

# KwaZulu-Natal's draft constitutional Bill to be made public today

Farouk Chothia

DURBAN — The KwaZulu-Natal legislature will unveil a draft constitutional Bill today that will identify about 40 exclusive powers that the IFP wants the ANC to grant the province through international mediation.

The publication of the Bill will indicate that after 18 months of haggling between the seven parties, the constitution-making process in the province is drawing to a close.

Said IFP national council member

Walter Felgate: "When you reach the 11th hour of negotiations, you deal with the difficult decisions that you had rolled over. We are now disposing of them one by one."

Parties held a flurry of talks last night, trying to narrow differences before the specially convened legislature session. The parties appeared to be moving towards a constitution that would make it easier for all to identify with, rather than one that could be construed as a specific party's policies.

Felgate said the Bill would be pub-

lished today for public comment as prelude to its adoption in about two weeks. In the interim, constitutional talks would continue.

To ease the way for a settlement, there would first be a clause-by-clause vote. The entire constitution would then be voted on.

Felgate said the IFP had mustered the support of all opposition parties, except the ANC and DP, for the inclusion of sunrise clauses in the constitution that would identify the powers the IFP wanted the national constitution

to guarantee KwaZulu-Natal. These powers included provincial trade and industry, provincial taxation, land affairs, water affairs, local government, interprovincial commerce, provincial airports, provincial public property and provincial public media.

More controversially, the Bill would define 30 exclusive powers KwaZulu-Natal would give central government. These included external trade and tariffs, national airports, foreign affairs and control over banking and financial institutions. Felgate said inclusion of the sunrise clauses was one of the main differences between the IFP and ANC.

The IFP believed the sunrise clauses should form the basis for mediation, and there was "absolutely no question" of an IFP return to the Constitutional Assembly before this precondition was met. The ANC was opposed to mediation and therefore found it difficult to agree to the inclusion of the sunrise clauses in the constitution.

Felgate said the IFP was confident that the ANC would be forced to honour the mediation agreement as it was the only way IFP support for the national constitution could be obtained.

Felgate said the IFP was closer to the ANC on the powers and functions of the monarch than to the NP and DP. The IFP and ANC had agreed the Zulu monarch would be the constitutional monarch of the whole province and he would form a 20-member royal council in consultation with the House of Traditional Leaders and the premier.

The ANC and IFP had dropped contentious proposals such as giving the king the power to install chiefs and compelling him to recognise his "traditional prime minister". Remaining differences — such as an IFP proposal that the House of Traditional Leaders be entitled to "withdraw" the king's powers — were bridgeable, he said.

81 MEMBERS TO VOTE ON DOCUMENT

## It's all systems go for the constitution

By YVONNE GRIMBEEK  
POLITICAL REPORTER

**T**HE last round of political horse-trading was done last night to ensure that the KwaZulu Natal legislature has a constitution which most parties can live with.

This afternoon in Pietermaritzburg the 81 members of the legislature meet to vote on the first draft of a document which will, in a month's time, become the law.

ANC spokesman John Jeffery said the party and the IFP had come closer together on the issue of the monarchy, although there were still some areas of dissent.

There were still areas of disagreement, notably on the powers of the province, the so-called sunrise clauses of the IFP and the provincial constitutional court.

However, he said it was all systems go for the legislature to vote this afternoon.

Democratic Party leader Roger

Burrows said the document to be voted on this afternoon was last night reduced to half its original size.

Mr Burrows said there had been a significant "whittling down" of areas of dissent.

"I believe we are heading towards an agreement on the constitution," he said.

The legislature meets at 2pm and will vote on every individual clause in the draft constitution and then finally on a complete package.

Although the votes will be counted on a simple majority, the final constitution passed by the legislature will have to be on a two-thirds majority.

Only then can the constitution be sent to the constitutional court for certification.

THE MERCURY  
Thursday, February 1 1996

BUSINESS DAY,

Thursday, February 1 1996



## DailyNews

FOUNDED IN 1878



### Constitutional breakthrough

**K**WAZULU-NATAL is poised for a constitutional breakthrough with national ramifications. A provincial constitution - agreed by all parties - is close to adoption. This would undo the deadlock between the Inkatha Freedom Party and the African National Congress and open the way for the IFP to return to the national constitution-making process in the Constitutional Assembly. It would be a giant step toward restoring peace to KwaZulu-Natal.

A consensus-based provincial constitution would mean there has been agreement over the division of powers between central and provincial government. That dispute has been at the heart of antagonism between the IFP and the ANC, which has spilled over repeatedly into violence between their supporters. Agreement presumably means also that the IFP demand for international mediation over its concerns (agreed to by the ANC before the election but never effected) is no longer an issue, which would remove a source of bitter grievance.

The indications are that pragmatism has won the day. KwaZulu-Natal is likely to have the normal powers of provincial government in a decentralised system and will have the opportunity to heal itself and develop its potential. The grim alternatives of centralised coercion or attempted secession can become a fading nightmare.

DAILY NEWS, WEDNESDAY, JANUARY 31, 1996

#### Editorial Comment

### Progress at last!

**THE** KwaZulu-Natal parliament will meet again on Friday this week, after a short break to vote on the draft constitution for the Province on which much work has been done during the past two months.

The new constitution must not be in conflict with the present national constitution, Act No 200 of 1993, and it has also been consistent with the National Constitution presently being finalised by the Constitutional Assembly in Cape Town.

Whatever Bill is passed by the KwaZulu-Natal parliament will also have to receive certification from the constitutional court that the Provincial Constitution is valid.

The eyes of the province are focussed on the Provincial Legislature. And we hope that the hard work put into constitution making will be rewarded by a worthy document embodying the highest law of KwaZulu-Natal.

## Cautious optimism over constitution

By YVONNE GRIMBEEK  
POLITICAL REPORTER

**THERE** was cautious optimism about the completion of the KwaZulu Natal constitution yesterday, after the IFP national council gave its members the go-ahead to negotiate an inclusive settlement.

On Friday the whole constitutional process almost fell apart because the IFP consistently refused to change anything in its original text for the document. All the parties in the legislature, including the National Party, lashed out at the IFP for its failure to compromise on several areas in the constitutional document where a measure of consensus had been reached.

The prime mover behind the IFP's reluctance to change anything was the party's constitutional adviser, Dr Mario Ambrosini, but it is understood that other members in the IFP were upset at his reluctance to allow them to negotiate.

Friday's events in the provincial

legislature saw the minority parties table a resolution calling on the house to adjourn until later this week because of the "total chaos" surrounding the IFP's position.

Even the NP, who have been allied with the IFP in the process, took exception at the turn of events and accused the IFP of derailing the process.

The strong words in the legislature echoed the frustration of the political parties after more than 18 months of constitutional negotiations. Last week, consensus was reached on a number of key issues, including finance, the legislature and local government, only to be scuppered by the IFP's turnaround.

However, after this weekend's national council meeting politicians seem much more optimistic about this week's events.

According to IFP chief whip Mike Tarr, the national council has given its constitutional committee members a mandate to proceed with the negotiation of the constitution and to modify the party's position.

THE MERCURY  
Monday, January 29, 1996

## Constitution 'by Friday'

POLITICAL REPORTER

**UNLESS** a major event disrupts this week's constitutional proceedings, the provincial legislature could be voting on a draft constitution by Friday morning and publishing it soon after.

Yesterday, the legislature met in Pietermaritzburg for the last day of deliberations before the constitutional committee gets to work today and tomorrow to marry some of the least contentious clauses into a document which will be voted on on Friday.

