

MCH. 16. 2-6-1

Dochart House

Killin

Perthshire

31st July 1992

Dear Dr Sachs

I wrote to you on the 2nd March 1992 and passed the letter to you through our mutual friend Joe Podbrey . I suggested then that an idea floated in my Times letter of 19.10.90, based on a transitional constitution in Botswana in the 1960s might become of interest in South Africa if agreement during the current negotiations on the best way to balance power between blacks and whites were to prove too difficult to achieve.

Unfortunately the situation I foresaw then has now occurred. The talks have stalled over the vetoes demanded by the National Party and, as I read the signs, the General strike, due to begin on August 3rd is designed to force the government to drop these demands.

In the hope that it may be of help, I have now put some thoughts on paper to elaborate my suggestion in the Times letter, and specifically to explain why it appears to me to offer a possible solution to the present difficulties. I send these thoughts to you, together with a copy of the Times letter, as you are my only direct contact with the ANC and as you know, you have my sympathy and full support in what you are doing.

I was pleased that we were able to meet briefly after your successful talk to the UCT Alumni in March, on the day that the white referendum results were announced and you were kind enough to say that, in your opinion, South Africa could learn something from neighbouring countries, like Botswana, which had achieved successful democratic constitutions after a period of transition.

I will mention certain important lessons from the transition in Botswana which appear to me might be relevant to the present situation in South Africa -

- i) There was a transitional constitution in Botswana lasting for some years - as I believe there should be in South Africa - rather than a short transition, simply to allow negotiations to take place on a level playing field on a new permanent constitution designed to introduce drastic changes. During this time in Botswana, the colonial government retained ~~an~~ ultimate control, but there was a representative legislature on which served an equal number of black and white MPs. Working together in the Council and in all its committees in equal numbers, they were able to see that the interests of the two racial groups were



- i/ equally important but that, in arriving at the decisions of the Legislature, particularly on controversial issues the respective needs and interests of the two groups had to be balanced. It was in the search for the best way to balance them that they learned to understand and respect each others point of view and in doing so, were able to promote an ever increasing measure of confidence between the races.
- ii) Arrangements that contribute to confidence between the races are vital to a successful transition. It is for that reason that I favour a five year Coalition between the NP and ANC, in South Africa which could be extended if this was desired by both parties. If confidence could really be established as a result of a partnership between the black and white leaders working together in the early stages of the transition, it would smooth the way and contribute to success in the final negotiations for a new permanent constitution which would have to be held towards the end of the transition. Such negotiations would not be dogged by fears such as those which deadlocked the final sessions of CODESA, as the black and white leaders, taking part in the negotiations, would have had actual experience of the exercise of power and the compromises it entails, in tackling together the country's formidable problems. Above all, the whites would have learned, through that experience, as they have not yet learned, that their security depends on the satisfaction of the blacks' reasonable demands and not on veto powers for minorities entrenched in the constitution.
- iii) Once there are the signs that majority rule is coming - as indeed I believe it will come in South Africa - the main black led, predominantly black party (the ANC) will start to attract increased support from all racial groups. Those signs first appeared in Botswana in 1963 after a national convention had charted the way ahead and indicated that majority rule was around the corner. Almost overnight, the political situation changed dramatically as Seretse Khama's Democratic Party came to be seen as the governing party of the future and members of other racial groups, who had been sitting on the side lines, hastened to join it. I believe that in five years time, or even less, the ANC could be in a similar position if you and your colleagues play your cards with skill and patience in the immediate future.



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The ANC are probably right at this juncture to organise a strike and mass protest to make the NP realise that their minority vetoes are unacceptable. If you and Mandela were to feel that the compromise proposals I have put forward might break the deadlock, there could be no better time to put them to the NP than at the end of the public protest. It would be suitable, however, after the protest in the streets, if the ANC were the first to offer a compromise.

Under my proposals, de Klerk is being asked to abandon plans for South Africa's future which have been cherished and worked on by his party for a long time, but he is being offered very substantial benefits in return. Immediately after the discomfort caused by the General strike, he might be more receptive to the idea of compromise than he would have been before hand.

My wife and I will be visiting South Africa in the Autumn and expect to be in Cape Town between October 2nd and 8th. You will no doubt be heavily committed with your academic duties and work on the ANC constitutional committee. We would be delighted if there was a chance for a short meeting but would of course understand it if you were too busy.

I am sending this letter to you through Joe Podbrey as he knows your address and I like to keep in touch with him. We look forward to staying with him in Johannesburg after our visit to the Cape.

Yours sincerely,

Peter Jansen