

heavy security. Winnie flew down and was able to see me prior to surgery. But I had another visitor, a surprising and unexpected one: Kobie Coetsee, the Minister of Justice.

Not long before I had written to Coetsee for a meeting to discuss talks between the ANC and government. He did not respond. But that morning he dropped by the hospital unannounced as if he were visiting an old friend who was laid up for a few days. He was altogether gracious and cordial, and for the most part we simply made pleasantries. Though I acted as if though this was the most normal thing in the world, I was amazed. The government, in its slow and tentative way, was reckoning that they had to come to an accommodation with the ANC. Coetsee's visit was an olive branch."

The conditional offer made by Botha on the relinquishing of violence by Mandela and the ANC demanded exploration. It was Kobie Coetsee who was tasked with exploring this possibility. This in turn led to secret discussions on a much wider agenda; talks about talks for a new constitutional and political dispensation in South Africa.

These conversations are confirmed by Mandela (1995, p. 636) who recalled that: "Coetsee said the government would like to appoint a committee of senior officials to conduct private discussions with me. This would be done with the full knowledge of the State President, Coetsee said. He himself would be head of the committee, and it would include General Willemse, the Commissioner of Prisons, Fanie van der Merwe, director general of the Prisons Department, and Dr Neil Barnard, a former academic who was head of the National Intelligence Service."

"The first three individuals were associated with the prison system, so if talks foundered, or, were leaked to the press, both sides would be able to cover up and assert that they were merely discussing prison conditions and nothing more. The presence of Dr Barnard, however, disturbed me. He was head of South Africa's equivalent of the CIA, and was also involved with military intelligence. I could justify to my organisation discussions with the other officials, but not Barnard. His presence made the talks more problematic and suggested a larger agenda. I told Coetsee that I would like to think about the proposal overnight. That night I considered all the ramifications."

“I knew that PW Botha had created something called the State Security Council, a shadowy secretariat of security experts and intelligence officials. He had done this, according to the press, to circumvent the authority of the cabinet and to increase his own power. Dr Barnard was a key player in this inner council, and was said to be a protégé of the president. I thought that my refusing Barnard would alienate Botha, and decided that such a tack was too risky. If the State President was not brought on board, nothing would happen. In the morning, I sent word to Coetsee that I accepted his offer. I knew that I had three crucial matters that I needed to address: First, I wanted to sound out my colleagues on the third floor before I proceeded any further; second, it was essential to communicate with Oliver in Lusaka about what was taking place; and finally, I needed to draft a memorandum to PW Botha, laying out my views, and those of the ANC, on the vital issues before the country. This memorandum would create talking points for future discussion.”

“I requested a meeting with my colleagues, and to my surprise the authorities summarily refused. This was remarkable, and I assumed it reflected a great deal of nervousness about the prospects of secret talks between myself and the government. I took my complaints to more senior officials. Finally, the request was approved, with the proviso that I could see my colleagues one by one, and not together. I met them in the visiting area. I had resolved to leave out a few details; I would seek council about the idea of having talks with the government without mentioning that an actual committee had been formed.”

De Klerk (1998, p. 118) likewise confirmed Barnard’s involvement in the secret prison conversations with Mandela. He afforded the following assessment of this scenario.

“Another key figure was the enigmatic Dr Neil Barnard, the head of the National Intelligence Service. Barnard, another protégé of PW Botha, had been a lecturer in political science at the University of the Orange Free State. When he was still in his early thirties Botha had hand-picked him for appointment as head of the National Intelligence Service. Barnard had built the service into an effective organisation and for playing by the rules. He was quiet, reserved and thoughtful, and played a central role in managing

and encouraging the first discussions between Nelson Mandela and the government and the government's first contacts with the ANC outside South Africa. Sometime after I became State President, I appointed him as director-general of constitutional development, so that we would be able to make fuller use of his abilities in the negotiating process. As is the case in many countries, there was keen competition – and often little love lost – between the various components of the security establishment.” The prison conversations were initiated and arranged as a deliberate secret government special project. The government appointed a task team and allowed Mandela to consult with his advisors so that he could be mandated. Mandela took the discretionary step of not revealing that a task team had been appointed to his closest colleagues because he felt that that might compromise the prognosis for a positive negotiation outcome. He, like the government, understood the imperative for secrecy at this early stage.

It is unquestionable that Kobie Coetsee played a vitally important brokerage role. The respondents Van der Merwe (2004), Barnard (2004) and Louw (2004) were all directly involved in the secret prison conversations with Mandela. These conversations were deliberately invoked to explore the prognosis for a peacefully negotiated settlement. Their testimony provides a ‘lived experience’ repudiation of the falsification thesis.

Van der Merwe (2004): PW Botha placed himself in a very big corner when he announced that ‘I will release Mandela if he renounces violence’.

Phenomenological reduction: It is fair to construe that at the time of Botha's announcement he experienced it as entrapment. With the knowledge of hindsight it was not a corner but a release valve that Botha had probably unwittingly created. Botha's advisors, though, were immediately fully aware of the fact that this could open up a window of opportunity to make the first move and start talks that would lead to negotiation between hitherto enemies taking place.

Barnard (2004): There was a need for a discourse and there were difficulties in starting one. Kobie Coetsee, the Minister of Safety and Security, regarded the problem of Nelson Mandela's incarceration in prison in a clear headed and logical

and encouraging the first discussions between Nelson Mandela and the government and the government's first contacts with the ANC outside South Africa. Sometime after I became State President, I appointed him as director-general of constitutional development, so that we would be able to make fuller use of his abilities in the negotiating process. As is the case in many countries, there was keen competition – and often little love lost – between the various components of the security establishment.” The prison conversations were initiated and arranged as a deliberate secret government special project. The government appointed a task team and allowed Mandela to consult with his advisors so that he could be mandated. Mandela took the discretionary step of not revealing that a task team had been appointed to his closest colleagues because he felt that that might compromise the prognosis for a positive negotiation outcome. He, like the government, understood the imperative for secrecy at this early stage.

