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DECLARATI

THESE ARE DRAFT MINUTES. THEY ARE CONFIDENTIAL AND RESTRICTED TO THE MEMBERS OF THE SUBCOMMITTEE AND THE MC. THEY ARE STILL SUBJECT TO RATIFICATION BY THE SUBCOMMITTEE AT ITS NEXT MEETING.

MINUTES OF THE MEETING OF THE SUBCOMMITTEE ON THE DECLARATION OF INTENT HELD ON MONDAY 9 MARCH 1992 AT 17H00 AT THE WTC

PRESENT: CW Eglin

apology:

WW

FT Mdlalose  
GvN Viljoen

T Eloff (secretary, minutes)

R Cronje

Chairpersonâ\200\231s opening remarks

The Chairperson welcomed the delegates present.  
Report from the IFP (see previous minutes, item 2)  
2.1 Dr Mdlalose presented a memorandum from the IFP (Annexure A)

On the interpretation of the Declaration of Intent

The subcommittee taking note of both the draft statement previously prepared and the draft contained in the report by Dr Mdlalose, agreed to recommend to the MC:

that the MC and CODESA II endorse the following statement:

"For the avoidance of doubt as to the interpretation of the Declaration of Intent, it is declared by its signatories that irrespective of their individual interpretive views thereof, no provision of the Declaration. interpreted alone or in conjunction with any other provision thereof shall be construed as -

1. favouring or inhibiting or precluding the adoption of any particular constitutional model, whether unitary, federal, confederal, or otherwise, consistent with democracy;
2. preventing any participant from advocating the same or the separation, in terms of any constitutional model, of powers between a central government and the regions; during the proceedings of CODESA or any of its Committees or Working Groups;
3. and that its Addendum shall be added to and form part of the Declaration."

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CONVENTION FOR A DEMOCRATIC SOUTH AFRICA

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DECMINOS.MG

DECLARATION OF INTENT MINUTES 9 MARCH 1992

On the IFP\200\231s commitment to the CODESA process

The subcommittee took note of the IFP\200\231s statement of commitment to CODESA as set out below and agreed to report this to the MC:

"We the representatives of the IFP, solemnly declare:

the IFP to be bound by agreements we conclude or reach together with other participants in CODESA on our behalf in accordance with the Standing Rules and to which we have expressly assented if such agreements affect our vital interest, and hereby commit ourselves to the implementation thereof within our capacity, powers and authority;

that our participation in CODESA or any of its Committees or Working Groups since 20 December 1991 and in the future shall not be construed to mean or expressly, impliedly or tacitly mean that we have consented to the Declaration of Intent in its original form but only as construed in accordance with the intent of the Addendum."

It was noted that the subcommittee has now concluded its business.

The meeting adjourned.

## ANNEXURE A

+ INKATHA

Inkatha Freedom Party  
IQembu leNkatha yeNkululeko

4 Marety 1992

RESPONSE TO SUB-COMMITTEE ON THE DECLARATION  
OF INTENT AND PROPOSED AMENDMENTS

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1. Introduction

1. The IFP expresses its appreciation for the constructive spirit in which its Terms of Reference have been deliberated upon by the Sub-Committee's participants with a view to addressing the serious concerns of the IFP, as expressed by

its tabled amendments to the Declaration of Intent.

2. With continued goodwill, the IFP considers that there is no good reason why consensus cannot be reached in the

Sub-Committee's deliberations.

IFP's First and Second Proposed Amendments

A/200/224

(Paragraphs 5 a and d of the Declaration of Intent)

3. The Sub-Committee's approach, to acknowledge the principle that there are sincerely held differing interpretive views of the intentions expressed by the Language of the

Declaration, is a sound starting point.

4. Likewise, the IFP sees the difficulties inherent in

reverting to the signatories of the Declaration and asking them to approve form), amendments thereto. The IFP approves

therefore in principle the proposed method of going forward, namely, providing a means whereby all signatories will

accept that irrespective of differing interpretations which

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Economic and Finance: Mr. M.A. Nause: Social and Culture: Or. F.T. Matatose: Elections  
Publicity and Strategy A/200/231 The Rev C.J. Mtshwe  
= Appointment and Disciplinary: Mr. A/202/8.C. Sithabe, Community Development: Mr. M.  
V. Ngema.

