



INKATHA

Inkatha Freedom Party

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WORKING GROUP 3 - IFP STATEMENT, APRIL 6/7, 1992

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1. The IFP's approach in this Working Group is and will be dictated by the need for it to keep a broad overview of developments and progress in other working groups, because the negotiating process now set in train in this working group is part of a larger whole. Directions taken in one working group could have profound impact on the policy position and goals of the IFP in terms of its overall objectives. Such objectives are by consensus negotiations to pursue a two phase approach, the first aimed at determining the destination and the second at determining the course for reaching it, of the new South Africa. The IFP wishes to make it clear at the outset that both these aspects must encompass the principles of regionalisation. - IFP working document submitted to CODESA, February 6, 1992.

2. We find ourselves therefore, as indicated, having to take a broad overview of developments and progress in other working groups, notably Working Group 2, while directions taken in Working Group 3 could have a profound impact on the policy position and goals of the IFP in terms of its overall objectives in Working Group 2.

3. We have been at pains, not only in our working document tabled on February 6, 1992 but in giving assent in principle to the first resolution in Working Group 3 on transitional executive structures to make it very clear that we will neither agree to nor participate in transitional arrangements except on certain conditions. We mean exactly what we say.

4. We have, since we last met, had the opportunity of reverting to our principals and reviewing the whole tenor of developments in CODESA, particularly in relation to Working Groups 2 and 3, within the context of the IFP's constitutional proposals.

5. We find:

5.1 That developments in Working Group 3 are far outstripping developments in Working Group 2. Little substantive progress has been made in Working Group 2 towards resolving the singularly most important issue which CODESA has to face: the framework or constitutional model of the new constitutional order for South Africa, ie, confederal, federal or unitary.

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Deputy Secretary General: Inkosi S.H. Gumede
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On that issue hangs the destiny of the present four autonomous states and the self governing territories, the latter of which are not even formally represented at CODESA by their Governments as such. Without resolution of this fundamental issue, much of what else is happening at CODESA is "putting the cart before the horse."

Why is this issue on the "backburner", so to speak? Is it not perhaps because Working Group 2 is misconceiving its priorities and, instead of tackling it, devoting itself to the second part of its terms of reference, namely what should be the constitution-making body? Surely the determination of the detailed principles and framework of the new constitution must logically precede the determination of who is to draw it up in final draft form?

As a result, we are at a point where Working Group 3 is expected by certain delegations to quickly achieve agreement on transitional arrangements as it affects the Executive while being met by a possible decision in Working Group 2 that the constitution-making body will be an elected constituent assembly/national assembly, call it what you will, and thus preempt the discussion in Working Group 3 of possibly different proposals which do not envisage this two stage process.

5.2 The Government proposals, indicating its intention to table a transitional constitution, which we have previously criticised as premature, preemptive and prescriptive, are silent on the fundamental issue of the framework of such constitution, whether it be federal or unitary. We are entitled to an answer to that question now. At this moment of time, this question assumes far greater importance in our Party's mind than the compromise-type draft resolution tabled at our last meeting by the Democratic Party delegation to explore the nature of the transitional central executive structures. We must be able to relate such a draft to how it fits into the present self governing and future federal/regional states' dispensation.

5.3 Until this key issue of the constitutional model for the future definitive constitution, confederal, federal or unitary, has been resolved here at CODESA, our delegation in this working group has difficulty in agreeing to matters of transitional arrangements.

5.4 While we welcome progress has been made, on our Party's initiative and insistence, towards the political liberalisation of the debate on the issue of the appropriate constitutional model for South Africa, through an Addendum to the Declaration of Intent which has been approved by the Management Committee and will be placed before CODESA 11, the present inclusivity of CODESA falls quite a long way short of what we would regard as ideal while major political entities are not here to seek to propagate their views and to protect their legitimate interests.

This includes Right and Left-wing parties which may be willing to entertain participation in CODESA in the light of the clear intent of the Addendum to ensure that, despite differences on the interpretation of the Declaration of Intent, there will be total freedom to propagate constitutional models other than the unitary, in Working Groups and committees of CODESA. This also includes governments of self governing territories who as governments should have a right to be seated in CODESA, if, to give but one example, this Working Group is to consider the Government's proposals on the preparatory transitional councils, including one dealing with the regions.

These councils could proceed with their work without consulting the self governing territories other than in respect of regional and local government.

This delegation cannot speak for the self governing territories but it can draw this Working Group's attention to the gross inequity with which this situation is viewed by one of them whose leader, the Chief Minister of KwaZulu, said recently in the KwaZulu Legislative Assembly: "... A new South Africa is going to be fashioned around us and over our heads and we are going to have no say in the matter, whereas the TBVC states are going to be there in these councils and in CODESA helping to write our future for us..."

It is our delegation's view that CODESA and this Working Group should seriously take to heart this sense of great grievance expressed by KwaZulu's Chief Minister as well as his warning and allow time to enable CODESA to come the inclusive forum which it should be if it is to realise the hopes which so many have placed in it. That means resisting the temptation to go for short-term political advantage at the expense of long-term enduring solutions which depends on no irrevocable decisions being made in CODESA prematurely before late-comers become part of the process.

"Let the other side be heard" is a legal maxim which describes an essential attribute of natural justice and which underpins all civilised legal systems. For too long many interests represented here were denied the right to participate in a negotiating process to guide this country to a new future.

Are we now going to deny the right of those who patently must be here, to give their input, and so perpetrate an injustice which will inevitably lead to a refusal by them to accept the legitimacy of decisions of CODESA?

Our delegation does not want to be perceived as bent on employing spoiling or delaying tactics. We are as anxious to secure a broad-based multi-party transitional structure as anyone here and to see a new definitive constitution placed before a referendum for approval, in a one-stage transitional process. We share the concern expressed by Mr Ken Andrew and others that there is a sense of urgency in achieving progress. We are not afraid to test our support in free and fair elections, under such a new constitution, when it has been approved by referendum.

However, we have strong principles which we are not prepared to sacrifice on the alter of expediency. Each and every one of the conditions which we have set for our agreement to and participation in transitional arrangements is designed to ensure that, at the end of the negotiating process, to the greatest extent possible, those significant political players who wanted to will, as delegations at CODESA, have had the opportunity of participating fully in matters affecting the future of their constituencies.

The establishment of a level playing field between all political players and agreement on the constitutional framework and detailed principles on the new definitive constitution will have been the essential precursor first, to the appointment of a multi-party broad-based government of national reconciliation and second, to the appointment of a constitution-making forum to draft into final form the detailed principles and framework agreed in CODESA.

Our delegation commends its standpoint to the careful consideration of all delegations and suggests that the sooner our Party's conditions are addressed, which go to the heart of the negotiating process for the new South Africa, the sooner will meaningful progress be made in the closely interrelated Working Groups, 2 and 3.

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