



ANC

Negotiations Bulletin

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All on Board

There have been a number of noteworthy developments in the multi-party negotiations over the last two weeks. In **Bulletin 27** we reported on the recommendations of the Technical Committees. The Negotiating Council has been meeting on an almost continuous basis to discuss these reports.

- * On Tuesday (15 June), we witnessed the entire COSAG group, led by the Conservative Party, stage a walk-out only to return to the next meeting of the Negotiating Council;
- * The Negotiating Council adopted a unanimous resolution on the cessation of armed hostilities;
- * A resolution was adopted on the conditions that should be created to eliminate violence;
- * There was agreement on the establishment of an Independent Electoral Commission and the Independent Media Commission;
- * On 23 June, a Summit took place between the ANC and the IFP and various agreements impacting on multi-party negotiations were reached.

However, the most noteworthy achievement arising from this experience is that all 26 parties in the multi-party negotiations process are still on board!

Why COSAG walked out?

On 15 June 1993, the IFP submitted a draft resolution to the Negotiating Council.

This resolution called on the Council not to consider any of the constitutional principles recommended by the Technical Committee. It calls on the Council to consider proposals for a fully fledged federal constitution to be drafted by the Technical Committee and adopted by the Multi-Party Negotiations Process.

In support of the resolution, the IFP and the KwaZulu Government threatened that should the resolution be rejected they would no longer be willing to provide their consensus for any further decisions to be taken in the negotiations process. They further threatened to play a disruptive part in the rest of the proceedings, or to even withdraw from the process itself.

This resolution was, with the exception of the COSAG group, rejected as being out of order. The PAC abstained from this vote. In rejecting the proposal by the IFP,

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delegates argued that all parties were provided the opportunity to make their submissions to the Technical Committee, from which the report containing the various recommendations was tabled.

It was at this point that the IFP and all the COSAG parties walked out.

The Planning Committee met to discuss the situation and agreed to restate the common understanding of all, viz that the recommendations put by the Technical Committee did not expressly or by implication exclude the Constituent Assembly from deciding whether the form of state should be federal or unitary.

It appears that the COSAG group is satisfied with this. The Technical Committee has now been instructed to draft a recommendation based on the submissions of the COSAG group and report thereon in the next few days.

Declaration on Suspension of Hostilities, Armed Struggle and Violence

On the 22 June 1993 the Planning Committee put forward to the Council the following resolution which was unanimously adopted by all parties, including the PAC:-

1. Recognising:

That our country and people urgently require stability and peace in order to progress to a democratic and harmonious future;

2. Mindful:

- * that we are all products of a conflict ridden apartheid society and are emerging from a long period of tension and hostilities;
- * That many forms of violence still persist in the resolution of political differences;

3. Believing:

- * That participants in the Negotiating Process have a responsibility to inculcate a new spirit of tolerance;
- * That political rivalry and competition do not require the use of violence;
- * That it is necessary for all participants to categorically eschew violence in all forms;
- * There is a need for cessation/suspension of hostilities/armed struggle/violence for peaceful negotiations to move forward.
- * That governments, Administrations, Political Organisations and the security forces must do everything possible to create harmony, peace and a conciliatory climate for the Negotiations Process.

4. Aware:

That an invaluable opportunity now exists to decide on our future through a process of peaceful negotiations.

5. Now Therefore Declare:

That as from the 22nd day of June 1993 we, the parties subscribing to this declaration commit/recommit ourselves to peaceful resolution of conflict and, where applicable, cease/suspend any form of hostilities/armed struggle/violence in pursuance of political objectives and in the resolution of political differences and further ensure that the conduct and utterances of all are consistent with this declaration.

PAC's Response

The PAC attached to the above resolution a statement in which they state; "the PAC is willing to accept the Declaration in principle and subscribes to it. It is our understanding that this Declaration satisfies our requirement for a mutual cessation of hostilities between the PAC and the Regime".