Although many politicians termed yesterday's debate in the legislature "boring", others argued that it was "a necessary, transparent process".

IFP chief whip Mike Tarr said that, for the first time, he thought it possible that the provincial constitution could get the go-ahead.

Mr Tarr said there had been a "major breakthrough" between parties and the final process for the passing of the constitution had been agreed on.

"I think that it is possible for us to get unanimous agreement on the constitution, rather than a two-thirds majority, if the ANC backs off on the sunrise clause," he said.

Mr Tarr said some of the other contentious clauses, including one on rural local government, could be sorted out providing all parties agreed on a process of negotiation.

However, ANC spokesman John Jeffery said his party believed that more time was needed to produce a proper constitution.

Mr Jeffery said theme committees on various issues had not been established and said this was an essential part of the national constitution-drafting process.

Both the Minority Front and the DP said the constitutional process was going along smoothly.

But they added that it all depended on whether the IFP tabled another surprise document before the negotiations come to an end.

The Mercury, Tuesday, January 23



# Parties deadlock on seat of Parliament

CAPE TOWN. — The Constitutional Assembly's streamlining negotiating committee postponed debate yesterday on whether the seat of South Africa's Parliament should be determined by the final constitution, as the major parties remained deadlocked on the issue.

Collins Chabane (ANC) proposed that as no agreement had been reached, the proposed clause be put in a side-bar note in the draft constitution, which means the CA structures will return to it at a future date.

Deputy Minister of Provincial Affairs and Constitutional Development, Valli Moosa, said

## KZN to vote on constitution deal

AFTER 18 months of hard bargaining and bickering, the seven political parties in KwaZulu-Natal will today vote on a draft constitution for the province.

The constitution committee met yesterday afternoon in Durban to ratify the option document which will be voted on today.

The options have been considerably narrowed down, and the document is much more short and simple than before. There will be a clause by clause vote through the document, giving parties the chance to take a stand against any option they feel very strongly about.

such a note could include reference to the Democratic Party's position that the constitution should pronounce on the capital and that the DP favoured Cape Town.

The committee agreed the issue would be side-barred.

The committee agreed to a reworded formulation of a clause stating that Parliamentary rules should allow for minority parties to participate in Parliamentary committees "in a manner consistent with democracy". — Sapa.

THE CITIZEN 1 February 1996

# Ulundi civil servants' work stoppage ends

DURBAN. — A work stoppage by public servants in Ulundi to demand the northern KwaZulu-Natal town be proclaimed the capital of the province ended peacefully yesterday afternoon.

Ulundi police commissioner Vuka Dube said about 5 000 people marched from the police station at 10am to the legislative building of the former KwaZulu government.

Spokesman for the premier, Thembinkosi Memela, said protesters handed a memorandum to a senior Inkatha Freedom Party member, Mr A R Ngcobo, who accepted

it on behalf of KwaZulu-Natal premier Dr Frank Mdlalose.

In the memorandum, public servants and residents demanded Dr Mdlalose immediately declare Ulundi the capital of KwaZulu-Natal. Their request is supported by the IFP, but other parties have suggested other centres, including Pietermaritzburg, for the province's capital.

The capital issue is the subject of debate in the provincial legislature and is expected to be raised at its next sitting in Pietermaritzburg.

The protesters also stated their opposition to

workers being transferred to Pietermaritzburg and other centres in the interim, with the possibility of being relocated to Ulundi if it becomes the capital, Mr Memela said.

Mr Ngcobo told the demonstrators that the majority of provincial government officials supported Ulundi as the capital, but certain procedures had to be followed.

The demonstrators gave the provincial government until Tuesday next week to announce a capital, and threatened resume mass action if it failed to do so. — Sapa.

THE CITIZEN Thursday 1 February 1996

# Protesters bring Ulundi to a halt

By YVONNE GRIMBEEK & CHRIS JENKINS

ULUNDI, the alternative capital of KwaZulu Natal, came to a standstill yesterday when more than 8 000 workers and residents demanded that Premier Frank Mdlalose declare the town the capital of the province.

The stayaway, which shut down businesses, schools and most of the government departments in the town, came as a surprise.

Political reaction to the stay-

away was damning, with cabinet ministers furious their departments were unable to process any work.

Dr Mdlalose's spokesman, Mr Thembinkosi Memela, said hundreds of public servants, joined by thousands of residents, marched on the parliamentary buildings on the outskirts of the town to hand a memorandum to the premier.

The memorandum handed over had been signed by the Mahlaba-thini community, which demanded that an announcement about

the capital should be made immediately.

He said the demonstrators also threatened to stage a sit-in until a decision was made, but relented and set the premier the deadline of next Tuesday for a decision.

Dr Mdlalose was attending a cabinet meeting in the other capital, Pietermaritzburg.

ANC member and Minister of Transport S'bu Ndebele said the protest had been "provocative in the extreme" and did not have the support of provincial cabinet ministers.

# Constitutional race is on

POLITICAL REPORTER

THE session of the KwaZulu-Natal legislature which began in Pietermaritzburg today is critical to the outcome of the constitutional race between the ANC and the IFP.

secret negotiations between parties in KwaZulu-Natal have had little success in resolving serious disputes over the content of a provincial constitution and the process of formulating it.

A draft document listing all the parties' proposals has been produced behind closed doors. The content is expected to be unveiled to the legislature today, but by late yesterday there was still no agreement on how to handle the document.

While the National Party and IFP appeared keen to take it to the vote as soon as possible, the ANC maintained that further negotiations were needed before it would be ready to vote. Minority parties have suggested several revisions to the IFP and NP's proposals. At the same time, the ANC has proposed a three-pronged initiative to end the impasse.

The IFP is running out of time to have a provincial constitution passed before a national one is put in place within the next few months.

And the recent creation of a linkage between progress on a provincial document and the IFP's return to the Constitutional Assembly is putting further pressure on a speedy resolution of the constitutional impasse.

If the IFP prolongs its absence from the CA for too long it may be unable to make any meaningful impact on the final phases of developing a national constitution.

Several weeks of

DAILY NEWS,

WEDNESDAY,

JANUARY 17, 1996

THE MERCURY Thursday, February 1, 1996



Editorial Comment

## KZN draft constitution will be tabled Friday

THE KwaZulu Natal Provincial Constitution will be born this Friday in Pietermaritzburg when the Legislature re-assembles for a one day session to adopt the draft, which will be placed before it by the Constitutional Committee.

What is not certain, however, is whether the draft constitution will receive a simple majority or a two thirds majority in the 81 member legislature in which the ANC has two votes short of preventing the IFP getting the required

majority.

The IFP has 41 members and the ANC 26 in the Provincial Parliament.

Once the draft Constitution is adopted by the provincial parliament, it will be published in the Provincial Gazette next week and the public will have the opportunity to make its comments on public hearings.

Thereafter, the draft goes before the Provincial Legislature in March this year, when the final bill will be placed before the House.

Mr I.C. Meer, Provin-

cial M.P. and a member of the Constitutional Committee, told *The Leader* that the draft constitution comes after a long spell of hard work reaching a climax during December and this month.

It is now the opportunity of the public to make its important comment on the provinces first democratic constitution, the highest law of KwaZulu-Natal.

He urged all community organisations and leaders to make their input in achieving this democratic objective.

