC's organizational and tactical disarray became all the more evident, has been reflected in a strident anti-ANC tone in the speeches of Nationalist Cabinet ministers and a marked anti-ANC bias in SABC television newscasts and public affairs programmes. The NP's bullishness has gone hand in hand with a steady erosion in the relationship of trust between Messrs F.W. de Klerk and Nelson Mandela.

It is here that a built-in contradiction becomes evident in Mr De Klerk's strategy. A new constitution needs to have been achieved before there can be any question of the non-racial democratic election which the NP now seems to believe it can win. And before this can happen such a constitution needs to have been successfully negotiated and accepted as legitimate both at home and abroad. This can only happen, surely, if the ANC as the major black political force in the country is very much a part of the process — and if there is a working measure of trust and co-operation between the NP and the ANC in managing the transition.

If, as some analysts are currently concluding, the NP has indeed lost confidence in the ANC as a transition partner, how else does President De Klerk expect to get a credible multi-party conference off the ground which can agree on negotiating structures and move towards interim governmental arrangements?

If Inkatha, commanding very much less support than the ANC, is to replace the ANC as the NP's partner in transition, shutting out the ANC, the country will be torn apart in civil strife. Already there are some signs that the NP might

be sensing that it has overplayed the pro-Inkatha divide-and-rule game this session and needs to row back from a divisive and potentially explosive strategy.

And the ANC? If the NP has been losing confidence in the ANC, the process is entirely reciprocal. As Rand township violence reached unprecedented heights of intensity in the first half of the year the ANC concluded that the De Klerk government and Inkatha, as the principal beneficiaries of the violence, politically speaking, were actively condoning killing expeditions by Zulu hostel-dwellers, with police seemingly impotent or looking the other way.

Destabilisation

The repeated attacks on commuters in trains and at bus and taxi queues, carried out by mystery gunmen with AK47 rifles, have likewise given rise to acute concern. The gunmen, operating from fast cars and minibuses and invariably getting away unscathed, have launched attack after attack, spraying automatic fire usually at random into township crowds, sometimes at identifiable groups of ANC activists. The conviction has grown in the ANC, rightly or wrongly, that it was becoming the victim of a clandestine destabilisation campaign.

While the good faith of President De Klerk himself is not in question, it did seem as if sections of his security forces might still be carrying on the clandestine CCB-style tactics of the Botha era.

It was in this increasingly murky political atmosphere that the ANC issued its controversial Open Letter to President De Klerk towards the end of the session, demanding that the government accept its responsibility as official guardians of law and order and put an end to the violence. The ANC's suggestion that it could not continue to take part in

De Klerk must know that the ANC cannot now be sidelined

negotiations in such an atmosphere was at first derisively brushed aside in the media and by the NP government. But within a week opinion swung around as the realisation grew that the Open Letter was not just a tactical ploy but an indication of a genuine perception in the ANC that the violence, unless curbed by the State, could set back negotiations very seriously, perhaps irreparably.

The ANC's own hands were by no means clean. Whatever the intention, its furious propaganda campaign against black local authorities certainly seemed to have stirred up a measure of violence, with local civic leaders, including the Inkatha-supporting Mayor of Soweto, falling victim to shooting, petrol-bombings or hand-grenade attacks and with policemen also singled out as targets. And ANC supporters on occasion gave as good as they got in the bloody ANC-Inkatha power struggle. A fair conclusion is that all three — the ANC, Inkatha, and the State, which was remarkably irresolute and ineffectual in curbing the violence — should bear their full share of the blame.

As the session ended amid unresolved wrangling over the violence, both the NP and the ANC seemed to be dragging their heels on the negotiation trail. Yet, behind the fog of rhetoric and recriminations over the release of political prisoners and other such issues, appearances may well have been deceptive. Assuming that the ANC emerges committed to negotiation and in good working order from its crucial midyear conference, and assuming that the efforts of churchmen to promote an allround commitment to peace prove successful, the stage should be set for Messrs Mandela and De Klerk to heal the breach between NP and ANC in the second half of the year. If the political will exists to get the negotiations back on track, and if the air can be cleared on the security front, there is every reason to expect that a multi-party conference will be in session by the end of the year, if not sooner.

It depends how profoundly the ANC's faith has been shaken in President De Klerk's willingness and ability to control the security forces and bring them into line as a neutral, non-partisan arm of the

State. It depends also on how far Mr De Klerk is prepared to go to regain the confidence of the ANC.

Right from the start Mr De Klerk moved ahead much further and much more quickly than anyone had expected in his drive to scrap the apartheid statutes. He seized the moral high ground. Yet two big questions remained unanswered. Could Mr De Klerk reform the security establishment and eradicate its malignant clandestine culture? Would he do so?

The horrifying slaughter on the Rand towards the end of 1990, continuing well into 1991 and carrying on unchecked, week after week, has intensified the ANC's doubts beyond measure, strengthening the position of those in the organization who were always inclined to doubt that De Klerk really meant business. For the ANC, the unresolved doubts about security pose the major obstacle to serious negotiation.

Armed struggle

By mid-1991, moreover, the ANC was beginning to suspect that it might have been the victim of a gigantic confidence trick, designed to get the NP government off the hook internationally, and once this had been achieved, to ensure that the ANC was thoroughly destabilised and marginalised as a political force.

Mr De Klerk, for his part, says he wants to see the ANC move from suspension of the armed struggle to its final termination. He wants to see the ANC cease presenting itself as a semi-military movement and act in a manner more befitting a political party. He wants to see the ANC give up its arms caches and go easy on the mass action which is still dear to the ANC leadership even though the numbers of the faithful still prepared to turn out for such events are steadily dwindling.

Does the political will exist to move ahead to the next phase on the way to a new constitution? Any movement ahead will require that a prior understanding be reached between all parties on questions of security. Unless parties can be sure that the others are not out to destroy them, talk of serious negotiation is idle. It remains to be seen whether such

assurance can be achieved. If it cannot be achieved, however, and the NP and the ANC remain bogged down in distrust, a further drift into violence and economic stagnation will follow.

On balance, I am opting for a more hopeful scenario. However misleading and self-serving the assessments which the intelligence establishment might place before him, Mr De Klerk must know in his bones that there is no way the ANC is to be sidelined, as yet another major opinion poll has overwhelmingly confirmed. Even if it never opens another branch or signs on another member, the ANC is still the old firm, and however disorganised, it will emerge as the most important black political force in a fair and free election.

So there is only one way ahead; that is for the NP and the ANC, having set the terms of a new constitution, to conclude a pre-election pact in which it is agreed that whoever is the outright winner, all significant parties which win seats in the legislature should also be represented in the executive government, in proportion to their share of the poll.

This would mean, in effect, the creation of a government of national reconciliation or national unity, with the NP and the ANC as the dominant coalition partners, and other significant groups such as the DP and Inkatha also having seats in the Cabinet. As a transition arrangement, enabling confidence to be restored and economic growth to be resumed, this could last five or ten years, perhaps. In the absence of a pre-election pact, and considering the huge stakes, it is hard to see how a non-racial democratic election could take place at all in reasonable peace.

Yet a settlement is by no means unattainable. Once the barriers of mistrust are down, negotiation of the terms of the constitution and of a mixed economy will go ahead very quickly. In their respective blueprints for a non-racial democratic constitution, a bill of rights and an independent judiciary the ANC and the NP are much closer than many people realise. The points of difference that remain are readily open to compromise. ●