

THESE MINUTES ARE CONFIDENTIAL AND RESTRICTED TO MEMBERS OF THE NEGOTIATING COUNCIL.

**MINUTES OF THE MEETING OF THE NEGOTIATING COUNCIL HELD AT 11h30  
ON MONDAY 26 JULY 1993 AT THE WORLD TRADE CENTRE**

**PRESENT:** See Addendum A

**1. Moment of Prayer/Meditation**

A moment of prayer/meditation was observed by all members.

**2. Welcome and Attendance**

The participants were welcomed.

**3. Ratification of the Agenda**

The agenda was ratified with no amendments.

**4. Minutes**

4.1 It was noted that the minutes of the meeting of the Negotiating Council of 19 and 20 July would be distributed during the course of the meeting and would be dealt with at the meeting of the Negotiating Council of 27 July 1993.

4.2 It was noted that the minutes of the meeting of the Negotiating Council of 21 July 1993 would be distributed during the course of the meeting of the Negotiating Council of 27 July 1993 to be dealt with at the next meeting of the Negotiating Council of 28 July 1993.

4.3 The Planning Committee minutes of 21 June through to 25 June 1993 were distributed in the meeting for noting by participants.

## **Procedural Issues**

### **5.1 Sufficient Consensus:**

- 5.1.1 It was noted that submissions by participants were received by the ad-hoc committee this morning.
- 5.1.2 It was agreed to allow the ad-hoc committee to consider the submissions and submit a report to the Negotiating Council later in the course of the day.
- 5.1.3 It was agreed that the Negotiating Council would discuss this issue at 17h00 today.

### **5.2 IFP Memorandum: (see Addendum B)**

It was noted that the Planning Committee had discussed this issue at length and recommended the following:

- \* That the Sub-Committee of the Planning Committee considers the memorandum and isolates issues;
- \* That the Negotiating Council should formally respond to the memorandum; and
- \* That the Planning Committee formulates a response for consideration by the Negotiating Council during the course of the meeting.

This was agreed to.

### **5.3 Resolution on Church Attack:**

It was noted that the Planning Committee had discussed this issue and recommended the following:

- \* That the Negotiating Council takes a stand on this issue;
- \* That the Planning Committee formulates a draft resolution for consideration by the Negotiating Council during the course of the meeting.

This was agreed to.

### **5.4 Ad-hoc Committee on Fundamental Human Rights during the Transition:**

It was noted that Planning Committee had discussed the issue of points of difference arising out of the debate on the Report from this Technical Committee and recommended the following:

- \* That an ad-hoc committee be appointed to deal with the issues;



\* That the ad-hoc committee be composed as follows:

- S Camerer (Convenor)
- H Cheadle
- P Maduna
- SG Mothibe
- D Gibson

This was agreed to.

## 6. Substantive Issues

### 6.1 Constitutional Issues:

6.1.1 The Technical Committee was welcomed. Present were A Chaskalson, GE Devenish, E Moseneke, B Ngoepe, M Olivier, M Wiechers and F Venter. Apologies were noted from W Oliver.

6.1.2 The Technical Committee presented the following reports, as distributed to the Negotiating Council on 21 July 1993, to the meeting:

- \* The Second Special Report on Confederalism
- \* The Fourth Supplementary Report on Constitutional Principles
- \* The Draft Constitution of the Republic of South Africa 1993
- \* The Eighth Report

6.1.3 Discussion then proceeded on the way in which the reports should be debated.

6.1.4 After discussion the following proposal for the debating of the Reports was agreed to by the meeting:

- \* Wednesday, 28 July 1993:
  - Sufficient Consensus
  - Draft Outline for the Constitution and Eighth Report of the Technical Committee
  - Fourth Supplementary Report on Constitutional Principles.
  - Report of the Technical Committee on Confederalism.

This was agreed to in order to allow the IFP, the Kwazulu Government and the KP to return to the process and be part of the debate.

6.1.5 It was agreed to mandate the Planning Committee to prepare, against this background, a draft resolution to appeal to the IFP, the Kwazulu

Government and the KP to return to the negotiating process.

The meeting adjourned for tea at 15h55.

The meeting reconvened at to 17h00.

