

COMMITMENT OF PARTIES AND GOVERNMENT - AN IFF PERSPECTIVE

THE PROPER COMMITMENTS TO ABIDE BY CODESA DECISIONS AND TO IMPLEMENT THEM WILL BE DETERMINED BY THE STATUS THAT IS FINALLY GIVEN TO CODESA.

THIS STATEMENT MUST BE CONSIDERED IN CONJUNCTION WITH THE COROLLARY THAT CONSENSUS ABOUT THE STATUS OF CODESA WILL BE DEPENDANT UPON HOW DECISIONS ARE GOING TO BE ARRIVED AT IN CODESA.

THE STATUS OF CODESA CANNOT BE DETERMINED BY DELEGATES TO CODESA ACTING IN THEIR OWN INTERESTS. THE STATUS OF CODESA IS A SOUTH AFRICAN AFFAIR. ANY STATUS GIVEN TO CODESA WHICH MAKES ITS DECISIONS BINDING UPON GOVERNMENT WILL HAVE TO BE TESTED FOR ACCEPTABILITY AMONG SOUTH AFRICANS WHO WILL FORM AN ELECTORATE IN THE NEW SOUTH AFRICA.

THE STATUS EVENTUALLY AFFORDED TO CODESA WILL BE DEPENDANT UPON THE REPRESENTATIVENESS OF CODESA. CODESA IS NOT SUFFICIENTLY REPRESENTATIVE TO BE REGARDED AS A POSSIBLE LEGITIMATE INTERIM GOVERNMENT.

THE QUESTION OF THE STATUS OF CODESA AND HOW BINDING CODESA'S DECISIONS SHOULD BE MADE ON GOVERNMENTS AND POLITICAL PARTIES, SHOULD BE REFERRED TO A CONFERENCE OF POLITICAL LEADERS IN SOUTH AFRICAN GOVERNMENTAL EXECUTIVES FOR COMMENT OR POSSIBLE APPROVAL.

CODESA CANNOT EXPECT POLITICAL PARTIES AND GOVERNMENTS NOT REPRESENTED ON CODESA TO FEEL COMMITTED TO ACCEPT THE DECISION OF CODESA OR TO FEEL OBLIGED TO IMPLEMENT DECISIONS.

STANDING RULES - AN IFP PERSPECTIVE

AT THE PREPARATORY COMMITTEE IT WAS AGREED THAT THE CHAIRPERSON OR CHAIRPERSONS OF CODESA WOULD AT TIMES BE FACED WITH IMPOSSIBLE DECISIONS ABOUT WHETHER OR NOT SUFFICIENT CONSENSUS HAD BEEN REACHED. IT WAS AGREED THAT PROCEDURES HAD TO BE DEvised TO ASSIST THEM IN THIS MATTER.

STANDING RULES AND PROCEDURES HOWEVER WILL BE OF LITTLE AVAIL IF THE BEHAVIOUR OF POLITICAL PARTIES IN DEBATE AND IN FORCING ISSUES TO BE DECIDED IN THEIR FAVOUR BEFORE UNANIMITY OR EVEN SUFFICIENT CONSENSUS HAD BEEN REACHED WAS NOT SUBJECTED TO CHECKS AND RESTRAINTS.

STANDING RULES SHOULD ALSO PROVIDE FOR THE RIGHT OF THE CHAIR TO DELAY COMING TO CONCLUSIONS ABOUT WHETHER OR NOT SUFFICIENT CONSENSUS HAD BEEN REACHED BY INVOKING ADJUDICATION AND FACILITATION PROCEDURES.

THESE PROCEDURES SHOULD INCLUDE A SERIES OF WELL DEFINED COURSES OF ACTION WHICH WOULD TAKE ISSUES THROUGH THE FOLLOWING KINDS OF STEPS OF INCREASING SEVERITY:

- 1 THE REDUCTION OF ARGUMENTS AND POSITIONS TO WRITTEN STATEMENTS FOR CIRCULATION AND DEBATE IN LOBBYIST ACTIVITY WITH ATTENDING TIME INJUNCTIONS.
- 2 PLACING DEPUTE ON A CODESA AGENDA FOR DECISION ABOUT WHETHER OR NOT SUFFICIENT LOBBYING AND TIME HAD TAKEN PLACE TO ENSURE THAT THERE WERE NO PROSPECTS THAT THE MATTER BEING FURTHER RESOLVED. THE DECISION AGAIN WOULD AGAIN BE SUBJECT TO THE CHAIR'S DISCRETIONARY RIGHT TO DECLARE RESOLVED BY SUFFICIENT CONSENSUS OR TO INVOKE STEP 3.
- 3 THE REFERENCE OF THE MATTER BACK FOR ADJUDICATION AND FACILITATION TO DECIDE WHETHER THE MATTER WAS A MAKE OR BREAK ISSUE FOR a) THE POLITICAL PARTY OR b) FOR CODESA. IF NEITHER THEN THE MATTER THEN AGAIN BE PLACED ON A CODESA AGENDA. IF IT WAS DETERMINED THAT THE MATTER WAS A MAKE OR BREAK ISSUE FOR EITHER THE POLITICAL PARTY OR CODESA THEN IT SHOULD BE SUBJECTED TO SCRUTINY BY A CONSTITUTED RECONCILIATION BOARD CHAIRED BY THE CHIEF JUSTICE OF SOUTH AFRICA ASSISTED BY TWO ASSESSORS. THEY WOULD HAVE THE RIGHT TO CALL FOR SPECIALIST WITNESSES TO ENLIGHTEN THEM ON ANY ASPECTS OF THE DEPUTE WITH THE POLITICAL PARTY CONCERNED HAVING THE SAME RIGHT TO CALL FOR WITNESSES.

