



# INKATHA

Inkatha Freedom Party

IQembu leNkatha yeNkululeko

## MEMORANDUM FOR SUBMISSION TO THE NEGOTIATING COUNCIL

### THE WITHDRAWAL OF THE IFP FROM THE NEGOTIATING COUNCIL AND ITS STRUCTURES

JOHANNESBURG, 19th JULY 1993

1. Statements made by the South African Government in the media and in the Negotiation Council clearly indicate that the Government has difficulty in comprehending the reasons why the IFP left the World Trade Centre negotiations to continue action to correct the very apparent deficiencies in the negotiation process.
2. This is surprising in the light of the following facts.
  - The IFP strongly objected to a date being set for an election before we had any agreement about the form of the future South African state and before we had agreement on the new South African constitution.
  - We supported the notion of the importance of reaching a point at which an election date could be set by lending our agreement to the Declaration of intent, after amendments were accepted, which made the setting of an election date dependent on sufficient progress having been made in constitutional negotiations and in the elimination of violence.
  - We rejected the motion tabled by the South African Communist Party in the Negotiation Council which held that sufficient progress had been made to enable us to set an election date.
  - We rejected the ruling by the Chair in a meeting of the Negotiation Council held on the 15th of June, that sufficient consensus had been reached, and that the Negotiation Council could recommend the 27th April 1994 as an election date to the Negotiating Forum at its next meeting.

President: The Hon. Prince Dr. Mangosuthu G. Buthelezi  
 National Chairman: Dr. F.T. Mdlalose  
 Deputy Secretary General: Inkosi S.H. Gumede  
 Sub Committee Chairmen:  
 Political Constitutional, and Legal: Dr. D.R.B. Madide  
 Economic and Finance: Mr. M.A. Nzuza; Social and Cultural: Dr. F.T. Mdlalose; Elections Publicity and Strategy: The Rev. C.J. Mtetwa  
 Appointment and Disciplinary: Mr. E.S.C. Sithobe; Community Development: Mr. M.V. Ngema.

- We rejected this ruling on many grounds, but specifically, on the grounds that the show of hands the Chair called for was contrary to the accepted

notion that sufficient consensus was not to be arrived at through voting procedures. Quite independently of that consideration, the actual count of 8 against, 3 abstentions and 15 for, could hardly be construed as indicative of sufficient consensus.

It is the IFP's contention that in the matter of calling sufficient consensus decisions, chairpersons should take into account, not only the generality of support or opposition to a motion, but also the weight of the nays and yeys in terms of the implications they have for both the way forward and for the final implementation of any decision. South African political realities determine that there can be no sufficient consensus if major players such as the SAG/NP, the ANC Alliance and the IFP/KZG groupings are quite unable to accept a chairpersons ruling that there is sufficient consensus.

We also rejected this ruling by the Chair that there was sufficient consensus, on the grounds that the Chair did not invoke the procedures laid down in the Standing Rules which were adopted to avoid deadlocks.

- We again objected to the ruling of the Chair in the meeting of the Negotiating Forum held on the 2nd July 1993, that there was sufficient consensus to accept the recommendation by the Negotiation Council that 27th April 1994 be accepted as an election date.
3. On the 17th of June the IFP walked out as the only form of protest left open to us, and we again walked out on the 2nd July 1993 because then again that was the only form of protest left open to us.
  4. On both occasions when we walked out we did so to caucus with other parties and to consult with principals. After caucusing with other parties, and after consulting with principals, we confirmed to the Negotiating Council that our opposition to the setting of an election date stood.
  5. In this memorandum we confirm that after walking out in protest from the Negotiating Forum on the 2nd July 1993, we consulted with principals and laid the matter before the IFP's 1993 Annual General Conference on the 18th July 1993 which upheld the IFP decision to campaign for the review of the procedures for the determining of sufficient consensus in the Negotiating Council and the Negotiating Forum from the position of our suspended participation in the Negotiating Process.

6. The relevant resolution of Conference is attached to this memorandum.
7. We hereby confirm to the Negotiating Council that we will not attend any further meetings of the Negotiating Council or its structures until there is a satisfactory solution to the problem of calling sufficient consensus decisions in the face of considerable opposition.
8. We further confirm that there are additional grounds for the action we have taken. These grounds are to be found in the inadequacy of the resolution adopted by the Negotiation Council and the Negotiating Forum instructing the Technical Committee on Constitutional Matters to draw up a draft constitution for an interim period, and our rejection of it.

The IFP reserved its position with regard to the resolution when it was presented to the Negotiating Council on the 30th June 1993. On the 1st July the IFP delegation consulted with a representative caucus of the IFP's leadership and we were instructed to register our withdrawal from the negotiation process until the Technical Committee on Constitutional Matters had tabled the proposed draft resolution, and we had had time to consider its merits and defects.

On the 30th of June it was apparent that there would be difficulty reaching consensus on instructions to the Technical Committee on Constitutional matters on the question of how it should proceed to move towards drafting a constitution. It was agreed that Council should be adjourned to enable parties to caucus on the matter.

A caucus meeting between the IFP and the South African Government/National Party was followed by a caucus meeting between COSAG and South African Government/National Party. The first caucus meeting arrived at agreement about some of the elements which would have to be in the draft constitution for it to be satisfactory. In that caucus it was agreed that these elements be listed and turned into instructions to the Technical Committee. This was also agreed to in a second caucus meeting.

The resolution that was finally presented to the Negotiating Council by the Planning Committee did not reflect the gains in the above mentioned caucus meeting, and the IFP did not accept the wording of the resolution that was finally adopted by a sufficient consensus ruling by the Chair at the Negotiating Forum meeting of the 2nd of July 1993. We rejected the decision that there was sufficient consensus in favour of the motion, and the IFP informed the Forum that it would have to walk out in protest.

9. The IFP challenged the sufficient consensus decisions on the grounds that there was not sufficient consensus both on the occasion of the adoption of the recommendation to the Negotiating Forum by the Negotiating Council that 27th April 1994 be set as an election date, and on the occasion of this recommendation being considered in the meeting of the Negotiating Forum on the 2nd of July 1993, and on the grounds that the Chair did not invoke the procedures laid down in the Standing Rules to be used when a sufficient consensus decision had been declared and was challenged.
10. In summery, the IFP informs the Negotiating Council that it has resorted to taking legitimate democratic action against sufficient consensus decisions it disputed from with out the procedures of the Negotiating Council, because it had availed itself of all the procedures laid down by the Standing Rules, but to no avail.

The IFP maintains that its action in doing so has international democratic respectability, and is entirely defensible and even praiseworthy as action by a negotiating party totally committed to the negotiating process, which wishes to attend to process problems which lead to deadlocks and the inability to find a way forward within the process, but can not do so from within the process itself.

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