THE LEADER, 26 JANUARY 1996

Editorial Comment

## Constitutional spoilers

ONCE again, progress in achieving a constitution for KwaZulu-Natal is held up by Inkatha Freedom Party members of the Constitutional Committee being unable to make concessions without reference to the party's national caucus. And once again - ~~the~~ IFP members of the committee are to be believed - the shadow of Dr Mario Ambrosini, mysterious American adviser to Home Affairs Minister Mangosuthu Buthelezi, looms across affairs in this province.

It is extraordinary that a party which claims to espouse federalism should so limit its representatives at provincial level, which is where it seeks to locate important powers of government. If the IFP were to succeed in winning significant federal powers for KwaZulu-Natal, would it expect the future provincial government - presumably IFP-dominated - to take instructions from the IFP at national level? Perhaps via Dr Ambrosini? It would be an absolute negation of federalism.

It is understandable that the IFP leadership should take a keen interest in what is negotiated in KwaZulu-Natal. That is its power base and strong federal powers are central to its political strategy. But the African National Congress and the National Party at national level also have their interest in the provincial negotiations. They seem able to maintain contact with their provincial negotiators without the elephantine intrusions of the IFP.

The Legislature meets on Friday and if the IFP has not by then managed to make the kind of concessions that would allow it to vote in a constitution supported by all parties, the future becomes bleak. The IFP is unlikely to be able to vote through its version - apparently containing all kinds of bizarre confederal powers for the province - which would mean stalemate and a constitutional squabble over whether the province has the right to call a provincial election in an attempt to get the necessary two-thirds majority. The IFP would stay out of the national constitution-making and tensions and violence in the province would spiral upward.

The IFP has to see reason. Perhaps it would help if Dr Ambrosini were sent on holiday to somewhere like Miami Beach.

DAILY NEWS, WEDNESDAY, JANUARY 24, 1996

## Remote control

THE IFP is going about the KwaZulu Natal provincial constitution-making process in a strange way. They call it negotiation, but every time its provincial "negotiators" get asked for a concession, they suspend talks first to get clearance from higher authority, notably the omniscient Dr Mario Ambrosini.

The other parties are obviously getting frustrated at counterparts negotiating through remote control. This is an intolerable situation, and one that cannot contribute to the quality of the final product. Then again, it is all part of the bigger contradiction of the IFP wanting to lead the provincial constitution-making process while keeping out of the central constitutional process.

It is this that is turning the provincial process into a political football. It is being used, not by the IFP alone, to fight the bigger battle over whether the national constitution should be unitary or federal. It goes back to the World Trade Centre, when the tug-of-war started over whether KZN was entitled to define its own powers or whether it had to depend for that on the magnanimity of the central constitution-makers.

In our view, this dilemma will only be solved once the IFP gets back into the central process. That is where the division of power between central government and the provinces needs to be thrashed out. Having this charade may be a way of at least keeping the parties in touch through the provincial back door, but it is no substitute for all the parties sitting together in the central Constitutional Assembly. That's where real power will be brokered, and not through using provincial negotiators as pawns.

## Constitution vote expected soon

CONSTITUTIONAL negotiations made good progress yesterday, and hopes are high that the KwaZulu-Natal provincial constitution will be voted on later this week.

The IFP negotiators made far-reaching concessions.

Minority Front leader Amichand Rajbansi said one agreement reached was on a 100-member Provincial Legislature.

He also believes that a consen-

sus position will be reached on the provincial Bill of Rights.

ANC whip Ina Cronje said there appears to be a change of attitude on the IFP's part, but it is still too early to say whether the ANC and IFP can strike a constitutional deal, and tough negotiations are likely to take place today.

The IFP said in their document submitted to the other parties that they have made "politically very costly" concessions.

Negotiations on the monarchy and local government have still to be concluded.

The Natal Witness,

THE CITIZEN

Tuesday, January 30, 1996

## KZ/Ntl constitution is on track

PIETERMARITZBURG. — The National Party in KwaZulu/Natal yesterday said it was optimistic a draft constitution for the province would be completed within three weeks.

Provincial leader Danie Schutte told a media briefing in Pietermaritzburg the party was cautiously optimistic.

Members of the constitutional committee met at

the legislature buildings in Pietermaritzburg yesterday to finalise the revised base document to be presented to the legislature tomorrow.

The parties are expected to vote on clauses and options contained in the document which will then form a composite document to be negotiated on in the next three weeks. — Sapa.



# Constitution back on track

By YVONNE GRIMBEEK  
POLITICAL REPORTER

THE provincial constitution is once again on track following major concessions by the IFP in Pietermaritzburg yesterday.

Last week, the constitution-writing process almost collapsed when the IFP was accused by the other political parties of not making concessions on any of the issues negotiated.

However, after the IFP's weekend national council meeting, where the party undertook to negotiate the document properly, it yesterday gave in on many issues where there was agreement between the parties.

Politicians emerging from the constitutional talks yesterday were more optimistic than they have been for the past few weeks. Several described the process as a major breakthrough. Others pointed out that, if the IFP had made the same concessions last week, the process would not have been delayed for so long.

Today, a sub-committee of the constitutional committee meets to clear the final hurdle of the differences between the parties concerning the monarchy and traditional leaders.

The discussion on the monarchy is crucial to the debate because it was the same issue that led to last week's collapse of negotiations. If this hurdle is cleared, the province could well have a strong consensus draft constitution by Thursday afternoon.

The Minority Front's Amichand Rajbansi said consensus had been reached on the size of the legislature (100 members) and the cabinet (not more than 15 ministers and five deputy ministers). It was also agreed that discussion on a voluntary coalition or a government of provincial unity would continue after the first draft was published.

ANC spokesman John Jeffery said the process now depended on the discussion of the monarchy sub-committee and acknowledged the concessions in reaching a consensus document. DP leader Roger Burrows said if there were more co-operation from the IFP today, the process could be completed by Thursday afternoon.

## ...but not in Cape Town

POLITICAL CORRESPONDENT  
Cape Town

WITH just over three months to go until the national constitution-making process is completed, little progress was made yesterday in ending Inkatha's boycott.

At an apparently stormy meeting attended by the chief constitutional negotiators of the ANC, NP and Inkatha yesterday, it is understood that Inkatha re-emphasised the need for the other two parties to meet their obligation to accept international mediation.

The meeting ended rapidly after IFP negotiator and Correctional Services Minister Sipo Mzimela restated his party's insistence that Inkatha MPs and senators would not return to the constitutional assembly until this condition was met.

While Dr Mzimela's spokesman could not be reached for comment last night, it is understood that he is going overseas today.

Constitutional Development Minister Roelf Meyer's spokesman, Mr Izak Retief, said no further meetings had been planned.

Both Mr Meyer and his deputy, Mr Valli Moosa, who attended yesterday's session of the constitutional committee in Cape Town after the meeting in Pretoria, emphatically declined to comment.

The constitution-writing process is scheduled to be completed by May 9. Parliament must decide by a two-thirds majority to extend this deadline but the remaining parties in the constitutional assembly are anxious to meet it.

# Capital issue the last hurdle

THE issue of a capital for KwaZulu Natal was one of the last areas of confrontation between political parties in drawing up the constitution yesterday.

However, after more than 18 months of political fighting and setbacks, the provincial constitution process has progressed by leaps and bounds and, by tomorrow, the legislature will be able to vote on a draft constitution.

The capital issue has two options in the draft constitution but parties have not agreed on the process to follow.

One option is to name Pietermaritzburg as capital. The other allows the legislature to decide, within six months of the promulgation of the provincial constitution, where to place the capital.

The IFP, which supports the legislature's decision, said it was a political decision which should not be entrenched in the constitution.