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may exist between them in regard to the Declaration, there will be total freedom for any participant to advocate its views on forms of government of a democratic nature during proceedings of CONFSA and its Working Groups.

TR can only be described as unfortunate and regrettable,

11 est in the IFP's view, that the wording of the Declaration had the effect of immediately excluding altogether from Caran at least one important political player. The LPP would like to think that in the current process of re-examining the Declaration from its standpoint, which is that QONESA is not sufficiently inclusive as presently constituted while political players such as Azino, PAC and the CP are not participants, the effort should have been made to arrive at a formulation to encourage such wider participation. The TRP believes that CODESA is only laying up future problems for itself and the country while it reflects its current

seriously flawed inclusivity.

In the TPP's view the first proposal with regard to the TRP's proposed amendments, reflected in 2.1 of the 200/234 minutes of the Sub-Committee held on 17 February 1992 does not meet the TPP's position sufficiently, for the following reasons - the formal statement proposed to be issued by this Mandamene Committee and by CONRSA must be renewed and agreed to now as part of the current deliberations and not merely left to the Management Committee later to

decide upon;

signatories cannot declare the Declaration of Intent to be neutral

is neutral" on the issue of a unitary versus a federal

state when that issue is precisely a source of serious contention:

o/s

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the formal statement referred to in 6.1 should take the Form of an Addendum to the Declaration of Intent to be

adopted by signatories to the Declaration Of Intent at CONDESA TT as a mark of their sincere, clear and unambiguous commitment to its terms, thus specifically

incorporating it into the main Document by reference as

An Annexure thereto

it should be more general in its conceptualisation of constitutional matters which can be freely debated in COMES, the only rider being that they should be consistent with democracy, It should not simply or necessarily be a matter of negotiation between a straight unitary versus a federal constitution)

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move. This would completely accor] with and add forens ha the paragraph of the Declaration of Intent numbered

London "We agree" reading "that the present and future participants shall be entitled to Put forward Freely to

the Convention any proposal. consistent with democracy",

The IFP therefore tables before the Sub-Committees the

â\200\234ollowing proposed Addendum for consideration  
RESOLVED :

For the avoidance of Doubt as to the interpretation of the Declaration of Intent, it is declared by its signatories that irrespective of their individual interpretive views thereon, no provision of the Declaration, interpreted alone or in conjunction with any other provision thereof shall be

construed as <

As.

favours or inhibiting or precluding the adoption of any particular constitutional model, whether unitary, federal, confederal, or otherwise, consistent with

democracies

preventing any participant from advocating the same at the separation, in terms of any constitutional model, of powers between a central government and the regions; during the proceedings of CONESA or any of its Committees or Working Groups; and that this Addendum

SHALL be added to and form part of the Declaration.

Third Proposed Amendment

Article 224 -

Final Paragraph of the Declaration of Intent)

7, The second proposal to the IPP's proposed amendments, reflected in 2.2 of the Minutes of the Sub-Committee dated 17 February 1991, in the LFP's view might be interpreted as meaning that if an agreement is arrived at by "Article 234 sufficient-

elements" in accordance with the standing rules, then the

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TRO would be bound thereby, even though it had not expressly assented thereto as many have dissented therefrom. The following amending proposal is therefore tabled by the IRP

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for consideration -

the representatives of the Tr, solemnly declare: s-  
(a) to be bound by agreements we conclude or reach together with other participants in CONESA on sea OY behalf in accordance with the Standing Rules and to

which we have expressly assented if such agreements

are of vital interest, and hereby commit ourselves

to the implementation thereof within our capacity,

powers and authority?

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that our participation in conmsa or Any of its  
Committeess or VYorking Grouns since 2 Deaamber 1Â°99. and  
in the future shalt not be construed to mean ar  
expressly, impliedly or tacitly moan that we have

consented to the ReelARATION of Intent in ites original

form but only ras construed in Accordance: with thea  
intent of the Addendum",