

# ***The Last Word ...***

## **Perspective on Political Negotiation**

**Oscar D. Dhlomo**

**THROUGH** the national Statutory Council, the Government has already set the negotiating table, decided on the guests who will attend, and the table manners to be observed. . .

*It has become fashionable in our country for all significant parties and groups to declare their support for a "negotiated constitutional settlement". This is a promising development because it indicates that the majority of South Africans still believe in negotiation as opposed to revolution. We must also remember that in most instances, even those parties that follow revolutionary strategies claim, rightly or wrongly, that their strategies are aimed at applying pressure on the government so that it can agree to the process of genuine negotiation. Therefore, a common starting point which has also been backed by recent scientific findings is that the majority of South Africans support the politics of negotiation.*

*Having established that the majority of our people prefer negotiation to revolution, we must now explore what genuine negotiation would entail in our South African situation. Experience shows that political negotiation means different things to different people. In most cases, prescription and consultation are all taken to mean political negotiation. Let us examine these concepts more closely:*



**Oscar D. Dhlomo**

*Dr. Oscar D. Dhlomo is Chairman of the new Joint Executive Committee for Natal, Secretary-General of Inkatha (National Cultural Liberation Movement) and a member of the Central Committee and Inner Council. This contribution is adapted from his address at a seminar on political negotiation presented at the Rand Afrikaans University by the Department of Communication on October 23, 1987.*

**Prescription** means that the ruling party decides what socio-political structures need to be established and then goes ahead to establish them regardless of what the majority of people feel about those structures. The unilateral fragmentation of South Africa into bits and pieces of impoverished black territories called homelands was a typical example of the politics of prescription on the part of the ruling party.

*Having unilaterally prescribed what political structures have to be established the ruling party then goes ahead to persuade people to fit themselves into those existing structures. When the ruling party "consults" people trying to persuade them to join these ready-made political structures, it is usually claimed that "negotiation" is taking place, when in fact consultation is what is taking place.*

*As far as we are concerned the present government still mistakes consultation for negotiation. Indeed there are many instances where the government seems to have one foot in prescriptive politics and another one in consultation, parading as negotiation.*

*If we examine the circumstances surrounding the establishment of the National Statutory Council it immediately becomes obvious how far we still are from getting involved in genuine political negotiation.*

*After the government accepted that negotiation was the answer to our problems it then went ahead to unilaterally create the forum through which negotiation would take place and to decide which people and groups would participate in such negotiation. The Government went further to decide how such people would be elected and how they would qualify to be included in negotiation. What is even more baffling is that the Government then made the leader of one of the most important if not crucial negotiating parties (i.e. the State President as leader of the National Party) the Chairman and convenor of the negotiating forum!*

*Strictly speaking therefore, through the National Statutory Council, the Government has already set the negotiating table, decided on the guests who will attend, and the table manners to be observed.*

*People are now being asked to "comment" on those arrangements even though they were not involved in their formulation. This is a typical example of prescription mixed with consultation.*

*It is generally agreed that effective negotiation can only take place among parties who are willing to negotiate because they all see a need for negotiation. Negotiation involving reluctant partners who have been dragged kicking and screaming to the negotiating table will almost certainly end in deadlock. It is safe to assume that in South Africa the majority of potential negotiating parties are willing to negotiate. They however tend to differ on what they are prepared to negotiate about.*

*Secondly, effective negotiation demands that negotiating parties should enjoy equal status at the negotiating table. The format of the N.S.C. already ensures that there shall be no equality in status amongst the negotiating parties. The Government will enjoy a pre-eminent status in the negotiation. All other parties shall participate at the State President's pleasure. Among black organisations there also appears to be a problem with regard to equality of status. From what we read in documents and some sections of the South African press, it appears that the African National Congress regards itself as the leader of the black liberation struggle. Consequently, the A.N.C.'s version of negotiation suggests that other black political groups that do not subscribe to A.N.C. policy shall not be welcome at the negotiating table. Similarly it has become fashionable in some liberal and academic circles to naively declare that all our problems will disappear if the government negotiated only with the A.N.C. The A.N.C. is indeed an important factor in future negotiations, but it is by no means the only factor. The sooner we realise this the better.*

*Thirdly, effective negotiation can take place among parties who are prepared to listen with a degree of empathy to an opposing viewpoint without necessarily agreeing with it. This helps to build mutual trust and avoids the possibility of negotiating parties "talking past each other". I do not believe that potential negotiating parties in South Africa have yet reached a stage where they are prepared to listen to opposing or contrary viewpoints with empathy even if they don't*

agree with those viewpoints. More often than not, opposing viewpoints are treated with intolerance, are deliberately distorted in order to misinform the public or they are simply ignored. A typical example of this South African weakness is the manner in which the recent National Party Congress in Natal debated the KwaZulu-Natal Indaba proposals. Another example is the hostile attitude of the A.W.B. towards groups that hold opposing viewpoints.

Ideally, negotiation should not entail **pre-conditions**. A pre-condition for the start of political negotiation should thus ideally be that there are in fact no pre-conditions. Negotiating parties should not start from fixed positions and they should come to the negotiating table with **open minds**, always accepting that they will consider each viewpoint strictly on its merits.

The reality in South Africa, however, is that all the potential negotiating parties have already set pre-conditions which they insist should be met before they take their places at the negotiating table:—

- The Central Government insists that it is prepared to negotiate provided its negotiating partners renounce violence. Some government spokesmen insist that any negotiated settlement must accommodate the principle of group self-determination — and by “group” is meant a racial group.

- Some revolutionary parties insist that they are prepared to negotiate provided the negotiations are about the transfer of power to the majority.

- Other black parties insist that they would be prepared to negotiate provided political prisoners are released unconditionally, the State of Emergency is lifted and discriminatory laws are repealed.

Owing to the fact that all potential negotiating parties have set pre-conditions, there is a need for preliminary talks or **talks about talks** to precede genuine political negotiation. These talks would aim at

discussing the pre-conditions stipulated by the various parties with a view to finding a mutually acceptable formula for accommodating the pre-conditions.

Lastly, the other problem that the government faces with regard to political negotiation is **lack of credibility**. There are very few blacks today — including those who are genuinely prepared to negotiate — who believe that the government is sincere in its claims that it wants to initiate genuine negotiation. There is always a lingering suspicion, reinforced by past experience, that the government wants to legitimise that status quo by co-opting blacks into it. The structure of the National Statutory Council as well as the circumstances surrounding its establishment also help to reinforce this lingering black suspicion.

The Government will need to spend time **building mutual trust** amongst potential negotiating parties before genuine negotiations can be possible. To do this the Government would need to establish its sincerity by first **creating the climate** for negotiation. This can be done by unconditionally releasing political prisoners, lifting the State of Emergency, unbanning banned organisations and repealing discriminatory laws like the Group Areas Act, the Population Registration act and the two Land Acts of 1913 and 1936. If all this were to happen, I am convinced that the majority of blacks would confidently come forward to negotiate.

As I said when I started, the only positive sign at the moment is that the majority of South Africans support negotiation. However, there is still a long way to go before South Africans can get involved in genuine political negotiation. Events like this seminar would seem to indicate that we are now possibly approaching the stage of **talks about talks**. Similarly, regional constitutional options like the KwaZulu-Natal Indaba help to demonstrate practically that genuine negotiation is not only possible but is also mandatory if we are to avoid future conflicts.