However, DP spokesman Wessel Nel said because it was such a sensitive issue, it should be entrenched.

The constitutional committee devoted considerable time on the issue of KwaZulu Natal with or without a hyphen. The IFP asked that the hyphen be removed while the current interim constitution has it as a slash.

The issue was, however, left alone after the debate.

## Constitution

KWAZULU-NATAL will finally have a draft provincial constitution by the end of this week, following an "historic" breakthrough by all seven political parties late last week.

Constitutional Committee chairman Mike Tarr said last night the parties will continue debating the option document in today's sitting of the Provincial Legislature, working into the night if necessary.

Tomorrow and on Wednesday the committee will attempt to marry as many of the options as possible, in particular those options where only slight differences remain.

On Thursday the parties will caucus to reassess the situation, and on Friday the Legislature will sit once more to vote on the options and thus produce a draft constitution.

However, the option document in full as well as the draft constitution will be published, to enable members of the public to see all the available options and comment on them.

Tarr said the constitution will finally be passed by the Legislature around February 21.

The Mercury, Tuesday, January 30 1996

The Natal Witness,  
Monday, January 22, 1996



# Press lashed by minor parties

A leader of a minority political party says it is completely ignored by the media, writes Praveen Naidoo.

**L**EADERS of three minority parties in KwaZulu-Natal have lambasted the media for not giving them sufficient coverage.

Leading the attack on the Press at the start of yesterday's Constitutional Committee meeting, African Christian Democratic Party provincial leader, the Rev Alex Fakude, said he was "a very aggrieved person".

"I want to pass a vote of complete no-confidence in the

Press," he said, warming up before delivering a passionate five-minute tongue-lashing to reporters.

"Whatever we minority parties say is not mentioned by the media," he ranted, raising his voice in anger.

He threatened to have a motion passed barring the Press from the next sitting of parliament, but found no support for this from any of the other parties.

Mr Fakude made no further contributions to the committee's deliberations over plans to amalgamate the views of all political parties on a provincial constitution for KwaZulu-Natal.

Later, when asked how he expected the media to quote him if he was not prepared to

say anything, he retorted angrily to baffled journalists: "That is my strategy."

PAC leader Mr Joe Mkhwanazi also accused the media of treating the minority parties unfairly. He said the Press did not appear willing to publish stories about peace-making, focusing instead on "fighting" between parties.

Mr Mkhwanazi appealed to members of the committee to stop fighting.

"Do us a favour and write patriotic reports," Mr Mkhwanazi appealed to reporters covering the meeting.

Minority Front leader Mr Amichand Rajbansi also joined the media-bashing session.

"I am convinced there are individual journalists and newspapers who are promot-

ing individuals and parties," he said.

To counter this, he had printed and distributed 30 000 pamphlets in his constituency. Mr Rajbansi warned that he might have to launch a newspaper to get his party's point across if he did not get better coverage.

The Democratic Party's provincial leader, Mr Roger Burrows, said he accepted that his party had received better Press treatment recently.

"We make no apologies for that," he said.

Members of the ANC, IFP and National Party said they agreed that all parties should be treated fairly by the Press, but opposed any moves to have the media excluded from parliamentary meetings.

## Editorial Comment

### Constitutional breakthrough

**K**WAZULU-NATAL is poised for a constitutional breakthrough with national ramifications. A provincial constitution - agreed by all parties - is close to adoption. This would undo the deadlock between the Inkatha Freedom Party and the African National Congress and open the way for the IFP to return to the national constitution-making process in the Constitutional Assembly. It would be a giant step toward restoring peace to KwaZulu-Natal.

A consensus-based provincial constitution would mean there has been agreement over the division of powers between central and provincial government. That dispute has been at the heart of antagonism between the IFP and the ANC, which has spilled over repeatedly into violence between their supporters. Agreement presumably means also that the IFP demand for international mediation over its concerns (agreed to by the ANC before the election but never effected) is no longer an issue, which would remove a source of bitter grievance.

The indications are that pragmatism has won the day. KwaZulu-Natal is likely to have the normal powers of provincial government in a decentralised system and will have the opportunity to heal itself and develop its potential. The grim alternatives of centralised coercion or attempted secession can become a fading nightmare.

### Education ministers enforce constitution

Bonile Ngqiyaza

**T**HE council of education ministers would use all legal means at its disposal to ensure educational institutions complied with the provisions of the constitution, it said yesterday.

Condemning the recent reports of racism in some schools, the council - which represents all nine provincial MECs of education - said all state-funded educational institutions were obliged to make full use of their facilities.

No school authority was to implement admission policies which discriminated against any child.

It said the test of "reasonable practicality" was to be applied to determine the medium of instruction of schools. The provincial department of education and the school governing body would determine what was reasonable.

### Opposition parties want ANC to back constitution

Farouk Chothia

**O**PPPOSITION parties warned the IFP on Friday that they would be reluctant to endorse a constitution for KwaZulu-Natal that did not have ANC backing.

NP KwaZulu-Natal leader Danie Schutte said the constitutional process had reached a "delicate and crucial stage", and in-depth talks were scheduled to take place with the ANC soon.

An NP source said the ANC had agreed to a two-day meeting at which efforts would be made to break the constitutional logjam. The initiative came against the backdrop of renewed ANC threats to hit back at national level and in the seven provinces it controls if it was marginalised in KwaZulu-Natal's constitutional process.

Senior ANC negotiators complained to their NP counterparts at an acrimonious meeting on Thursday that while the NP expected ANC co-operation at national level, it was excluding the party in the province to strike a deal

The IFP does not need the ANC's support for a two-thirds majority, but needs the backing of the NP, DP, PAC, Minority Front and the African Democratic Party.

All the minority parties threw their weight behind the ANC in the provincial legislature on Friday, blocking the IFP from publishing a draft constitutional Bill to which the IFP had made last-minute changes.

Minority Front leader Amichand Rajbansi said division within the IFP was bedevilling the process. Premier Frank Mdlalose had convened a meeting at which all party leaders had agreed on the process to be followed to achieve a settlement.

Rajbansi said the agreement was scuppered by IFP national council member Walter Felgate and constitutional adviser Mario Ambrosini, who

had reverted to hard-line positions, refusing to make concessions in subsequent negotiations.

The IFP national council met on Saturday to give negotiators a mandate on areas in which further compromises could be made.

Jiyane said there was no serious debate on the IFP's return to the constitutional assembly. He felt the adoption of a provincial constitution could pave the way for a return.

The NP had indicated that in exchange for its support for a provincial constitution, it wanted the IFP back in the assembly. "We don't seem to be averse to that," Jiyane said.

## BUSINESS DAY.

Monday, January 29 1996

Daily News



# Provinsiale grondwet die eerste stap KwaZulu/Natal wil die geweld nou stop

Deur Z.B. DU TOIT: Johannesburg

**POLITIEKE** partye in KwaZulu/Natal wil Vrydag die eerste tree gee om dié provinsie uit die moeras van politieke geweld te bevry. Op dié dag hoop hulle om 'n provinsiale grondwet voltooi te hê wat ook as grondslag kan dien vir internasionale bemiddeling en die IVP se terugkeer na die grondwetskrywende proses in Kaapstad.

Leiersfigure in die IVP was gister versigtig optimisties dat 'n provinsiale grondwet met die steun van al die partye in die provinsiale Wetgewer teen die einde van dié week goedgekeur kan word. Ná samesprekings tussen die partye oor die afgelope maande waarin

heelparty toegewings gemaak is, gaan die Wetgewer die hele week 'n konsep-grondwet debatteer om dit hopelik teen Vrydag af te handel.

