

*"Democracy means freedom to choose"*



# INKATHA

Inkatha Freedom Party

Iqembu leNkatha Yonkululako

## STATEMENT BY THE INKATHA FREEDOM PARTY AT THE NEGOTIATING FORUM

JULY 2, 1993

We are acting in this process under a clear mandate from our constituency to ensure the establishment of federalism and the preservation of a pluralistic society. It is not only our constituency but it is the great majority of South Africans who expect that we negotiate for the establishment of a federation before elections and the empowerment of a new government.

We wish to endorse the instruction to the Technical Committee to prepare for us a draft constitution. We expect that this will be the draft of a constitution which establishes a federal system in which member states are reserved residual powers, and to the central government are allocated only those powers identified on the basis of the notion of residuality.

Since the resumption of negotiations after the failure of CODESA we have demanded an early determination of the form of state in favour of federalism and the adoption of constitutional principles which enshrine social, cultural and economic pluralism in addition to the full protection of political pluralism.

In spite of many representations to the contrary we have not been able to obtain a serious commitment on a process which would ensure and achieve these constitutional results. The Council has constantly refused to consider and fully analyse our process proposal for the establishment of federalism. We have received no assurances that SPRs constitutions will be allowed and that the Constitution of the State of KwaZulu/Natal, for instance, will be recognised and capitalised on by the process.

We have received no commitment that the new government will not be empowered in a unitary state, irrespective of whatever could be written in the transitional constitution. We have received no assurance that the self-governing territories and the TBVC states will not be reincorporated within the parameters of the four existing provinces. We have received no assurance that the next constitution of South Africa will have the stature and the credibility of a fully-fledged, complete and fully justiciable constitution, reflecting a sound political compromise among all the parties participating in this process.

On the contrary, we see a clear indication that the credibility and the historical role of this constitution will be undermined by deadlock-breaking mechanisms and procedures which will allow a Constituent Assembly to write off anything we have written in the next constitution.

We are no longer willing to provide our consensus and our legitimation for this process until clarity is achieved. We can not agree on an election date before there is agreement on the type of process which should precede elections and on the function and purposes of elections in the overall process of constitutional development.

Until there is clarity on the next constitution and, through it, on the real decisions related to the form of state and the process of transformation, we cannot agree with any decision related to the holding of elections, including an election date, the establishment of TECs, an Independent Electoral Commission, an Independent Media Commission and an Independent Broadcasting Authority.

Therefore we are hereby giving notice that the Inkatha Freedom Party will step back from the negotiating process until the Technical Committee has tabled a draft constitution. Once that constitution has been tabled, we will take it from there and we will resume our participation in negotiations.

In the meantime, we give notice that we object to, and oppose, any decision taken within this process before there is absolute clarity on the form of state and on the character of our future society, as well as on the nature of the process of transformation. We give notice that hereby we challenge any ruling of the Chair that sufficient consensus exists in spite of our objections and oppositions. We deem it essential that we establish a federation as we have described it and that before we have elections and a new government there is a credible and strong constitution in place which will reflect a sound political compromise.

Against this background, we do not consider our participation in these proceedings to be in the best interests of South Africa and we are abandoning this Forum for the time being to rejoin negotiations as soon as the draft constitution has been tabled. It shall stand that we consider any decision taken over our objections or in our absence as totally illegitimate and with no binding value on us or on the people of South Africa.

7024.1