Towards the end of 1980s the situation in South Africa was ripe for change as the internal dynamics of the government and its chief adversary – the ANC, was not conducive enough for both of them to stick to their original positions. The white minority government was facing a variety of problems which seriously undermined its ability to stick to the power for a long time. Three most important challenges to the Afrikaners in general and the government in particular are worth-mentioning in this context: demographic imbalance, economic sanction and international pressure.

To explain these challenges from the beginning, from 1700 to 1960 the proportion of whites to the entire population of South Africa was sufficient enough to man all crucial positions in the economic, political and administrative establishments. This demographic position could not be maintained since 1960. Between 1910 and 1960, 20 per cent of the total population were whites. But this proportion started falling since 1960 and reached 15 per cent in 1985, thereby creating shortage of manpower for both public and private sectors. In contrast to this, the African population not only grew in number (25 million in 1985 with a projected expansion to

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40 million by the year 2000), but also in education and political consciousness as more Africans entered advanced industrial economy and higher education, causing concern among the Afrikaners.

Economic sanction which included trade restrictions, disinvestment and bans on long-term credit, complicated the matter further in the 1980s as western public opinion turned hostile against apartheid. The passage of Comprehensive Anti-Apartheid Act by the United States Congress in 1986 and similar restrictions by the Commonwealth and the EEC in the same year forced the Pretoria regime to bring about basic political reforms.

Apart from economic sanction, international pressure at the ideological and diplomatic level was equally effective in the cracking of apartheid. International isolation in the areas of sports, culture, education etc were particularly significant in this context. After the expulsion of the Dutch Reformed Church (DRC) – the main Afrikaner church, from the World Alliance of Reformed churches in 1982, the DRC; also declared in 1986 that apartheid was incompatible with Christian ethics.

Towards the end of 1980s the ruling NP also faced challenges from other rival political parties such as the Conservative Party (CP) and the Democratic Party (DP)\(^2\) as manifested in the September 6, 1989 election to the House of Assembly, the white chamber of the parliament. Though the

\(^2\) DP was formed in April 1989 after the merger of the Progressive Federal Party, Independent Party and the National Democratic Movement.
NP retained majority, its strength in the House came down to 93 from 123 in 1987. On the other hand, the rightist CP and the DP on the left improved their performance to 31.2 per cent and 20.4 per cent respectively. But the victory of the NP, correctly speaking, was not a mandate for change. Because, except the DP whose views on reform were more progressive, none of the parties supported complete change. But it finished third. The NP was actually worried for the increasing support to the CP which was against any compromise. So it was this loss of support, rather than any electoral mandate for change, that proved decisive and propelled change.

The ANC, on its part, was not in a position to continue armed defiance against the government towards the end of 1980s as the national and international political scenario changed dramatically. The decision of the party to open dialogue with the government was directly linked to the New York Accords of 1988 and the collapse of the Soviet Union. The New York Accords, which provided for the independence of Namibia and the withdrawal of Cuban troops from Angola, forced the ANC to close down its Angolan camps which were strategically important due to their closeness to South Africa. The collapse of Soviet Union, ANC's most


4 For a critical assessment of 1989 election, see Ibid.
important source of funding, proved to be a major setback for the organisation. This came at a time when the state of emergency which was been in effect since June 1986, put heavy pressure on the activities of the organisation and its other supporting organisations such as UDF and COSATU.5

Before proceeding to discuss the phases of negotiations and the positions of Inkatha and other political parties, it is imperative to mention some of the important decisions of De Klerk government which facilitated the negotiation process at the beginning. President De Klerk, following his election, declared his commitment to a peaceful change of the apartheid political order and called upon all the concerned parties and international community to assist the government in its endeavour. Soon after, the government unconditionally released eight long-term political prisoners including Walter Sisulu on October 15, 1989. It also allowed the organisation of pro-ANC rallies. Contrary to government's claim, Nelson Mandela had also several rounds of talks with government ministers since his July meeting with outgoing president P.W. Botha. On 13 December, president De Klerk and Nelson Mandela met to discuss the impediments in the way of meaningful dialogue. Though the obstacles to meaningful negotiations were not cleared till time, it became apparent that the major

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5 For impact of state repression on the ANC and allies, see Heribert Adam, “Ballot not Bullets?”, *Front File* (South Africa), vol. 2, no-10 (July 1988), pp. 2-3.
players were acting for a change and the government no longer considered the black political organisations as political outcast.