## GROOT PROBLEME

Maar bepaalde artikels in die grondwet, die IVP se sogenaamde "sonsopkoms-klausules" kan nietemin nog vir groot probleme sorg. Die party wil hê dat hierdie bepalings, wat onder meer wye federale magte aan al die land se provinsies moet toeken, deur internasionale kenners beoordeel moet word om uiteindelik deel van die nasionale grondwet te word.

Die ANC was tot dusver heftig gekant teen bemiddeling van buite oor die mag-

van die provinsies hoewel hy kort voor die 1994-verkiezing sê 'n ooreenkoms met die IVP aangegaan het. Die NP steun dit egter.

Gister sê die IVP se hoofonderhandelaar, mnr. Walter Felgate, aan Rapport sy party sal binnekort uitsluitel van die Grondwetlike Vergadering in Kaapstad vra oor die tydraamwerk wat beskikbaar is vir internasionale bemiddeling. "Ons wil weet of die Grondwetlike Vergadering genoegsame tyd aan ons beskikbaar gaan stel daarvoor en of hy dit onmoontlik gaan maak," sê hy.

## WAARSKU

Mnr. Felgate het terselfdertyd gewaarsku dat die IVP nie na die grond-

wetskrywende proses in Kaapstad sal terugkeer sonder dat aan sy eis vir internasionale bemiddeling voldoen is nie. En word die nasionale grondwet voltooi sonder die IVP se medewerking, sal die IVP dit "baie moeilik" vir die regeering maak om sê 'n grondwet in KwaZulu/Natal toe te pas.

"Ons sal dit gewoon as illegitiem beskou," maan hy.

Volgens mnr. Felgate sal dit nodeloos vir partye soos die IVP en die NP wees om sonder die ANC toe te tree tot 'n proses van internasionale bemiddeling. Die ANC sal moet deel wees daarvan, sê hy.

Inmiddels het mnr. Felgate die ontmoeting tussen pres. Nelson Mandela en die Zoeloe-monarg, koning Goodwill Zwelithini, dié week as "algehele onsin" en "belaglik" bestempel. Volgens hom vorm dit deel van die ANC se veldtog met die oog op die plaaslike verkiesings later vanjaar.

## VREDESBOODSKAP

Kort ná sy gesprek met koning Goodwill het pres. Mandela gesê die koning wil 'n "imbizo" of volksvergadering byeenroep waarop hy (pres. Mandela) 'n sterk vredesboodskap wil uitstuur.

Waarop mnr. Felgate sê: "Dis 'n vraag of die koning hoegenaamd 'n volksvergadering kan bymekaar roep. Toe hy dit die vorige keer - in Oktober - probeer het, was dit 'n klaglike mislukking."

Rapport, Sunday, 21 January 1996

## Constitutional deal

### POLITICAL REPORTER

A MAJOR political deal, made late last week between the leaders of the ANC and IFP in KwaZulu Natal, could see the province with a draft constitution by Friday this week.

The deal struck set out a week-long timeframe for both the legislature and the constitutional committee to work flat out to come up with a document which, by Friday, could be published for public comment.

This morning, the legislature will continue its deliberations on the base document and then the process will be handed over to the constitutional committee to marry those areas of the constitution where there has been agreement between the seven parties in the legislature.

The constitutional committee has been given two days, tomorrow and Wednesday, to combine

what they can of the original base document. On Friday, the legislature will then reconvene to approve a draft constitution.

Besides the draft constitution, the legislature has also agreed to publish the 98-page base document which contains all the options put forward by political parties.

The thinking behind the publication of both documents is that the public should be given the opportunity to see what has been proposed for the problematic KwaZulu Natal constitution and to make their comments on both documents.

Once the public have been allowed 21 days in which to comment on the draft constitution, it is expected that the legislature will approve the final draft on February 21. Then it is up to the constitutional court to approve the document before it becomes law in the province.

THE MERCURY Monday, January 22 1996



DURBAN. — The African National Congress in KwaZulu/Natal yesterday proposed a new "consensus-seeking" plan aimed at solving the constitutional deadlock in the province on the eve of a crucial legislature sitting in Pietermaritzburg.

The plan would be tabled at today's sitting and hopefully accepted in order to create a long-awaited provincial constitution, ANC provincial leaders said at a media briefing in Durban.

The ANC and the Inkatha Freedom Party in the province have accused each other of obstructing the writing of a provincial constitution, which was originally scheduled for completion last December. Both parties have submitted substantially different constitutional

# ANC in bid to solve Natal constitutional impasse

proposals, which have been incorporated into a "base document".

IFP leader Chief Mangosuthu Buthelezi last year threatened to call fresh provincial elections if the legislature failed to acquire the two-thirds majority vote required to pass a provincial constitution.

In response, the IFP attempted to ram its own "base document" through the legislature, but was unable to garner a two-thirds support.

The ANC yesterday suggested various conten-

tious constitutional proposals be left off the base document, which could then be accepted by the legislature and serve as the basis for a provincial constitution.

"This approach would not delay the adoption of a constitution," ANC MEC Zweli Mkhize said.

"If this plan is accepted by the legislature, it would still be possible to adopt a constitution within a reasonable period comfortable to all parties," he added.

Proposals excluded from the provincial con-

stitution could then be settled in negotiating committees and in the Constitutional Court, the ANC said.

"Given the conflict in our province, we are certain that the court would urgently try and assist us through at least providing an indication of how they would interpret the controversial points," ANC provincial leader Jacob Zuma said.

Furthermore, the IFP's demand for greater provincial powers should be placed before the legislature in the form of a res-

olution, "which could then be used at the Constitutional Assembly to negotiate such powers", Mr Zuma said.

Such a resolution would fulfil part of the IFP's conditions for its return to the Constitutional Assembly, Mr Zuma added.

IFP constitutional negotiator Walter Felgate dismissed the ANC plan as "cheap politicking".

"It's the IFP and the IFP alone who decides process issues," Mr Felgate said yesterday. — Sapa.

THE CITIZEN

Wednesday 17 January 1996

## Tough talks on constitution

By DONWALD PRESSLY  
POLITICAL CORRESPONDENT

MEMBERS of the KwaZulu Natal constitutional committee meet informally for most of next week to hammer out agreement on the provincial constitution, but a tough fight is expected over the form of state and local government.

The main obstacles appears to be over an NP proposal that the three main parties in the legislature should form a council of state to advise the cabinet on sensitive policy matters, including security and the provincial budget.

Each party would hold two seats on the six-member body.

The NP, IFP and ANC agree that a compromise over the position of the monarch was likely.

At present the IFP has accepted an NP stand that the king should only have authority over the Zulus rather than the whole of KwaZulu Natal.

ANC chief whip Ina Cronje said last night her party suspected that the other parties were close to her party's position

that the king should be monarch of the entire province, but the ANC strongly opposed the NP council of state proposal, while the IFP appeared to support it.

Describing it as "thoroughly undemocratic", she said her party would support a unity cabinet until 1999, but thereafter voluntary coalitions should be the order of the day.

The Inkatha chief whip and chairman of the constitutional committee, Mr Mike Tarr, said the committee would meet again formally on Monday, January 15, ahead of a three-day sitting of the provincial legislature from January 17 to 19, at which final agreement on the constitution is expected.

Mr Tarr said if the talks did not achieve complete agreement on the constitution by the end of next week, each clause of the constitution including the various options put forward by the various political parties would be voted on by the legislature.