It is unquestionable that Kobie Coetsee played a vitally important brokerage role. The respondents Van der Merwe (2004), Barnard (2004) and Louw (2004) were all directly involved in the secret prison conversations with Mandela. These conversations were deliberately invoked to explore the prognosis for a peacefully negotiated settlement. Their testimony provides a ‘lived experience’ repudiation of the falsification thesis.

Van der Merwe (2004): PW Botha placed himself in a very big corner when he announced that ‘I will release Mandela if he renounces violence’.

Phenomenological reduction: It is fair to construe that at the time of Botha's announcement he experienced it as entrapment. With the knowledge of hindsight it was not a corner but a release valve that Botha had probably unwittingly created. Botha's advisors, though, were immediately fully aware of the fact that this could open up a window of opportunity to make the first move and start talks that would lead to negotiation between hitherto enemies taking place.

Barnard (2004): There was a need for a discourse and there were difficulties in starting one. Kobie Coetsee, the Minister of Safety and Security, regarded the problem of Nelson Mandela's incarceration in prison in a clear headed and logical

fashion. From 1985 to 1986 Kobie Coetsee spoke quietly about the need to converse with Mandela.

Quiet conversations are often more effective in inducing change than strident ones.

Louw (2005): The talks with Mandela opened a window of opportunity. My sense was that it was a once-off opportunity and that it would not come again. I attended these meetings as a junior member. My sense was that these talks would build up momentum. But this was, I thought, going to be far off in the distance horizon.

Phenomenological reduction: Louw regarded the discussions with Mandela as a possible life raft for the country's future. This opportunity had to be treasured. He intuitively appreciated the greatness of the moment. It was his view that these talks could build up momentum but that would be sometime in the future. His duty was to consolidate upon them immediately.

Louw (2005): I was very worried at that time. PW was leading the government. Kobie Coetsee attempted to do his best for Mandela, and he was key to the entire negotiation process. The most interesting thing about him [Kobie Coetsee] was his obsessive personal secrecy. He also had an almost paranoid obsession about not being exposed as being wrong. Kobie wanted to be seen to be right. For example, you could put a case to him requiring the exploration of negotiation scenarios. Just when you seemed to have convinced him about the viability of a specific strategy and presented a case to him that negated all the bad risks, he would say that he 'would sleep over the matter'. The next morning Kobie would have 'slept' over the favoured case. He would say that he had reflected on the compelling case under discussion carefully. He would then come up with twenty extra different scenarios.

Kobie Coetsee deserves to be acknowledged and attributed to his rightful place in history. Very few people would know that it was in fact he that initiated the private discussions with Nelson Mandela. Kobie always was concerned about Mandela's dignity and comfort. He set the ball rolling. It was then taken over by the NIS. That

was his nature. And yet he invoked one of the boldest negotiation processes that the world has seen.

He led an obsessively private life. Having a Minister of Justice who was 'unlocatable' was difficult.

Kobie never met with Mandela in prison. Kobie honestly tried and indeed did make things much more comfortable for Mandela.

Van der Merwe then builds up on Louw's logic to show that these conversations led inexorably towards Mandela's release, and then, later, the different phases of the negotiated settlement.

Van der Merwe (2004): We got the conversation going ... We raised the question 'Should we not go and see Mandela and find out what the prognosis will be for his release?'

The moves that were proposed in the early stages were simple and pragmatic. The underlying sense of Van der Merwe's commentary was: "President Botha got himself into a corner. It is our duty to help Botha get himself out of the hole he had dug himself into. While we are about it, let's also start digging South Africa out of its mess."

It is now necessary to gain Barnard's assessment of these prison conversations with Mandela:

Barnard (2004): To put the matter of discussions with Mandela into perspective, let me suggest a comparison ... The state of national security at that time in South Africa made it as likely for PW Botha to talk to Mandela as it would be now for President George Bush to invite Osama Bin Laden to the White House. It was a non-starter. PW Botha was a hard man.

Phenomenological reduction: Botha relished conflict. He was ruthless and uncompromising in his personal attacks. As young man he was involved in breaking the oppositions political meetings. He was known to bully. His instincts were aligned with the military, and in this sense he was regarded as a Hawk. He did not encourage disagreement or opposition. He had a strong sense of grievance because of the Anglo Boer War. He authorized much of the military involvement in Angola, Mozambique and Namibia. The researcher understands the term “Hard Man” to mean a person who is instinctively and uncompromisingly martial in his conduct and beliefs. There was another thoughtful side to Botha though, and that was that he also realized that it was imperative to speak to the enemy and he authorized Barnard and the group to do just this. The improbability of these talks taking place was powerfully stressed by Barnard.

Mike Louw, in his commentary, used almost the identical terminology to describe PW Botha. His commentary on PW Botha is outlined below:

Louw (2005): PW Botha was at the helm. He had been Minister of Defence ... I think for thirteen years. I experienced him as a very hard man.

Phenomenological reduction: This view on PW's hardness is echoed by all the respondents who interacted closely with him.

By 1987 there was a basic unanimity about the imperative for fundamental change in South Africa at the highest level of the National Party government. The years of violence, regional destabilisation, forced removals, various declarations of states of emergency, detentions without trial and extra judicial executions and disappearances were matters that drove members of civil society, commentators and politicians alike to deduce that any statement arising from the National Party that confirmed an intention to negotiate a non-racial political solution would be met with general scepticism.

Louw (2005): Neil Barnard got on well with PW. I have my own personal psychological theory about personality types. My assessment of PW Botha was that

he had reached the end of the elasticity of his mindset. He had done everything that he was capable of doing to extend the system without an ideology or a philosophy.

Phenomenological reduction: It was essential that Barnard was able to relate to PW Botha, because this opened up the space for leadership, guidance and learning amongst hitherto enemies. This 'elasticity of mindset' relates to an adult's capacity to learn. When this is lost you cannot learn anymore. You are obsolete. This fits in well with Van der Merwe's theory that a politician can only make one big step, and then he becomes enmeshed and cannot make another one.