**7. Procedural Issues**

**7.1 Resolution on Church Attack:**

7.1.1 The proposed resolution as amended was adopted (see Addendum C).

7.1.2 It was agreed that the resolution should be forwarded to the minister of the church.

**7.2 Resolution on Facilitating the Return of the IFP, the Kwazulu Government and the KP to the Negotiating Process:**

7.2.1 The proposed resolution as amended was adopted (see Addendum D).

7.2.2 It was agreed that the resolution should be forwarded to the IFP, the Kwazulu Government and the KP.

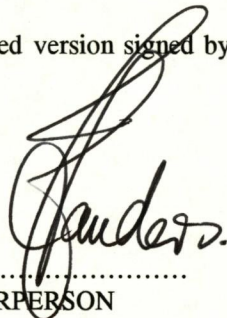
**8. Closure**

8.1 The Chairperson was thanked for the way the day's proceedings were handled.

8.2 The meeting was closed at 17h55.

These minutes were ratified at the meeting of the Negotiating Council of 29 July 1993 and the

amended version signed by the Chairperson of the original meeting on ..... *4 AUGUST 1993*

  
.....  
CHAIRPERSON



## Addendum A

The following delegates and advisers were present at the meeting of the Negotiating Council on Monday 26 July 1993:

L Landers : Chairperson

MJ Mahlangu : Assistant to the Chairperson

Organisation	Delegates	Advisers
ANC	C Ramaphosa B Kgosisile	MV Moosa B Mabandla
AVU	AS Beyers	M Mentz JR de Ville
Bophuthatswana	R Cronje R Mangope	SG Mothibe BE Keikelame
Cape Trad. Leaders	GD Gwadiso SN Sigcau	DM Jongilanga
Ciskei	M Webb VT Gqiba	TM Bulube SM Faku
DP	C Eglin D Smuts	K Andrew PG Soal
Dikwankwetla	JSS Phatang K Ngwenya	SOM Moji
IFP		
IYP	NJ Mahlangu N Mtsweni	AP Laka Q Vilankulu
KP		
INM	SS Ripinga ND Mokoena	GG Zama MS Gininda
Kwazulu		
Labour Party	J Douw CC August	
NIC/TIC	PJ Gordhan B Pillay	K Mayet F Hajaij
NP	D de Villiers TJ King	L Wessels

PP

A Rajbansi  
S Naidoo

A Hurbans  
BP Jaglal

OFS Trad. Leaders

M Moroke  
MB Mota

RH Mopeli

PAC

P de Lille  
B Alexander

B Desai  
R Sizani

Solidarity

JN Reddy  
DS Rajah

AS Razak  
P Naidoo

SACP

J Slovo  
L Jacobus

E Pahad  
S Shilowa

SA Government

RP Meyer  
LR Brink

JT Delport  
DPA Schutte

Transkei

Z Titus  
N Jajula

TVL Trad. Leaders

LM Mokoena  
FF Kekana

MA Netshimbupfe  
NE Ngomane

UPF

J Maake  
A Chabalala

RJ Dombo

Venda

SE Moeti  
AK Masehela

GM Ligege  
S Makhuvha

XPP

PT Shiluvana  
EE Ngobeni

MH Matjokana  
RW Nyambi

T Eloff	:	Administration
G Hutchings	:	Minutes
M Radebe	:	Administration
P Lelaka	:	Administration





# INKATHA

Inkatha Freedom Party

IQembu leNkatha yeNkululeko

## MEMORANDUM FOR SUBMISSION TO THE NEGOTIATING COUNCIL

### THE WITHDRAWAL OF THE IFP FROM THE NEGOTIATING COUNCIL AND ITS STRUCTURES

JOHANNESBURG, 19th JULY 1993

1. Statements made by the South African Government in the media and in the Negotiation Council clearly indicate that the Government has difficulty in comprehending the reasons why the IFP left the World Trade Centre negotiations to continue action to correct the very apparent deficiencies in the negotiation process.
2. This is surprising in the light of the following facts.
  - The IFP strongly objected to a date being set for an election before we had any agreement about the form of the future South African state and before we had agreement on the new South African constitution.
  - We supported the notion of the importance of reaching a point at which an election date could be set by lending our agreement to the Declaration of intent, after amendments were accepted, which made the setting of an election date dependent on sufficient progress having been made in constitutional negotiations and in the elimination of violence.
  - We rejected the motion tabled by the South African Communist Party in the Negotiation Council which held that sufficient progress had been made to enable us to set an election date.
  - We rejected the ruling by the Chair in a meeting of the Negotiation Council held on the 15th of June, that sufficient consensus had been reached, and that the Negotiation Council could recommend the 27th April 1994 as an election date to the Negotiating Forum at its next meeting.