NP chief whip Tino Volker said it had been agreed that the committee itself would not vote on the constitutional

proposals, as the IFP did not hold a majority on the committee, as it did in the legislature.

Mr Tarr said a draft constitution would be open to public criticism for three weeks after the legislature accepted it and a bill to enact it would in all likelihood be put to it towards the end of February.

Ms Cronje said there were also large differences between the ANC and the other major parties, the IFP and NP, on the form of local government.

The ANC supported fully democratic local government, she said.

Mr Volker said it appeared that the IFP supported control of local government by chiefs in rural areas while his party supported a mix of systems.

Mr Tarr said the constitution would be completed before the national constitution, which could spark the return of his party to the constitution making process at that level.

He said changes to the role of the king could be considered later and he did not view the issue as an obstacle to achieving a constitutional agreement.

THE MERCURY  
Thursday, January 4, 1996



## ANC threatens NP over IFP constitution

David Greybe

CAPE TOWN — The ANC threatened yesterday to terminate political co-operation with the NP in ANC-controlled provinces and the Constitutional Assembly if NP hardliners helped push through an IFP-brokered constitution in KwaZulu-Natal.

KwaZulu-Natal transport MEC and senior ANC negotiator S'bu Ndebele accused hardline IFP and NP negotiators in KwaZulu-Natal of trying to push through a provincial constitution in spite of ANC objections.

He singled out the NP's Danie Schutte and Tino Volker and the IFP's Walter Felgate and Mario Ambrosini as the "culprits", accusing them of acting in "an undemocratic" manner by riding roughshod over the national unity norm.

The IFP can push through a provincial constitution without ANC support if it has the backing of the other parties. Some IFP negotiators believe this is possible.

Most parties accept if this happened it could seriously affect "consensus negotiations" for a national constitution.

Evidence of the issue's gravity for the ANC was two hastily convened meetings between the ANC, NP and DP in Cape Town yesterday which in-

involved national and provincial negotiators. The ANC side was led by secretary-general Cyril Ramaphosa and included top negotiators such as Valli Moosa and Pravin Gordhan. The NP team was led by Roelf Meyer and the DP's by Colin Eglin.

ANC MP Carl Niehaus, who was present, said the ANC would not accept any party "ramming constitutions down the throats of others".

Ndebele said the matter was scheduled to come to a head today when parties in KwaZulu-Natal were expected to vote on the publication for comment of a draft constitution "which only reflects IFP and NP views". He said the ANC wanted another draft document, which already existed and contained the options of all parties, to be pub-

lished for comment.

Ndebele threatened that the ANC would adopt a "totally hardline" political approach, similar to the IFP and NP in KwaZulu-Natal, in the seven ANC-controlled provinces and the Constitutional Assembly if the two parties got their way today.

"The ANC will not allow NP collusion with the IFP in KwaZulu-Natal to further destabilise the province," he said. The result would be the political marginalisation of particularly the NP, he predicted.

For example, in the constitution-writing process at national level, the ANC would force a deadlock. That would result in a national referendum and an "easy" victory for an ANC-drafted new national constitution.

BUSINESS DAY, Friday, January 26 1996

## KZN constitution delay

By YVONNE GRIMBEEK  
POLITICAL REPORTER

THE proposed constitution for KwaZulu Natal is down to an 82-page document but finality on the wording has not been achieved.

This morning the provincial constitutional committee resumes its work in Pietermaritzburg after a full week in the Natal Midlands last week.

Although there seems to be large areas of consensus, and the IFP is keen to take the document to the legislature this Wednesday, sources in the commit-

tee said at the weekend that there were still many issues to discuss. Sources said only one of the sub-committees, on the monarchy, made any real progress.

The constitutional committee must decide this morning on how to proceed and whether to call the legislature together on Wednesday.

IFP chief whip Mike Tarr said clear groundwork had been laid during last week's negotiations to allow for bartering between the parties. However, ANC spokesman John Jeffery said there had not been adequate report-backs to all ANC parliamentarians.

THE MERCURY  
Monday, January 15, 1996

## Final countdown to province's constitution

SATURDAY REPORTER

WAFLING politicians in KwaZulu Natal have finally stuck their necks out and spelt out in black and white their stance on the issues in the province's new constitution — which is almost written.

All seven of the province's parties in the legislature subjected themselves to an ex-

haustive week-long *bosberaad* in the Midlands where they thrashed out the laws that will govern citizens here.

The result is a final 60-page draft which will be put to the constitutional committee on Monday, and voted on clause by clause in Parliament in Pietermaritzburg for the rest of the week.

This will bring to an end months of earnest talks, will see the final draft sent to the court for ratification and make KwaZulu Natal a pioneer among the country's nine provinces.

Inkatha Freedom Party committee member John Aulsebrook said there had been real progress at the *bosberaad*.

Major sticking points had been the monarchy, provincial security forces and the form of local government and power of the chiefs.

theSaturdayPaper,  
January 13, 1996



# Constitutional talks reach an impasse

Farouk Chothia

DURBAN — Constitutional talks in KwaZulu-Natal have reached crunch point with the four minority parties holding out for further concessions from the IFP and NP before giving their support for a constitution to be passed with a two-thirds majority in the provincial legislature.

The DP, PAC, Minority Front and African Christian Democratic Party informed the IFP and NP in behind-the-scenes talks earlier this week that their proposals for the creation of a council of state and a provincial constitutional court stood in the way of a constitution emerging.

The four parties identified seven other stumbling blocks, including proposals for a detailed Bill of Rights. The parties wanted an enabling clause that would be fleshed out once the national Bill was finalised.

On local government, the parties felt that legislative proposals were being included in the constitution. They wanted the constitution to have a set of principles that would govern legislation on local government.

Sources said IFP national council member Walter Felgate accused the parties of "political blackmail" and brought negotiations to an end.

According to the sources Felgate said he had no mandate to make the

concessions. He would first have to report back to the IFP national council at its meeting next weekend.

The impasse is also expected to be discussed at a three-day legislature session starting today.

ANC KwaZulu-Natal chairman Jacob Zuma said the ANC supported the minority parties. If the IFP made the concessions, a draft constitution would be ready "within weeks".

ANC negotiator John Jeffery said the ANC had other concerns with IFP-NP proposals. These included moves to have traditional affairs, policing and local government as exclusive provincial powers with immediate effect. The ANC believed the province was not entitled to such powers in terms of the interim constitution.

Zuma said such clauses should be referred to the Constitutional Court for a declaratory ruling. There was no use including them in the constitution when the court could reject them at a later stage.

Zuma said issues related to provincial powers could "ultimately only be addressed" by the Constitutional Assembly. The IFP and other parties could pass a resolution in the legislature, identifying the powers they wanted for KwaZulu-Natal. Such a resolution could "create conditions" for the IFP to return to the assembly, and negotiations could take place there.

## Fears that little progress made in talks

POLITICAL REPORTER

THE provincial legislature meets tomorrow morning for yet another short session to discuss the progress made in the constitutional committee, although it does not seem that any real progress will be reported.

The parliamentary session, to be held in Pietermaritzburg, from the outset seems to be a waste of time as the combined minority parties have taken up position against the rest of the constitutional committee.

According to committee chairman Mike Tarr, a report on the progress of the committee will be tabled to the legislature but at this point the committee has yet to finalise the report.

Mr Tarr said the IFP felt that the chances of tabling a draft constitution by Wednesday "were slim".