Louw (2005) assessment that "[h]e had done everything that he was capable of doing to extend the system without an ideology or a philosophy" raises some important issues. A state needs a rationale if it is to exist. South Africa did not have a rationale at that time. It had lost its rationale in the midst of the intellectual bankruptcy of 'the total onslaught'. Louw's view is that in order to exist, a state has to have a moral purpose. Military power also has to have a moral purpose if it is not to lead to disempowerment. This moral purpose would be formulated as both an ideology and a constitutional philosophy.

PW's only visible means of advancing the state was by military intervention. This had led inexorably to a stand-off against the world where South Africa had developed six nuclear bombs, and did not dare use them.

Louw (2005): He did this by increasing military capacity and building up the police. There was therefore nothing constructive that either the ANC or the National Party government could really do. Neither party was able to suggest constructive ways of getting out of the impasse.

Phenomenological reduction: A total focus on military might cause an almost symmetrical equation of comprehensive political disempowerment. It tended to prohibit opening up a discourse on alternative choices and options in South Africa. It condemned South Africa to a type of political autism. The ANC as the 'shadow organisation' and

reciprocal counterpart of the National Party responded to the National Party's autism in the only natural way possible: it too was mute.

Louw (2005): It did not seem possible to have discussions.

4.8 Getting started and the negotiation move

Getting going, getting started, making the 'negotiation move' is often the hardest step of all. The 'move' had to be aligned with the negotiation terrain, and had to be carefully calculated as to its impact both internally within one's own constituency and externally within the counterpart's constituency. It was realised by both Mandela and the NIS that the first moves should be secret and exploratory.

Karrass (1970) has shown that the higher the aspiration level, the more favourable the outcome for the negotiator with the highest aspiration level. The negotiation scenarios and options available to the ANC and National Party determined that they would have different, but complementary roles, and that they would set mutually high aspiration levels. Because the negotiations were ultimately about the conceding of political sovereignty by the National Party, the National Party government were by definition destined to be the chief concession makers. Being the chief concession maker does not mean capitulation.

The National Party government could have invoked the force of the military and mobilised the paranoia of the white right. Under this scenario they could have invoked the falsification thesis, and gone for broke in a full-out military confrontation. They could have subverted the entire ANC leadership and created chaos in the country for generations to come. They had the wherewithal. But they chose not to because this was an unwise choice. In this context they realised that they could control the pace of the concessions and the quality of the concessions and project manage the implementation of these concessions.

The ANC on the other hand were in the situation where they could be 'value claiming' and expansive in their approach to the negotiations because of the situation, which progressively improved.

The National Party government therefore had to consciously and deliberately develop appropriate internal negotiation protocols for negotiating with a continuously diminishing power base. Both the National Party and ANC needed to be very carefully synchronised in the negotiation process because the ANC had to be metamorphosed into the leadership of the country.

The role of the Consultative Business Movement in the creation of the National Peace Accord, together with the support provided by the broader business community for the negotiated transition, meant that the future economic and financial framework of the country would be inclined to be compliant with what might be described as 'world's best practice'. In other words, it would not be a Marxist-Leninist socialist revolution. This was sufficient guarantee to the leadership of the National Party to continue with the negotiations, given their changed and modernised psychographics from a working class movement at the time of their accession to political power in 1948, to their mutation into a middle-class, bourgeoisie movement with widespread professional leadership by the early 1990s.

Barnard (2004): PW Botha knew in his own mind what matters were important to him and what matters were not. By March 1988 we were in a state of emergency and we seemed to be locked into very difficult times. Whilst Louis le Grange was telling the Cabinet how good things were preceding in South Africa ... the reality was that certain areas of the land, and many black townships, were totally out of control.

Phenomenological reduction: Barnard understood South Africa's deteriorating sovereign risk profile. He knew full well that Louis le Grange was lying to the Cabinet when he misrepresented the internal stability of the townships. Barnard retained his own judgment

and assessment of the country's negotiation status and sovereign risk profile, which was extremely precarious and vulnerable.

One implication of Barnard's utterances is that within a declining state you can have a shadow system that is able to seize power from an apparently monolithic state. The negotiation scenarios of stasis versus homeostasis were evident. All was not what it seemed to be.

Barnard (2004): In March 1988 I was asked to be part of a group that would have secret discussions with Nelson Mandela in prison. Other members of the group were Mike Louw (Mike later became head of the NIS) and Willie Willemse, Commissioner of the Police Services (who was a jewel of a person, a wonderful man who has in my view not yet been properly honoured as he deserved). Fanie van der Merwe was also part of the group.

Phenomenological reduction: Barnard is describing how the secret-prison-conversation sub-group was constituted. The journey could in a certain sense be regarded as an initiation rite towards a new state of consciousness for South Africa. In practice, the new state of consciousness was manifested in the ultimate design of a new constitution. This new constitution emerged as a creative process by the alignment of hitherto enemies around the pursuit of a common purpose and shared future. This demanded that the hitherto enemies were able to learn vitally important lessons from one another.

Barnard (2004): But nonetheless we were able to function together. These conversations with Mandela can be confirmed. The first conversation took place on the 28th of March 1988 in the office of the head of the police at Pollsmoor Prison.

Phenomenological reduction: Barnard's testimony is factual.

Van der Merwe now offers his assessment of this discourse:

Van der Merwe (2004): The fact is that the prognosis to get PW to let us go to visit Mandela would seem impossible. Our line to PW was 'you created this problem and we are helping you to get out of it'. We discussed the situation very much amongst ourselves.

Barnard adds:

Barnard (2004): These conversations later led to the Old Man's freedom, under De Klerk. In the course of these meetings I had one-on-one discussions with Mandela. We had to also speak about some difficult personal matters including some issues about Winnie. On the 28th of March 1988 we had a meeting with the head of police at Pollsmoor. We ended up having 48 meetings in total.

Barnard was devoted to the process given the amount of energy he directed at the meetings. There were no signs of deal-fatigue.

Barnard (2004): Some of the discussions lasted for two hours. Some lasted six, some seven, and some lasted as long as eight hours in length. There were problems with Winnie and Stompie.

