

REPORT ON NEGOTIATIONS BETWEEN ANC, SOUTH AFRICAN GOVERNMENT AND FREEDOM ALLIANCE

1. A number of meetings were held in December 1993 and January 1994. These meetings culminated in a final meeting held in Pretoria on 7 February 1994.
2. The FA had submitted a number of demands in a document dated 19 December 1993. Most of the demands related to powers and functions of provinces and the right of provinces to draw up their own constitution. A demand which received greater prominence in January was the one for two ballots.
3. It became clear to the ANC that the issue of two ballots was being used by the FA as a smokescreen. In point of fact there were other matters which were more important. During the last two meetings with the FA, therefore, the ANC insisted that all the issues be discussed. If the issue of two ballots was resolved, asked the ANC, what would be the position of the FA?
4. Finally on Monday, 7 February 1994 the FA was pinned down to state whether it was going to take part in the transitional processes or not. The FA refused to display any flexibility in their demands. The Government proposed the following package:
 - A. Two ballots.
 - B. Section 126 of the Constitution to remain the same (powers of provinces).
 - C. Provinces would have the right to decide on the kind of governmental structures they want.
This would imply an amendment of sections 127 to 154 of the constitution.
 - D. Provinces would be given increased powers to raise their own revenue. This would imply amending sections 155-159 of the constitution in line with a proposal made by the ANC.
 - E. Provinces would be allowed to write their own constitutions provided they comply with the constitutional principles as well as the transitional constitution.
 - F. An acceptable clause on self-determination.

In turn the FA would be required:

- i) to participate in the elections;
 - ii) to participate in the transitional arrangements;
 - iii) to renounce all threats of violence;
 - iv) allow the reincorporation of Bophuthatswana.
5. The FA rejected these proposals. The ANC itself did not comment on the government's proposals because we had no mandate to offer two ballots. It became clear that the FA wanted an extreme form of provincial autonomy. It also objected to the two-stage constitution-making process. It demanded that all powers, functions and boundaries of provinces should be entrenched and that the Constituent Assembly should not have the right to interfere in these matters.

6. These demands were clearly unacceptable to the ANC and the FA was informed thereof. The ANC had made offers of concession on a number of matters but this was not approved by the FA.
7. Finally Bophuthatswana indicated that the FA cannot decide on reincorporation of Bophuthatswana as this was a matter for Bophuthatswana alone to decide. The CP said they wanted their Volkstaat entrenched by the time the Constituent Assembly met. The IFP delegation demanded self-rule for KwaZulu. In other words these three parties raised the issue of self-determination in a way which was also unacceptable.

In the circumstances the negotiations broke down. The parties agreed to report back.

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