THE MERCURY  
Tuesday, January 16 1996

## Top-level talks on KZN constitution

TOP-LEVEL bilaterals took place in Cape Town yesterday between the National Party and the ANC, and the NP and the Democratic Party, to discuss an inclusive constitutional settlement for KwaZulu-Natal.

And the base option document for the province's constitution will be voted upon today in a sitting of the Provincial Legislature in Pietermaritzburg.

NP KZN leader Danie Schutte said last night that the tabling of the draft will provide all parties with the opportunity to reach an inclusive settlement in the next fortnight. "A constitutional settlement which provides for the broadest possible democratic base in KZN is the best possible assurance for real and lasting peace in the strife-torn province," he said.

"It is only a constitutional settlement which makes provision for the major parties in KZN, that can ensure effective and stable government against the background of KZN's history of political intolerance."

Schutte pointed out an inclusive settlement at provincial level would lead to an inclusive settlement at national level as well.

The Natal Witness, Friday, January 26, 1996

## SUNDAY TRIBUNE - JANUARY 14, 1996

# Talks on track for final draft of KZN constitution next week

SAM SOLE

Negotiations are on track to produce a final draft constitution for KwaZulu-Natal by the end of the week.

Members of the Provincial Constitutional Committee met in a "bosberaad" this week and hammered out a single base document containing all the areas of consensus as well as all the parties' alternative proposals where they differed.

Inkatha Freedom Party spokesman Mike Tarr says a clear groundwork has been laid for horse-trading between the parties prior to the Parlia-

mentary sitting on Wednesday.

Although the document did not reflect the emerging unofficial consensus, everybody now had a global view to negotiate the best possible "package" for themselves, he said.

The Constitutional Committee meets tomorrow to try to "thin out" the alternatives and decide how Parliament will deal with the base document.

The IFP favours voting on disputed clauses which will produce a final draft bill by Friday. This would then go for public comment for 21 days before being sent back to the Parliamentary Committee for

final amendment before being voted into law.

The IFP would require only a simple majority (50 percent plus one) to adopt a draft bill on Friday, but would require a two thirds majority to adopt the constitution finally.

ANC spokesman John Jeffery says there are still areas which require detailed negotiation and the ANC favours tabling, but not voting on the new draft.

The IFP is believed to be keen to have a Provincial Constitution in place early to lay the groundwork for re-entry to the national Constitutional Assembly.



# KZN gears up for constitution

By YVONNE GRIMBECK  
POLITICAL REPORTER

THE KwaZulu Natal legislature meets in Pietermaritzburg this morning to pass the first draft of the provincial constitution.

This first draft, 18 months in the making, has been at the centre of political controversy for almost as long as it took to write it.

This morning's events in Pietermaritzburg will not be the final chapter in the constitutional saga, but it is likely to give the voters and politicians in the province a fair idea of how the final constitution will turn out.

Barring any surprise move from the ANC or IFP, the provincial politicians will simply vote on each clause in the document and on the various options presented by political parties. No debate on any of the clauses will be allowed and once the house has voted, a draft constitution will be published in the provincial gazette.

The base document, which contains all the options on each clause, as proposed by the various political parties, will also be published to allow the voters in the province more material to comment on.

During the past two weeks the legislature and the constitutional committee have met in an attempt to bring the political positions closer so that a consensus constitution could be reached.

However, earlier this week the IFP was accused of derailing the process by not having a mandate to change the original wording of the party's proposals, and for introducing an "old new" document into the debate over the monarchy.

The IFP negotiators have said their actions were not meant to inhibit the proceedings but rather to add to the debate. A spokesman on the monarchy, Mr Vincent Ngema, said the IFP document was tabled to compare it to the multi-party document that had been drawn up earlier.

Mr Ngema said it was hoped the document could lead to the resolution of several issues.

However, the rest of the constitutional committee rejected this and the vote on the monarchy this morning will now be on three different options, rather than a combined, multi-party agreement.

THE MERCURY Friday, January 26 1996

## Province comes under spotlight in Cape Town

POLITICAL REPORTER

THE constitutional affairs of KZN were raised at a national level yesterday when the National Party, Democratic Party and ANC held a series of bilateral talks in Cape Town to discuss the document.

NP leader in KZN Danie Schutte said the talks centred around his party's commitment to an inclusive constitutional settlement in the province which would also lead to an inclusive settlement at a national level.

However, ANC negotiator S'bu Ndebele said it became necessary to have

an urgent national meeting with the NP because the party (NP) was preventing the democratisation of the province.

This was not acceptable to the ANC which was also worried that the national leadership of the NP did not know what was going on in KwaZulu Natal.

"We cleared the decks on a national level with the NP and we will be holding briefings all over the country following this," he added.

He said the ANC had also met with the DP and described the meeting as "productive".

## Constitutional concerns

PRAVEEN NAIDOO Political Reporter

THREE professors of law who are helping a provincial committee draft a constitution for KwaZulu-Natal are "deeply concerned" about the constitutional validity of some of the clauses being proposed by political parties.

Professors Charles Dlamini, George Devenish and Karthi Govender are lending legal and technical assistance to the parliamentary constitutional committee. They have so far completed 12 chapters of a base document which includes the views of the ANC, IFP and NP on a provincial constitution.

Still to be drafted are four chapters and additional clauses to include the views of the minority parties. The document is due to be discussed next week by a multi-party workshop at which parties will negotiate on clauses,

most likely behind closed doors.

The professors have expressed their concern over some of the clauses in a submission accompanying the incomplete draft of the base document, which has not been made public.

They pointed out that their brief was only to identify proposals that the parties had agreed on and to list proposals over which there was no agreement as options.

"We were explicitly told not to comment upon the constitutionality of any of the proposals," said the professors in their joint submission.

"We have in previous reports questioned the constitutionality of some of the proposals that appear in the basic document. We stand by those submissions.

"Although we have put this document together, we wish to

emphasise that we are deeply concerned about the constitutionality of a number of proposals included in the document."

All parties in the province, except the PAC, have agreed that they will be allowed to bring advisers who are not members of the constitutional committee to next week's workshop. (PAC member Mr Joe Mkhwanazi was attending a meeting in Zimbabwe on behalf of the Speaker, Mr Gideon Mdloose, and did not take part in discussions).

An agenda for the workshop and a protocol on how it will be structured is to be decided on Monday. Meanwhile, parties were due to hold as many bi-lateral and tri-lateral meetings as possible this week in an attempt to thrash out differences on their constitutional proposals in preparation for the workshop.

DAILY NEWS,

THURSDAY,

DECEMBER 7, 1995

THE MERCURY

Friday, December 8 1995

## Inkatha council to hold critical meeting

By DONWALD PRESSLY  
POLITICAL CORRESPONDENT

INKATHA will hold a critical national council meeting this weekend prior to a three-day indaba of negotiators of all seven political parties in KwaZulu Natal to hammer out a provincial constitution.

The ANC, meanwhile, has opened the door to the possibility that the vexing question of international mediation over constitutional issues could be considered.

Inkatha suspended its participation in the constitutional assembly because it said the ANC and NP had failed to carry out this pre-April 1994 election agreement.

Last night National Party leader Danie Schutte was optimistic about progress made in bilateral meetings

between his party and the ANC yesterday and Inkatha earlier this week.

He predicted that the IFP national council meeting would be a crucial indicator of whether the party would ultimately return to the national constitution-making process.

ANC negotiator John Jeffrey said his party would be meeting an IFP delegation today led by Mr Walter Felgate, but he was less optimistic that the IFP would come up with "anything dramatic" at the national council meeting.