Phenomenological reduction: The intense sequence of meetings and sharing of complicated private matters created both transference and counter-transference. Winnie Mandela's behaviour is on the record of the TRC and she was involved in Stompie's brutal and untimely death.

Barnard (2004): The next point that I need to discuss is a critical issue: What were the goals of the discussions? The detail of this was important. The goals of these discussions with Nelson Mandela included: Ascertain what the ANC's attitude was towards the viability and prognosis for a peacefully negotiated constitutional settlement in South Africa. In other words: what type of constitutional arrangement were the ANC seeking?

Phenomenological reduction: The goals specified in this sentence make the assertion of the falsification thesis redundant. Why would the ANC endorse a negotiated settlement if they wished to pursue a military option? Both of these major antagonists were deliberately, and in a highly structured way, seeking to enact a negotiation process that would give rise to the creation of a new constitution. These questions flowed logically out of PW Botha's undertaking that he would release Mandela if he relinquished violence.

Barnard (2004): What was the ANC's vision about the future of violence, and would they abandon violence as a pre-condition for negotiations in order to achieve their [constitutional] objectives? What was Mandela's stance on violence, and how could we understand whether he was prepared to reject violence? At that stage Mandela's dissociation from the armed struggle was regarded as a priority. The old favourite ... we needed to understand how strong the ANC's linkage to the South African Communist Party really was. Would the ANC use the communist revolutionary approach if there was to be a negotiated transfer of state power? In short, we were systematically trying to understand and assess whether the ANC were the slaves of the communists or were they African nationalists. This led to a further set of questions: How would the communist linkages implicate a possible movement into negotiations because of Cold War ramifications?

Phenomenological reduction: Barnard is clearly sketching the key features of a self-destructing and socially imploding national negotiation scenario (see Figure 1). If both the revolutionary and counter-revolutionary scenarios were allowed to predominate in a state of balanced deterrence, this would have inexorably led to a self-destruct national political scenario.

The logic contained in Barnard's second agenda point indicates a specific choice and decision on the part of both the ANC and the National Party government to negotiate an end to violence (see Figure 2). In so doing, Botha's perceived rhetorical offer converted into a tangible negotiation gambit.

Within your own constituency abandoning violence can be seen as a sign of weakness and capitulation within your own constituency. The distinguishing line between political violence and criminal violence would often be blurred and indistinguishable in the immediate negotiation process. But as time moved on political violence and criminal violence would become distinguishable. That distinction would become an indication of a gradual move towards social stability, and the reduction of the country's sovereign risk profile. It would serve as an indicator of the accumulated buy-in to the new constitution and new order. Political violence would abate and criminal violence would remain.

Meyer (2004) mentioned that the matter of arms caches was dealt with in the following way. Both the NP and ANC knew that the violence in South Africa would continue for a long time and was beyond any party's ability control. Because the roots of violence were sowed over generations, it would probably take generations to heal. The National Peace Accord did put a lid on the political violence and made it manageable. Political violence would diminish with the advent of constitutional democracy. Therefore the violence would by definition be designated as criminal violence. This violence would slowly be counter-acted by the criminal justice system. It would take a long time to abate, and would be a generational matter. There would not be immediate or visible improvements. The improvements would gradually occur as family structures re-integrated, educational opportunities enhanced and the economy expanded. Clearly the matter was long-term.

In practice the notion of handing in weapons was very difficult. Meyer's viewpoint on this was that it was both naïve and unrealistic to expect the political parties to have complete control over this. With the advent of democracy many weapons would regrettably still be used in criminal actions. Others arms caches would get lost. Others would get broken. Slowly the matter of arms would dissipate. The violence would slowly diminish, in sequence with the dissipation of arms, the growth of the economy, the re-integration of family life, and the improvement in education.

Barnard's concerns about violence articulated above were eventually addressed by those processes articulated by Meyer. The reconciliation of political and criminal violence would always be a fraught matter and plagued with ambiguity and insecurity. Barnard's

concern about violence was fundamental. The matter of arms and violence could prevent, and indeed nearly did prevent, the negotiations from ever getting started in the first place. It was a very volatile matter. Arms could be used symbolically to perpetuate the arms struggle.

For Barnard the crucial issue here was to create a platform of legitimacy to start the negotiation process. This discussion was also about attitude structuring.

Van der Merwe's commentary that is cited below is included to corroborate Barnard's assessment:

Van der Merwe (2004): We got the conversation going ... We raised the question 'Should we not go and see Mandela and find out what the prognosis will be for his release?' Did Mandela encourage violence or not? That was a key question that needed to be answered. Coetsee went to PW and said to us that 'we can talk to Mandela'. This had to be done in secret. If government was seen to be talking to the enemy, there would be great political problems.

Kobie Coetsee arranged the first meeting with Madiba. If it was blown, I was there because it fell under the Department of Prisons. I asked Neil Barnard to come. General Willemse, the head of prisons, was also there. Mike Louw of NIS was also at that meeting.

This description converges greatly with what Neil Barnard said. There was 'prison departmental cover' and the meetings were arranged as a secret operation and assignment. Contingency plans were set in place.

It has already been alluded to that Mandela felt exposed by the fact that the NIS was attendant in these conversations through the person of Neil Barnard. The government had equal reason to be concerned about the presence of Neil Barnard and the NIS. If this leaked out into their political constituency, it could place them in a situation of grave

political embarrassment and antagonise the right wing. Both parties were in the situation where they had to take grave risks. These risks built a foundation of trust.

At that stage learning amongst hitherto enemies had to by definition involve a clandestine process of discussion.

Van der Merwe (2004): Minister Chris Heunis – his name appears nowhere. He was the driver of the process of reform until he fell out with PW. His was one of the most gracious of political disappearances that I have ever seen.