STANDING RULES FOR DEBATE ON THE FLOOR

THE CHAIRPERSON OF CODESA SHOULD BE ASSISTED BY THE COMMITMENT OF ALL DELEGATES TO DEBATE WITHIN THE CONFINES OF THE KIND OF STANDING RULES WHICH GOVERN PROCEEDINGS IN SOUTH AFRICAN LOCAL AUTHORITY DEBATE.

THESE STANDING RULES SHOULD ALSO PROVIDE FOR MANDATORY PROCEDURES DRAWING THE PARTICULAR PARTIES AT LOGGER HEADS INTO CAUCUS ARRANGEMENTS BETWEEN THEIR PRINCIPLES AS A PENULTIMATE STEP TO THE PROCEDURES FROM 1 TO 3 ABOVE.

THE DECISION MAKING PROCESS IN CODESA - AN IFP PERSPECTIVE

THERE ARE NO VANQUISHED AND HERE ARE NO VICTORS IN SOUTH AFRICA. THERE IS NOT A POWERFUL CENTRAL GOVERNMENT CAPABLE OF FORCING ITS WILL ON THE PEOPLE. NOR IS THERE ANY POLITICAL PARTY OR ORGANISATION CAPABLE OF FORCING ITS WILL ON THE GOVERNMENT.

THE ONLY WAY FORWARD IS THROUGH CONSENSUS. UNLESS THE DECISION MAKING PROCESS IN CODESA IS DESIGNED TO PRODUCE CONSENSUS DECISIONS THE NEGOTIATION PROCESS AS PRESENTLY CONCEIVED WILL GRIND TO A HALT.

DEBATE SUGGESTS THAT THE FOLLOWING PROPOSITIONS ARE ESSENTIAL FOR ANY MOVEMENT FORWARD.

- 1 CODESA IS A FORUM WHERE NEGOTIATIONS WILL DECIDE WHAT STATUS CODESA WILL HAVE IN THE NEGOTIATION PROCESS AND WHETHER IT SHOULD BECOME A DECISION MAKING BODY. ALL ARGUMENT NOW WHETHER THE DECISIONS OF CODESA MUST BE BINDING ON GOVERNMENT AND ON POLITICAL PARTIES IS PREMATURE.
- 2 THE PREPARATORY COMMITTEE AND THE STEERING COMMITTEE AND ITS TASK GROUPS HAVE THE PRIME RESPONSIBILITY OF PREPARING FOR CODESA AND OF ESTABLISHING CONSENSUS HOW BEST IF NOT IDEALLY POLITICAL PARTIES PARTICIPATING IN CODESA CAN BE GIVEN CHOICES BETWEEN FEASIBLE ALTERNATIVE WAYS OF ARRIVING AT A NEW CONSTITUTION.
- 3 THERE SHOULD BE SEPARATION OF ISSUES REVOLVING AROUND NEGOTIATIONS FOR A NEW CONSTITUTION AND ISSUES REVOLVING AROUND HOW THE COUNTRY SHOULD BE GOVERNED IN THE INTERIM PHASE WHILE THE CONSTITUTIONAL NEGOTIATIONS ARE TAKING PLACE.
- 4 THE IDEAL OF GIVING THE NEGOTIATION PROCESS AND THE INTRODUCTION OF A NEW CONSTITUTION THE BEST CHANCE OF SUCCESS BY BRINGING ABOUT CHANGE THROUGH ACTS OF PARLIAMENT DEMANDS EVERY EFFORT BE MADE TO KEEP THE COUNTRY GOVERNABLE IN THE INTERIM PHASE SHOULD BE REGARDED AS PRESCRIBING IMPERATIVES.
- 5 COMPETITIVE RIVALRY CANNOT BE ELIMINATED FROM CODESA AND THE NEGOTIATION PROCESS BUT THERE SHOULD BE SELF DISCIPLINE IN ALL PARTIES NOT TO DESTROY THE NEGOTIATION PROCESS BY AGGRESSIVE POLITICS WHICH COULD ONLY BE PROPERLY MANAGED IN A PROPERLY RUN GENERAL ELECTION.
- 6 CHALLENGES INHERENT IN HAVING TO MOVE FORWARD THROUGH CONSENSUS OR AT WORST THROUGH SUFFICIENT CONSENSUS SHOULD NOT BE ABANDONED BY ADOPTING FAIL-SAFE HEAD COUNTING MECHANISMS WHEN IMPASSES ARE REACHED, WE NEED CONSENSUS AND IF CONSENSUS CANNOT BE REACHED THEN WE HAVE NO REAL BASIS TO MOVE FORWARD. HEAD COUNTING WILL ONLY LEAD TO INTENSE STRIFE DURING NEGOTIATIONS AND BREAK DOWNS DURING IMPLEMENTATION PHASES.