The most path-breaking event occurred in the history of South Africa on February 2, 1990. In his inaugural speech in the new parliament on this day president De Klerk said:

The general election on September 6, 1989 placed our country irrevocably on the road of drastic change. Underlying this is the growing realisation by an increasing number of South Africans that only a negotiated understanding among the representative leaders of the entire population is able to ensure lasting peace. The alternative is growing violence, tension, and conflict. The well-being of all in this country is linked inextricably to the leaders to come to terms with one another on a new dispensation.\(^6\)

The president revealed in the parliament the government’s decisions which included lifting of the prohibition on the ANC, the PAC, the SACP and fifty-eight other organisations; abolition of various emergency regulations; and decision to release Nelson Mandela unconditionally.\(^7\)

After this important announcement, on February 11 Nelson Mandela, was released from Victor Verster prison. Anti-apartheid organisation were unbanned and exiled leaders were allowed to come back. In June the state of emergency was lifted except for Natal, where it continued till October. All these measures thus opened up a new era

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\(^7\) Ibid, p. 11.
As things changed swiftly so did Inkatha. In his presidential address at the 15th Annual General Conference on 14 July 1990 Chief Buthelezi said:

... Mr. F.W. de Klerk’s speech to parliament has radically changed the face of politics in South Africa. The ANC, the PAC and the SACP are now all unbanned ... The whole of South Africa is moving towards the negotiating table. Apartheid is written off by Black and White alike. There will now be a new South Africa. Let us in Inkatha, I say, make our organisation a political party. Let us open our doors and let us enter the new South Africa as a force to be reckoned with.\(^8\)

Thus, the political formation which had so far been known as a national cultural liberation movement, concretised itself into a political party – the Inkatha Freedom Party (IFP), on 14 July 1990 and its membership was opened to all races. The IFP soon actively involved in the negotiation process along with other political parties of the country. In this context it is important to know the positions and approaches of Inkatha and other major parties to the issues involving negotiations, before discussing their roles in the transition process in detail.

**IFP’S APPROACH TO NEGOTIATION AND CONSTITUTION-MAKING**

The IFP’s approach to negotiation and the kind of constitution that

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South Africa should frame in the post-apartheid period had been widely discussed in various party forums even before the path-breaking event of February 1990. As the events unfolded towards the end of 1989 Inkatha urged other political parties to strive for black unity and not to create obstacles in the path of negotiations with the de Klerk government. At a meeting of the joint committee of the KwaZulu and the South African governments in 1989, the KwaZulu delegation presented a working document outlining the obstacles to negotiations. This included continued detention of Nelson Mandela and other Rivonia trialists, continued detention in prison of other political activists, continued banning of other organisations, imposition of state of emergency, existence on the statute books of a number of discriminatory laws such as the Group Areas Act, the Population Registration Act, and the two Land Acts of 1913 and 1936, and the existence of the tricameral parliament.

At a meeting on November 12, 1989, the Central Committee (CC) of Inkatha passed some important resolutions pertaining to the future of polity and the course of negotiations. The CC resolved that there should be one united South Africa and one sovereign parliament. It accepted multi-party parliamentary democracy and the rule of law. All citizens should be equal

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before law and constitution of the land. The constitution should guarantee individual civic rights and the freedom of political association and speech ‘which only a Supreme Court interdict could pronounce upon’. The Central Committee also emphasised that negotiations should ensure protection of both individual rights as well as group rights so that tyranny of majority could be guarded. The resolution made it clear that although Inkatha’s ‘cherished choice’ was ‘a one-man-one vote system of government in a unitary State’, it would negotiate a federal or canton type government which best suited South Africa’s condition.

Besides these important declarations, the CC also outlined the need to bring economics and politics together at the time of negotiation as it considered them, two sides of the common coin. It said, “... politics which destroys the economic growth foundations of South Africa, or which in any way will make victories against poverty, ignorance and disease after victories against apartheid impossible, must be rejected.” 11 Expressing his view on this, Chief Buthelezi said at the 15th Annual General Conference of Inkatha on 14 July 1990 that an open, race-free democracy serviced by an enterprise-driven economy would be incomparably more productive than any state controlled economy.