President: The Hon. Prince Dr. Mangosuthu G. Buthelezi

National Chairman: Dr. F.T. Mdlalose

Deputy Secretary General: Inkosi S.H. Gumede

Sub Committee Chairmen:

Political Constitutional, and Legal: Dr. D.R.B. Madide

Economic and Finance: Mr. M.A. Nzuza; Social and Cultural: Dr. F.T. Mdlalose; Elections Publicity and Strategy: The Rev. C.J. Mtetwa  
Appointment and Disciplinary: Mr. E.S.C. Sithebe; Community Development: Mr. M.V. Ngema.



- We rejected this ruling on many grounds, but specifically, on the grounds that the show of hands the Chair called for was contrary to the accepted

notion that sufficient consensus was not to be arrived at through voting procedures. Quite independently of that consideration, the actual count of 8 against, 3 abstentions and 15 for, could hardly be construed as indicative of sufficient consensus.

It is the IFP's contention that in the matter of calling sufficient consensus decisions, chairpersons should take into account, not only the generality of support or opposition to a motion, but also the weight of the nays and yeys in terms of the implications they have for both the way forward and for the final implementation of any decision. South African political realities determine that there can be no sufficient consensus if major players such as the SAG/NP, the ANC Alliance and the IFP/KZG groupings are quite unable to accept a chairpersons ruling that there is sufficient consensus.

We also rejected this ruling by the Chair that there was sufficient consensus, on the grounds that the Chair did not invoke the procedures laid down in the Standing Rules which were adopted to avoid deadlocks.

- We again objected to the ruling of the Chair in the meeting of the Negotiating Forum held on the 2nd July 1993, that there was sufficient consensus to accept the recommendation by the Negotiation Council that 27th April 1994 be accepted as an election date.
3. On the 17th of June the IFP walked out as the only form of protest left open to us, and we again walked out on the 2nd July 1993 because then again that was the only form of protest left open to us.
  4. On both occasions when we walked out we did so to caucus with other parties and to consult with principals. After caucusing with other parties, and after consulting with principals, we confirmed to the Negotiating Council that our opposition to the setting of an election date stood.
  5. In this memorandum we confirm that after walking out in protest from the Negotiating Forum on the 2nd July 1993, we consulted with principals and laid the matter before the IFP's 1993 Annual General Conference on the 18th July 1993 which upheld the IFP decision to campaign for the review of the procedures for the determining of sufficient consensus in the Negotiating Council and the Negotiating Forum from the position of our suspended participation in the Negotiating Process.



6. The relevant resolution of Conference is attached to this memorandum.
7. We hereby confirm to the Negotiating Council that we will not attend any further meetings of the Negotiating Council or its structures until there is a satisfactory solution to the problem of calling sufficient consensus decisions in the face of considerable opposition.
8. We further confirm that there are additional grounds for the action we have taken. These grounds are to be found in the inadequacy of the resolution adopted by the Negotiation Council and the Negotiating Forum instructing the Technical Committee on Constitutional Matters to draw up a draft constitution for an interim period, and our rejection of it.

The IFP reserved its position with regard to the resolution when it was presented to the Negotiating Council on the 30th June 1993. On the 1st July the IFP delegation consulted with a representative caucus of the IFP's leadership and we were instructed to register our withdrawal from the negotiation process until the Technical Committee on Constitutional Matters had tabled the proposed draft resolution, and we had had time to consider its merits and defects.

On the 30th of June it was apparent that there would be difficulty reaching consensus on instructions to the Technical Committee on Constitutional matters on the question of how it should proceed to move towards drafting a constitution. It was agreed that Council should be adjourned to enable parties to caucus on the matter.

A caucus meeting between the IFP and the South African Government/National Party was followed by a caucus meeting between COSAG and South African Government/National Party. The first caucus meeting arrived at agreement about some of the elements which would have to be in the draft constitution for it to be satisfactory. In that caucus it was agreed that these elements be listed and turned into instructions to the Technical Committee. This was also agreed to in a second caucus meeting.

The resolution that was finally presented to the Negotiating Council by the Planning Committee did not reflect the gains in the above mentioned caucus meeting, and the IFP did not accept the wording of the resolution that was finally adopted by a sufficient consensus ruling by the Chair at the Negotiating Forum meeting of the 2nd of July 1993. We rejected the decision that there was sufficient consensus in favour of the motion, and the IFP informed the Forum that it would have to walk out in protest.