Phenomenological reduction: The contribution made by Chris Heunis emerged as a recurring theme and needs to be briefly assessed on its objective merits. The ANC and the liberals at that time were severely critical of Heunis and his reforms. His contribution was generally deprecated. Sometimes it takes an external source, outside of a conflict, to confirm the value of an approach, policy stratagem or personal contribution. In the case of Heunis, the value of his contribution was attested to by members of the Russian intelligence service – the erstwhile KGB – who indicated to Barnard (2004) that they wished that they had the foresight to create a Department of Constitutional Development in the Soviet Union that was led by someone with the intellect of Chris Heunis. This would have meant that their post-communist revolution would have been much more controlled and less chaotic, rather like the Chinese transition.

Borraine (2000, p. 29) offered the following assessment of Heunis's contribution: "In an editorial in *Democracy in Action* in the same month, commenting on Constitutional Affairs Minister Chris Heunis's superficial commitment to negotiation and his call that all South Africans should participate in negotiations towards a new constitution, I wrote, 'Negotiation has become a buzz word in government circles and therefore it is important to understand what negotiation really means'."

The fact of the matter was that they came to a deep understanding of exactly what negotiation meant, and acted on that understanding in most remarkable manner. Borraine (2000) has been proven incorrect in this particular one of his assessments.

Van der Merwe (2004): We had a planning department in the President's Office.

We drafted a memo which went to Cabinet proposing reform in the Constitutional Department. This was called the Department of Constitutional Development and Chris Heunis was made the Minister.

4.9 The ANC and negotiation

The falsification thesis is repudiated by the respondents' primary interviews, triangulated with the literature, and the promulgation of legislation that rescinded apartheid.

Welsh (1994, p. 84) observed that "for its part the ANC has never rejected the principle of negotiation with South Africa's white rulers. Most of the pragmatists in the leadership accepted that the ANC was unlikely to get itself into a position in which the State could be overthrown by revolutionary means, as its propaganda implied. Instead, it was reckoned, cumulative pressure in different forms had to be inexorably applied with the intention of ultimately forcing 'the regime' to the negotiating table.

There was nevertheless some tension within the ANC between 'insurrectionists', proclaiming the goal of the 'seizure of power', and those representing what Tom Lodge calls 'an older and more conciliatory tradition of ANC thinking'. The insurrectionists were no doubt strengthened by the township violence of 1985/1986. Many young 'comrades' in those times appeared to genuinely believe that the revolution was imminent. With good reason, the bono fides of the South African government as a negotiating partner were distrusted."

A similar scepticism pertained to the ANC's subscription to a negotiated solution. Rantete and Swilling (1991, pp. 205-207) observed that "[f]or thirty years (1960-1990) it was also committed to the 'armed struggle' and the notion that efforts would have to be made to overthrow white power militarily if the government refused to come to the negotiation table.

During the late 1980s changes in the political environment took place that resulted in shifts from a revolutionary position that upheld that the necessity for the 'armed seizure of power' to a more complex strategy, of transition, premised on a negotiated settlement. These changes included:

- Limitations of the real threat of the armed component of the ANC's revolutionary strategy, combining with the effectiveness of internal popular mobilisation in cutting off the state's options and making it realise that the exclusion of the ANC was becoming increasingly untenable;
- A worldwide mood of reconciliation, particularly the bi-partisan superpower commitment to the resolution of conflicts through negotiation; (This led to the peaceful resolution of the Namibian question and fostered, in turn, similar perspectives on the South African crisis.)
- Immense pressure was exerted on the ANC by the Soviet Union, frontline states, other Western powers, and a number of South African whites who visited the organisation in Lusaka to consider negotiations seriously; and
- Moves by the South African state, and foreign states, to use negotiations in part to de-mobilise militant structures of the ANC and its allied organisations inside the country. (This compelled the organisation to take a position on the subject to pre-empt the government from winning the moral high ground.)

These developments gave the ANC little option but to consider the emerging negotiation initiative. From a revolutionary agenda (1961-1987) there was a growing realisation within the ANC, dating back to 1985, of the inevitability of negotiations."

It is interesting that the ANC's and National Party's policies on violence and negotiation almost mirrored one another. The ANC's insurrectionary revolutionary policy to make the country ungovernable was matched by the National Party's counter-revolutionary strategy embodied in Botha's notion of a 'total onslaught' (See Figure 1). The violent strategies were reciprocal, as were the negotiation strategies.

4.10 The Kabwe Conference

In this section of the research, the ANC's switch towards selecting a negotiation outcome is briefly assessed through a brief exposition of the empirical literature, and then by reference to commentaries emanating from the respondents.

In summary, Oliver Tambo signalled a clear preparedness to explore the negotiation option in the Kabwe Policy in 1985. The imperative for pursuing a democratically negotiated solution was pursued in 1955 at Kliptown, where the Congress of the People and indorsed in the Freedom Charter, which was a negotiation 'lodestar'. (The Freedom Charter was articulated at Kliptown).

The deteriorating crisis in South Africa and declaration of a state of emergency in 1985-1986 saw the Eminent Persons Group came to South Africa in an attempt to try and lobby for opening up the space for a democratically negotiated constitutional settlement. The outcome of the EPG visit was the Report of the Eminent Persons Group, which set out a comprehensive non-racial democratic framework (Ramphal, 1986). The imperative towards seeking a negotiated outcome as per the EPG's recommendations was accepted in terms of the ANC's Harare Declaration.

The Eminent Persons Group's recommendations were rejected by the National Party. This rejection created a negotiation stalemate that presented as a stalemate of the stasis type that would mean that the revolutionary and counter revolutionary scenarios would maintain a violent, deterrent balance for a period. But this stalemate that presented itself as a stasis was actually a homeostasis, a stalemate of the second type (see Figure 1). The evidence for this comes from Botha's support of Barnard and others' secret prison conversations with Mandela.

When FW de Klerk gave his 2 February 1990 speech, it became blindingly clear that the National Party had shifted gravitationally towards a similar concern for a negotiated outcome. The reference to the primary research will show that the preparation was

intensive, and that the homework for a negotiated settlement was comprehensively done prior to De Klerk's accession to power.

It will be shown through the primary research, and particularly from the commentary made by Van der Merwe (2004), that De Klerk's 2 February 1990 was an officially mandated speech. The release of the political prisoners and the granting of permission to protest indicated very important pilot studies or experiments with grass roots democracy. Equally, practical logistical plans were made for the return of the political exiles who had left South Africa at the time of the struggle.