In response to Mr Felgate's comment that he believed that if a regional constitutional settlement was obtained international mediation would be carried out, Mr Jeffrey acknowledged that "this may have some bearing on it".

He said the issue of international mediation had been discussed at provincial level.



KZN constitutional process looking 'fragile'

# IFP commissars almost wreck it

SAM SOLE

**I**nkatha Freedom Party constitutional commissars Walter Felgate and Mario Ambrosini almost succeeded in scuttling the provincial constitution writing process once and for all this week.

Other parties accused the IFP of making a mockery of negotiations by repeatedly ignoring compromise agreements reached in the Constitutional Committee and retabelling hardline options.

According to Democratic Party leader Roger Burrows, if voting had gone ahead on the basis of the IFP's unaltered position on Friday, there would have been no chance of Parliament's passing the constitution, with the necessary two-thirds majority when it returned to adopt a constitution after a mandatory period set



WALTER FELGATE: Almost scuttled the whole process

aside for public comment.

In a bid to keep the process from collapsing, the DP proposed that voting on the draft be postponed until Wednesday or Friday at the latest.

After a one-and-a-half hour caucus meeting this was accepted by the IFP with the provision that the period for public comment be reduced by the period of the postponement in order to keep the IFP timetable on track.

"Ambrosini and Felgate messed it up totally," said an IFP source. "They have a unique ability to get into a situation and wreck it. We can't change a comma or cross a T without Ambrosini having a fit."

"Monday is crunch day and unless Felgate and Ambrosini change their tack the process is finished."

The IFP national council met yesterday and Mr Felgate and Mr Ambrosini were expected to attempt a damage control exercise within the party.

"The process is looking very fragile," Mr Burrows told the Tribune.

SUNDAY TRIBUNE

JANUARY 28, 1996

The Natal Witness, Wednesday, January 31, 1996

## Big steps forward for KZN

IT'S all systems go for the provincial constitution, with the ANC and IFP having reached a compromise on the highly controversial issue of a provincial paramilitary force yesterday.

And the provincial legislature will sit tomorrow to vote on a draft constitutional bill, which will be published either on Friday or Monday.

At the constitutional committee meeting in Pietermaritzburg yesterday, the IFP dropped its demand for a provincial paramilitary force and accepted the compromise that a service be established to protect individuals and property.

ANC spokesman John Jeffrey said last night progress is going "quite well". He said the parties are narrow-

ing down their options slowly, but there is still disagreement on the sunrise clauses, a provincial constitutional court, rural local government, some aspects of the monarchy and a council of state.

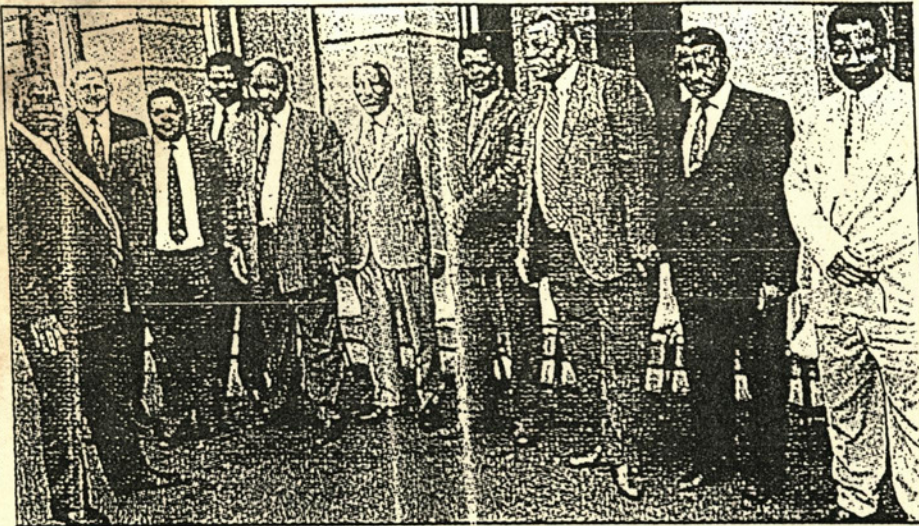
IFP negotiator Walter Felgate said the process is "right on track" and he expects a constitution for KZN by February 22, while NP spokesman Tino Volker said the parties have made "very positive progress".

A small group of negotiators meets this morning to go through the document once more, and the constitutional committee meets this afternoon in Durban to finalise arrangements for tomorrow's legislative sitting. — Political Reporter.



The KwaZulu Natal Cabinet at parliament last week: Premier Dr Frank Mdlalose (left), Mr George Bartlett (agriculture), Mr Nyanga Ngubane (traditional and environment), Dr Zweli Mkhize (health), Mr Jacob Zuma (economic affairs and tourism), Mr Senzele Mhlungu (finance), Dr Vincent Zulu (education and culture), Prince Gideon Zulu (social welfare), the Rev CJ Mtetwa (public works) and Mr Sbu Ndebele. Housing Minister Mr Peter Miller not in picture

Picture: MARLAN PADAYACHEE



POST, JANUARY 31 - FEBRUARY 3, 1996

Provincial politicians close to draft agreement

# Job nears completion on KZN's constitution

Politics in KwaZulu Natal was all set to be written into the country's history books with the passing of a landmark draft provincial constitution on Friday. But the historic occasion was delayed, writes political reporter MARLAN PADAYACHEE.

FRIDAY was D-Day for the passing of KwaZulu Natal's landmark constitution, the political *piece de resistance* that would have paved the way for peace, stability, and economic growth in this flashpoint province which both the IFP and the ANC want to control.

It was sweltering. The thermometer reached 35 degrees centigrade.

It was also a day of cellphone politics (the little direct-line gadget rang all day inside the chambers), posturing, and caucusing, before the much-vaunted constitutional base document could get the all-party green light.

For the hundreds who peeked through the wrought iron fence

to witness a photo shoot at the old Natal Administration building in Longmarket Street, everything seemed to augur well for our style of postponed politics.

A Russian trade delegation was also present to see KwaZulu Natal join the rest of the reborn republic in getting down to the real business of delivering the goods to voters.

After Premier Dr Frank Mdlalose wished Muslims well over the Ramadan fast, the session got under way only to be swiftly adjourned after the minority parties expressed their desire to postpone the voting by simple majority for a week.

Some MPPs, like the ANC's Mr Sbu Ndebele and the NP's Mr George Bartlett, expressed concern about any further delays, both accusing the IFP of renegeing on agreements made at the constitutional talks.

However, debate and discussion on the base document was suspended until 1pm to allow the parties to caucus further.

It became an open secret in the corridors that IFP constitutional

commissars Mr Walter Felgate and foreigner Mr Mario Ambrosini were apparently attempting to introduce hard-line options into some of the compromises made by the parties in the constitutional committee.

Finally, just when the heat wave was beginning to take its toll on some MPPs, including the ANC's Mr Yusuf Bhamjee, who fell asleep in a leather couch in the foyer, the IFP big guns emerged from the round table.

At 2.15pm, the show got under way with Mr Mike Tarr, the IFP's chief whip supporting the Minority Front's Mr Amichand Rajbansi's motion to postpone voting on the draft constitution until this midweek.

The Premier supported the motion and agreed to reconvene parliament to pass the draft constitution for public perusal within 14 days instead of the usual 21.

"We can get the job done even if it means working through the weekend and revisiting the draft constitution," said Mr Rajbansi.