11 Ibid, p. 5.
Nature of Negotiations

The IFP claimed to have practiced non-racial politics along the lines of liberal principles followed by great South Africans like Bishop Colenso, Oliver Schreiner and others. On the eve of 1990 Annual General Conference of Inkatha when the IFP was born, Chief Buthelezi called upon the blacks and whites to come together at the time of negotiation. In this context IFP warned the ANC against the pursuit of ‘winner-takes-all politics’. It wanted to participate in the negotiations as equal. According to Chief Buthelezi all shades of opinion and political formations including the self-governing region and the four independent homelands should be parties to the transition process. In the other words, IFP was against bipolar negotiation between the government and the ANC and the multi-party negotiating version of having many parties lining up behind two major political adversaries. The party criticised the Harare Declaration\(^{12}\) for its endorsement of the ANC framework for negotiation. Buthelezi said, “The (ANC’s) Harare document clearly spells out the ANC’s intention not to negotiate equally alongside the South African government and others about the future of South Africa. They want the future to be decided in

\(^{12}\) The Harare Declaration was signed by OAU Ad Hoc Committee on Southern Africa on August 21, 1989. It endorsed the ANC proposals which the party had put up at the Southern African Frontline States’ meeting in Lusaka on August 10, 1989. The proposals included unbanning of all organisations and individuals, unconditional release of all political prisoners and detainees, lifting of state of emergency, unconditioned return of the political exiles and removal of racist troops from African townships.
some kind of constituent assembly arrangement with the ANC as the dominant black factor".\textsuperscript{13}

It is important to note in this context IFP's position regarding the fears of both blacks and whites. The issue of black fear was raised in the case of black minorities in the nationalists' as well as radical left camps who were fearful of the continuation of the old order in a new form. Similarly, the white fear of a black majority rule putting them at the mercy of blacks was considered genuine by Inkatha. So both blacks and whites should be taken into confidence at the time of negotiations for a lasting peace. Although the party favoured black unity, it was against blacks ganging up against white South Africans. Black unity did not mean that all blacks should come under the banner of one political party and follow one political ideology. ANC's proposal for the formation of a united front of all black political parties was opposed by the IFP on the ground that it would merge their identities. Thus, according to the party negotiations for a non-racial South Africa should be all-inclusive, giving due regard to the minority as well as majority race groups.

On the issue of Constituent Assembly

This was one of the core areas of differences between the IFP and the ANC. The IFP rejected the demand that a popularly elected constituent

assembly should frame the new constitution of the country. In stead, it proposed that the constitution making body should be a duly constituted all-party constitutional conference. Once the conference prepared the constitution on the basis of consensus, it should be followed by elections in which new parliament and a government would be elected. The party also put forward an alternative plan, that agreement should be reached at the first place on the boundaries and constitutional powers of all the states that would constitute the new federation. These states would then establish a constitution – making body to draft a new constitution.\textsuperscript{14} This according to the party was in line with its proposal for a federal Republic of South Africa.

The reasons for not supporting a constituent assembly, in the opinion of the IFP were many. It argued that a popularly elected constituent assembly would be a negation of the salient purposes of the constitution. In this regard the party outlined certain provisions to be incorporated in the constitution such as inviolability of bill of rights, power to remove a government by simple majority and electoral laws. It would be difficult to ensure that these provisions were rightly incorporated. Since in a popularly elected constituent assembly decision making would be dominated by the majority party, which might ignore these constitutional

provisions to further its party goals. For example, the majority party would frame the constitution in such a way that it might endanger the rights of minorities.¹⁵

The party also came out with some additional reasons for its position in this respect. It argued that the conditions of violence, high stakes at elections to secure majority position, demographic status of minorities and above all a highly charged emotional atmosphere (that might emerge during transition) would seriously hamper any election for constituent assembly. Hence it would be justified to frame the constitution first before entering into the process of government – making.

**On Formation of Interim Government**

The IFP did not approve the ANC’s demand for the formation of an interim government to oversee the transitional arrangements. This demand was also unacceptable to the PAC, the AZAPO and in the initial period, the government. In the opinion of the IFP any kind of interim government would be unconstitutional as the white government, though a minority and unjust one, was still a de jure government. Bypassing it would mean leaping into constitutional darkness. Hence, instead of an interim

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¹⁵ For details, see *Inkatha Freedom Party: why the IFP Objects to the idea of the New Constitution being Written by a Popularly elected Assembly (Whether called “Constituent Assembly” or called by any other Name*, CODESA, Band 51, F. 32 (Pretoria: National Archives of South Africa).
government as proposed by the ANC, it put forward the view that the present government should act as a transitional government and should govern in consultation with all racial and political groups.