Opening the Kabwe Conference in 1985, President Oliver Tambo made an observation about the growing speculation that negotiations between the ANC and the government were imminent. While he expressed the NEC's conviction that the apartheid state was not interested in a just solution of the South African question, he also contended: "The NEC is of the view that we cannot be seen to be rejecting a negotiated solution in principle. In any case, no revolutionary movement can be against negotiations in principle"

As the intensity of pressures to negotiate increased, the ANC on 9 October 1987 took a formal position: "Once more, we would like to reaffirm that the ANC and the masses of our people as a whole are ready and willing to enter genuine negotiations provided they are aimed at the transformation of our country into a united and non-racial democracy. This and only this should be the objective of any negotiation process" (ANC, 1987).

Both the government and the ANC incrementally gravitated towards opening up the space for negotiations. The initial negotiation agenda for South Africa was arguably The Freedom Charter which was adopted on the 26 June 1955 by the Congress of the People at Kliptown. The Freedom Charter set out in very broad terms the ideal of the principles that would underpin the creation of a democratic and non-racial South Africa. It was a significant document which was used as lodestar in the three subsequent decades of struggle against apartheid. Many people lost their lives because they had dared to subscribe to its principles.

The post 16 June 1976 violence which led to the political tumult of the 1980s and included massive civil upheavals and the declaration of various states of emergency saw increased international attention and dismay being focused on South Africa.

4.11 The Eminent Persons Group's proposals mutate into the Harare Declaration on negotiation

The Eminent Persons Group (EPG) was established by the Commonwealth to assess how apartheid might best be dismembered, and a new democratic constitution negotiated into existence.

The EPG offered a set of resolutions that gave substance to the vision of negotiating a democratic non-racial constitution for South Africa. Their remit lasted from 1 January to 30 June 1986. The ANC offered its basic support for the EPG group's recommendations. The essential EPG recommendations were subsequently modified and later adopted into the Harare Declaration on 21 August 1989. The Harare Declaration was also adopted by the Organisation of African Unity (OAU). This ratification process was very important because the Harare Declaration then became both a South African and an African document. It thus became a lodestar to the negotiations.

Ramphal (1986) alluded to the fact that the National Party government rejected the proposals of the EPG in May 1986. A strict state of emergency was set in place in June 1986, and the country was dependent on this state of emergency given the levels of violence from all sides of the compass. The 'securocrats' assumed a significant role in decision making and South Africa started slipping into a corporate siege economy. The first action that was taken by the South African government on the conclusion of the EPG's investigation was to conduct an illegal raid into Botswana, where innocent civilians got killed. The stalemate continued to present itself as a stasis. This signalled the South African government's contemptuous rejection of their remit.

Finally, it is noted that Swilling and Rantete (1991, p. 206) conducted an investigation into the readiness and prognosis for the ANC to enter into negotiations in the 1980s. It is

remarkable how similar the ANC's and NP's assessments of the negotiation status in South Africa were prior to the negotiations taking place, in spite of the fact that they were not speaking, and were engaged in a low intensity civil war with each other.

Van der Merwe (2004): De Klerk's 2 February 1990 speech had been carefully assessed by all the key ministries prior to its presentation.

Phenomenological reduction: There would seem to be a commonly held view amongst the public at large that De Klerk's 2 February 1990 speech was released as a 'bolt from the blue' and caught everyone, including his closest allies, off-side. This is simply untrue. His key allies were informed about the content of the speech and were given ample time to critique it. The key issue is that they supported it.

Fanie van der Merwe articulated it thus:

4.12 De Klerk's 2 February 1990 speech

Van der Merwe (2004): On the 2nd of February 1990, De Klerk presented his famous speech at the opening of Parliament. This speech was made on a Friday.

During De Klerk's first speech in October/November 1989 all the members of our department gave input to him. We, from the Department of Constitutional Development, discussed De Klerk's famous speech in small groups. De Klerk sought departmental political justification for his speech. It is untrue that nobody saw it before it was delivered, and that it was a total surprise. The factual information contained in his speech was assessed – here clinical decisions were reached. This in fact came from a long preceding evaluation and corrective process.

Phenomenological reduction: De Klerk's speech was a team effort and was widely discussed, and the confidentiality of De Klerk's speech was upheld and respected. It was a deliberately conceived and, indeed, a mandated speech.

The general impression that is held is that De Klerk conceived of this speech in isolation. De Klerk sought and obtained a departmental mandate and justification for this speech, just as he did when he went to the polls to seek the white electorate's mandate for negotiating the changes that had been unleashed by this speech. The object of this was to minimise and mitigate the risks of internal opposition to his steps.

Van der Merwe (2004): For example on the unbanning of political organisations – we started with that matter in May 1989 when Govan Mbeki was released. This was to test the waters. He was released with his cooperation. In fact, eight people were released on that occasion. Two were from the PAC and six were from the ANC. That happened in consultation with us and was very well managed. October 10th was a holiday. We started setting up the pre-release arrangements.

Phenomenological reduction: The release and unbanning of Govan Mbeki was a type of trial run, a pilot study that heralded the release of all political prisoners. The NP were conducting a pilot study to try and normalise politics in South Africa. The release of prisoners and detainees was conducted as a controlled experiment. This discounts the veracity of the falsification thesis.

Van der Merwe (2004): This prisoner-release process was put on the table by the Department of Constitutional Development. The intention was to turn violent political conflict into peaceful political competition.

Phenomenological reduction: The intention behind the conduct was to change the rules of engagement from conflict to competition (see Figure 5). It involved the invocation of a deliberate set of actions to change the previous pathological social patterns.

Van der Merwe (2004): To do this, what was needed was the enticement of the parties to participate in a non-violent political process. Leaders were imprisoned. Our goal was to open up the streets for street politics.

Phenomenological reduction: The enticement of the parties into a non-violent political process conducted literally at street level was the learning objective.