Resolution on Conditions that should be Created to Eliminate Violence

The Technical Committee on Violence produced four reports. The Negotiating Council accepted the recommendations made in these reports and resolved as follows:

1. That the National Peace Accord be strengthened. That the signatories to this Accord meet as a matter of urgency to ratify measures to strengthen the Accord. In this regard, non-signatories are urged to give urgent and immediate attention to signing the Accord.
2. That the Technical Committee on the Independent Electoral Commission develops a code of conduct for all parties, organisations, administrations and governments and devise appropriate compulsory sanctions and punitive measures against those who violate this code.
3. Any party organising a public demonstration or any other form of mass action must comply with various guidelines.
4. A series of phased confidence-building measures which would include the future of all armed formations, their personnel and arsenals, be adopted leading to the creation of impartial, legitimate and effective security forces with the consequent dissolution of all other armed formations. A distinction should be drawn between statutory and non-statutory armies on the one hand and police forces on the other hand. The Technical committee on the TEC and its sub-councils is to make proposals on precise mechanisms to be adopted.
5. Parties between whom conflicts exist should meet bilaterally to seek joint solutions.

6. The principle of an independent peace keeping force should be considered.
7. The Technical Committee on Violence should prepare detailed proposals on the desirability, financing, establishment and composition of a Peace/Youth Services Corps.

Resolution on the Independent Electoral Commission (IEC)

The Negotiating Council agreed in principle that an Independent Electoral Commission be established, whose object shall be to administer and conduct a free and fair democratic electoral process for the new Parliament/Constituent Assembly/Regional governments, including responsibility for any other matter connected therewith.

Resolution on the Independent Media Commission (IMC)

The Negotiating Council agreed in principle that an Independent Media Commission be established. The objective of the IMC would be to ensure equitable treatment of political parties by broadcasting services and that state-financed publications and state-information services are not used to advance the interests of any political party. The purpose would be to contribute towards the promotion and creation of a climate favourable to free political participation and a free and fair election.

The Summit between the ANC and the IFP

After several months of preparations, a summit between the President of the ANC, Nelson Mandela and Chief Buthelezi took place on 23 June 1993. The ANC delegation included Cyril Ramaphosa, Jacob Zuma, Joe Modise, Baleka Kgosietsile and Sydney Mufamadi.

Arising out of the meeting was a joint undertaking which paved the way for:-

- * free political activity throughout KwaZulu,
- * joint rallies and meetings to promote peace,
- * agreement on the strengthening of the National Peace Accord, and
- * the improvement of relations between the two organisations.
- * In particular, it was agreed that there would be greater liaison between the two organisations in the Multi-Party Negotiations Process.

Regrettably, however, there was no agreement on the election date being fixed at 27 April 1994. Nevertheless, it was agreed that further discussions would take place between the two organisations to secure consensus on this issue.

The Way Forward

It has now been agreed that the Negotiating Forum which was scheduled to take place on Friday 25 June would now be postponed to a later date. The reason for this was that there was insufficient time in which to complete all the reports from the Technical Committees.

The Negotiating Council will continue to meet so as to finalise all reports from the Technical Committees. The Negotiating Forum will now meet in the next week. It is therefore hoped that the reports of the Technical Committees will have been processed and the basis of the transition agreed upon.

With regard to the election date that was set for 27 April 1994, parties were given until the 15 June to consult with the principals for purposes of obtaining greater consensus. This date is now final and is now subject to confirmation by the Negotiating Forum.

The focus of attention over the next week would be to resolve all those issues that are central to the transitional period. These are:-

- * Agreement on the structure, powers and function of the Transitional Executive Council (TEC) and its sub-structures;
- * Agreement on the structure, powers and function of the Independent Electoral Commission (IEC) and the Independent Media Commission (IMC);
- * Drafting the Electoral Act;
- * Constitutional Principles;
- * Chapter on fundamental Rights to be included in the Transitional Constitution (or Transition to Democracy Act);
- * Time Frames for the installation of the TEC, IEC and IMC.

Notice

This Bulletin is intended merely to inform and stimulate discussion. The views contained herein do not necessarily reflect the official views of the NEC of the ANC.