9. The IFP challenged the sufficient consensus decisions on the grounds that there was not sufficient consensus both on the occasion of the adoption of the recommendation to the Negotiating Forum by the Negotiating Council that 27th April 1994 be set as an election date, and on the occasion of this recommendation being considered in the meeting of the Negotiating Forum on the 2nd of July 1993, and on the grounds that the Chair did not invoke the procedures laid down in the Standing Rules to be used when a sufficient consensus decision had been declared and was challenged.
10. In summery, the IFP informs the Negotiating Council that it has resorted to taking legitimate democratic action against sufficient consensus decisions it disputed from with out the procedures of the Negotiating Council, because it had availed itself of all the procedures laid down by the Standing Rules, but to no avail.

The IFP maintains that its action in doing so has international democratic respectability, and is entirely defensible and even praiseworthy as action by a negotiating party totally committed to the negotiating process, which wishes to attend to process problems which lead to deadlocks and the inability to find a way forward within the process, but can not do so from within the process itself.

-----0-----



**RESOLUTION 22**

**RESOLUTION ON THE ATTACK ON WORSHIPPERS  
IN KENILWORTH  
ON SUNDAY 25 JULY 1993**

This Negotiating Council meeting on 26 July 1993 at the World Trade Centre in Kempton Park:

**Shocked and Saddened:**

By the horrendous attack on and murder of innocent, unarmed people assembled in prayer in a place of worship;

**Alarmed:**

By the desecration of a place of worship;

**Concerned:**

That such senseless and barbaric acts of violence seem to be repeatedly occurring, as this attack did, on the eve of vital new developments in the negotiating process;

***Therefore Resolves To:***

**Condemn:**

In the strongest terms this callous, despicable and unforgivable act of violence against humanity in general and worshippers in particular;

**Rededicate:**

Ourselves to resist this and all other attempts to disrupt negotiations, demoralise ordinary South Africans and sink our country into chaos and internecine violence;

**Call:**

- \* On all South Africans, black and white to join us and each other in bringing peace and understanding to our country and to help bring the murderers to justice;
- \* On government to act decisively to stop these and other violent acts and isolate the "sinister force" that is clearly responsible for some of this violence;
- \* On all political formations and leaders to denounce all violence, particularly the use of violence for political objectives, and to refrain from making inflammatory and irresponsible calls on people to arm themselves in order to incite violence;

***And:***

Convey our heartfelt condolences to those who have lost members of their family in this attack and wish all injured persons a speedy recovery.



**RESOLUTION NO. 23**  
**RESOLUTION ON FACILITATING THE RETURN OF**  
**THE IFP, THE KWAZULU GOVERNMENT AND THE KP**  
**TO THE NEGOTIATING PROCESS**

This Negotiating Council meeting on 26 July 1993 at the World Trade Centre in Kempton Park:

**Noting:**

That the Technical Committee on Constitutional Issues has tabled reports dealing with Confederalism and a Draft Outline of a Constitution for the transition.

**Noting Further:**

1. That the Planning Committee has tabled its first report on the issue of Sufficient Consensus and the procedures which could facilitate its application.
2. That the Negotiating Council allowed for submissions to be made by all the participants by 23 July, on the report on Sufficient Consensus.
3. That the only participants who have made submissions are Ciskei, Bophuthatswana and the Dikwankwetla Party.
4. That the IFP/Kwa Zulu Government and the Conservative Party have expressed concerns about
  - \* Sufficient consensus and its application
  - \* Reports on the Constitution for the transition
  - \* Confederalism and self-determination.

**Resolves:**

That the Negotiating Council, in order to afford the IFP/Kwa Zulu Government and the KP an opportunity to participate in the debate and make their contribution in this regard, hereby postpones its debates according to the following schedule:

1. Wednesday, 28 July 1993 at 13h00:
  - \* Sufficient Consensus
  - \* Draft Outline for the Constitution and Eighth Report of the Technical Committee
  - \* Fourth Supplementary Report on Constitutional Principles.
2. Thursday, 29 July 1993:
  - \* Report of the Technical Committee on Confederalism.

**Therefore urges:**

The IFP/Kwa Zulu Government and the KP Delegations to return to the Negotiating Council and participate fully in the debates on these and other issues.