Van der Merwe (2004): A famous protest march was permitted by De Klerk in October 1989. This happened as a flag flying exercise in Cape Town, and permission was granted, contrary to the previous pattern of banning and disallowing political gatherings and protest. We opened the streets to the public for a big political event.

Phenomenological reduction: This massive protest march was conducted in peace and led by Archbishop Desmond Tutu. It was a very important litmus test, a public display of responsibility and restraint, and showed that political protest need not be violent and could indeed be peaceable. This protest de-escalated the conflict and was an important pointer of things to come.

Van der Merwe (2004): Exiles needed to be given the opportunity of getting back to South Africa. We needed to ensure that they did not get arrested and that there were exemptions from prosecutions. It needed to be possible for the underground cadres to surface. There had to be a comprehensive risk analysis to make things possible. The release of political prisoners culminated in Mandela's release. The return of exiles and underground people was a crucial step in the learning that took place amongst enemies.

Phenomenological reduction: The return of the exiles was an important ceremonial event. Van der Merwe's concerns were practical. The political exiles could not be arrested upon their return to South Africa, and there had to be legal exemptions on prosecutions. The matter needed to be properly project-managed. The return of thousands of exiles to the land of their birth is a very significant human migration and restoration of hope in a society that was previously forlorn of hope. The National Party government made a deliberate choice to protect political exiles, and to guarantee them a safe return to South Africa.

Had the falsification thesis pertained, the guarantee of safe return and promises of indemnity from prosecution could have been a ruse to capture and destroy the ANC leadership upon their return to South Africa. Indeed, the hitherto enemies had many opportunities to entrap and use military solutions. These were military solutions were generally not pursued. The human rights abuses that were perpetrated were gross. The restraint that was exercised in the interaction by the new emerging leadership of the hitherto enemies was extraordinary.

Van der Merwe (2004): In this sense the unbanning of the ANC was not a problem. The problem was rather with the South African Communist Party. That was the biggest hurdle to get past. We needed to find ways to allow parties to operate without completely unbanning them. The rider was that our greatest fear was that violence would flare up. It is accepted that you could not now arrest them for furthering the intentions of the ANC. This was fine and accepted. But what would you do if they were being seditious? The police were concerned about this matter. We said to the police 'give us a list of those people with warrants that you have prosecuted under sedition this last year'. There were none. We therefore felt that we could unban the ANC and other parties, but we could not find a justification for unbanning the South African Communist Party.

Phenomenological reduction: This commentary reveals the internal negotiation process with the South African Police.

The South African Communist Party had indeed been supporting a violent revolutionary overthrow of the government by sedition. How do you justify negotiating with a seditious organisation? It was a very difficult conundrum.

Van der Merwe (2004): We started writing out proclamations. We took these to the government. We came to the conclusion that you can't make it possible for the ANC to participate in a political competition, because the leaders were actually also very close to the SACP. This was what the negotiation position (revolved around) very close to the 2nd of February 1990, when De Klerk made his speech.

Phenomenological reduction: The proclamations were intended to extract the National Party from the conundrum of negotiating with the SACP. The reality was that the ANC, COSATU and the SACP were alliance partners, and how could this egg be unscrambled? It was practically impossible. They were a reality that had to be addressed, and the collapse of the Berlin Wall and Iron Curtain provided the necessary syzygy to dissolve this matter. It was rationalised that the fall of communism made the South African Communist Party a political non-event.

Van der Merwe (2004): That was not a speech simply written before parliament. De Klerk thought long and hard about it for some time. Anyway, I still cannot to this day believe that nothing was leaked out. The speech released an avalanche. Our next task was to manage the avalanche.

Phenomenological reduction: Steward (2004) confirms that De Klerk agonised over this speech. It was a serious event and needed to counteract the fiasco of the infamous Rubicon Speech. It was very carefully staged and prepared for maximum benefit, and De Klerk's approach was to down-play it completely in order to ensure optimal national and international impact.

Coleman (2004): This was not a miracle. Those who believe that it was, will not, and do not, appreciate the beauty of what happened.

Phenomenological reduction: This was all about wisdom, thought, and appropriateness. There was a short period of brilliant leadership in South Africa. The leaders had the humility to listen, and learn from one another, and to act wisely on this tempestuous dialogue. The notion of these negotiations being a miracle trivialises them. They were a symphony of hard work, agony and wisdom. They were the story about a country's preparedness to see its mirror image through the glass darkly, and confront the dark side of its soul. It was a discourse in truth. It was run and officiated by very wise men and women.

Coleman (2004): This was all about hard work and brave decisions.

The negotiations were about project-managing brave decisions into reality. It was about creating a new paradigm.

Coleman (2004): This was all about committed and able leaders, a highly politicised public, hard work and brave decisions.

Steward (2004) will now explore the matter further:

Steward (2004): I have written hundreds of speeches for FW. In August 1992 the government appointed me into an office. FW asked me to be the director general. This was a roller-coaster ride which lasted until the Government of National Unity started. I helped FW write his autobiography, and then we set up the Foundation together. The debate around his speeches was always thorough. I understand the processes of how he expresses his views, and in this regard we are on a similar wavelength. I know his response, and most times we were on target. I worked with good men and women. They did what they were expected to do well.

Steward was close to De Klerk because he has written many speeches for him, and he understood something about the way that he thought. They were diligent and focused in their professional dealings and appeared to place a high value on excellence.

In the set of paragraphs that will be cited below, Steward (2004) shows that from 1986 market research was conducted and presented before the cabinet on the constituency allegiances of all political parties. These 1986 figures were remarkably accurate, and projected the voting percentage outcome in the first democratic election to within a minor margin of error, almost a decade in advance. He makes another interesting observation that the constitutional settlement was essentially a product of a sequence of small closed agreements that formed larger sets of agreements. These larger sets of agreements snowballed into what might be termed a national consensus.

Steward (2004): Schalk van der Westhuizen's task was to open up channels of communication, and he did this very well. I was involved with the Panorama

magazine. We tried to focus on specific issues and ran special articles on Namibia involving good journalists. After we began to run on business lines and conducted some excellent communication research on large and representative samples. The sample consisted of 4 000 blacks, 2 000 whites, 1 000 coloureds, 500 Indians. This involved incredibly important two way communication. (We involved Markinor.) We asked questions about: What political party do you support? What is your viewpoint on violence? What is your viewpoint on the police?

From 1986 we briefed cabinet on the results of these surveys. We informed that support for the ANC was between 60% and 65%, IFP 8-9%, NP 18-22%. We were right on target ... There were no illusions. We kept on doing this on a six monthly basis. We encouraged government departments to make use of market research, for example, on matters as diverse as roads that needed to be paved, or soccer fields that required being laid. This all formed part of the database on the way towards negotiations.

The constitutional transformation was the product of a sequence of closed agreements. In effect it was a national consensus on the way that we should transform the country. To focus only, say, on the economic or social aspects of the transformation would be very dangerous.

These were not agreements. They were guidelines. At this stage there is great need in South Africa on a well informed national dialogue on the need for economic and social transformation, together with Nelson Mandela and the Institute for Justice and Reconciliation. They need to start the process where we can come together with an accord on transformation.

The concern was about chaos. How could you manage the chaos reasonably and enter into a one man, one vote negotiation scenario? [See Figures 3 and 4.] One man, one vote was also not the political pattern that had emerged in the rest of Africa. In fact, there were very few functioning democracies in the rest of Africa. Most soon became dictatorships. According to Freedom House, South Africa even had a better

record of human rights under apartheid than many frontline states had with respect to black human rights. Why enter into negotiations if the outcome is tyranny, chaos and collapse, as has happened so inexorably in so many other African states?

Towards the end of 1979, and well into the 1980s, it became clear that the South African government was riding a tiger. It had to dismount. And so began various experiments. The first was the tri-cameral political effort ... that failed. Then it revolved around granting permanence to urban blacks, and then there was a concern about some type of consociational constitutional model as a possible political option for South Africa, and so forth. These piecemeal efforts were totally rejected, but it was clear, even at this stage, that the National Party wanted to work towards a political settlement. Sometimes it was conscious, sometimes it was not, and the pattern of exploration happened incrementally and erratically and often failed. The question was how could you dismount the tiger of ethnic domination without destroying the constituency?

What changed and allowed the two sides to communicate? In 1989 the National Party was a very different party from 1948. In 1948 the party was a party for small-time farmers and blue-collar workers. From a psychographic perspective, by 1989 it had metamorphosed into a white-collar political party.

Phenomenological reduction: Mental models change over time. The psychographics of the National Party's membership had mutated profoundly over four decades.

Preparation for negotiations and learning amongst hitherto enemies required excellent market research and stakeholder analysis.

Political parties change and become something totally different from what they were. The change came from the changed psychographics of the country.

Steward (2004): It was run very much as a social movement with a nationalist agenda. They eventually thought that you could legislate reality, and Utopia as well.

So there was an underlying delusion that was created that you could legislate Utopia in the thirty year period after the victory of the National Party in 1948.

Phenomenological reduction: "A social movement with a nationalist agenda" is arguably also the core nature of the African National Congress, its key negotiation counterpart.

Ultimately, sustained political power and the occupation of office created a hubris, which became a measure of obsolescence and wishful and indeed delusional thinking. These delusional mental models became the 'vice' of their constituency and the challenge was to penetrate and exorcise them. It was the unpleasant reality of being the world's political pariah and outcast that ultimately made the perpetuation of these mental models untenable.

Steward (2004): A generation of Afrikaners moved from working class to middle class. Travel and international exposure became common, there was the stimulation of a whole new world, and the young Afrikaners became yuppies. They were no more the working class movement who liked marching to the tune of '*Dit is die lied van jong Suid-Afrika*' ['This is the song of young South Africa']. By 1980 the Afrikaans youth would have been embarrassed by this. A whole generation of Afrikaners were intensely uncomfortable with nationalism and discounted the flag-waving of their parents.

Phenomenological reduction: Steward is arguing that the changing demographics and increased levels of affluence and worldliness resulted in basic change in political aspirations amongst young Afrikaners. They were emancipated in an economic sense, and the insecurity that had existed forty years ago had been substituted for a growing confidence and desire to be accepted in the inter-connected new world of globalisation.

Steward (2004): The sad fact also is that people do not feel that they have to negotiate if their core interests are not threatened.

Phenomenological reduction: Tragedy is the real teacher if words and warnings fail. This assertion is contra to classroom pedagogical philosophy, but people do learn when their core interests and values are threatened. It compels them to be creative and ingenious, and to devise ways of mitigating these threats. The result was that it led to conflicting parties, who had never conversed with one another, starting to talk.

It provided the energy to be taken seriously and for a discourse to be pursued to its logical conclusion – the formation of a new constitution that dissolved these tensions and these threats in a legitimate and generally accepted framework.

4.13 Conclusion

This chapter has offered a very substantial case that the hitherto enemies were in consensus and that the falsification thesis was untrue. This means that the negotiated transfer of power in South Africa was a very complicated and intricate process that was conducted by conscious and deliberate design, by the joint efforts of the hitherto enemies. Transferring this negotiated settlement into other parts of the world would therefore be a highly complicated and intricate process. The situation cannot be depicted in terms of Mitchell's (1989) valuable critique of the pursuit of cognitive consistency.

The repudiation of the falsification thesis holds important lessons to persons who are involved in trying to discover negotiated solutions to deep-rooted conflicts. The first lesson is that there is good amongst the bad, and bad amongst the good. The state apparatus that was deployed by PW Botha contributed to the demise of apartheid. The state assumed a strange role of ventriloquist as it articulated the mimed ideological words emanating from apartheid's dying corpse. The Department of Constitutional Development, although much maligned at the time, performed an important incremental task in structuring the change. Members of the NIS were crucial to the transition, and Neil Barnard and Mike Louw played an invaluable role.

This reflection on the falsification thesis disqualifies simplistic thinking about the transition. It did not arise from a simple surrender to superior power. The National Party