Disapproval of the interim government was also derived from the party’s view on constituent assembly and federal form of government. Since it advocated that constitution would be finalised first before elections and formation of government, there was no need for any transitional government. IFP proposal said that state constitutions would be first finalised and the constitution for the federal Republic of South Africa would follow afterwards.

On the Form of Government

This was at the core of IFPs constitutional demands. For the party federalism was the right form of government as it had the potential of addressing the country’s diversities manifested in the fields of language, culture etc. According to the party the present South Africa as a legal entity was created by colonial aggressors and later the apartheid state, hence it did not correspond to the state as a socio-political entity.\(^16\) In other words, diversities had never been addressed by the past rulers. This required a true federal form of government which would have all powers

except those which could not be exercised at local level would be devolved upwards to the federal level. This proposal was based on the American system of federalism.

While supporting federalism the IFP made a distinction between a federal state and a regional state having only powers of local interests. Only a federal state could 'address the need for political, cultural, social and economic self-determination'.17 Self-determination was used only in the context and parameters of a unifying federal system and should not be equated with secession.

APPRAOCH OF THE ANC

The ANC's position in regard to negotiating issues was based on four principal documents – the Freedom Charter of 1955, the Draft Bill of Rights, the Discussion Document on Structures and Principles of a Constitution for a Democratic South Africa, and the Strategic Perspective Paper. According to the ANC, its long struggle against apartheid was meant to bring a social order devoid of racism and in which rights and liberties of individuals would be protected. It refused to accept group rights which it viewed would be redundant in a future class divided society. Ethnicity was important only to the extent that it was a product of

17 Ibid.
apartheid. Ethnic differences would be replaced by class differences in a society based on capitalism. So in a class divided society different ethnic groups should work together to eliminate disparities of wealth and poverty. This also explains the ANC's approval of the principle of majority rule. Under the influence of the universalistic perspective of Marxism, the party thought no minority groups would be systematically excluded from the benefits of power so long as a majority coalition (represented by the ANC) remains in power/state. Thus, in its view there should not be any special privileges for any group, rather each citizen should have equal opportunity and rights to influence the direction of policies.

Followed from the above argument was the ANC's rejection of federalism as a form of government. Instead it called for a non-racial democracy in a unitary state. This was one of fundamental differences that the party had with the IFP during negotiations. Although it acknowledged the benefits of regional government; unlike the IFP, ethnic self-determination for it was an anathema. Thus it declared South Africa would be 'a united, democratic, non-racial and non-sexist state in which sovereign authority is exercised over the whole of its territory'.

On the issue of constitution – making the ANC supported the view that an elected constituent assembly should frame the new constitution. In

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the interregnum a transitional interim government would govern the country. The rationale behind all these decisions, as mentioned earlier, was the party’s espousal of the majoritarian principle under the influence of Marxism. It sought to downplay the importance of groups.

APPROACH OF THE NATIONAL PARTY

The ruling National Party (NP) gradually adopted a conciliatory approach in regard to change in the apartheid towards the end of 1980s. The Five Year Plan of the party declared on the eve of 1989 elections, envisaged a new political system free from any kind of domination and the right to participate in decision-making at all levels of government by all sections of people. The Plan, however, emphasised on protection of group rights. The issue of group rights was always close to Afrikaner thinking. They wanted protections in the constitution so that their distinctive language, culture etc. could be secured in a future majority-dominated social order. Till 1991, the NP advocated the idea of minority (group) veto in the legislature. In its document entitled Constitutional Rule in a Participatory Democracy, September 1991 and subsequent submission to CODESA Working Group 2 on February 17, 1992, the party, though discarded the idea of minority ‘veto’, emphasised on ‘meaningful

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19 For details of the Five Year Plan, see S.C. Saxena, South Africa: Walking the Last Mile (New Delhi, 1992), pp. 151-4.
participation of minorities' in the democratic structure of the government. In view of plural nature of society, the constitution should prescribe provisions for minority participation. It should also 'offer opportunity for every viable political party to play an effective role in the legislative and executive organs at local, regional and central government levels'. The NP also proposed, inter alia a collegiate Presidency and regional executives, proportional representation and 'representation of regional interests in a second house of Parliament'.

On the issue of transitional government, the NP had an affirmative view to the extent that any transitional arrangement should conform to the existing constitution. In other words, the government should be constituted within the parameters of the constitution. In conformity with its support to group rights, the party was in favour of federal form of government.

PHASES OF NEGOTIATIONS

It has already been noted earlier that by the time F.W. de Klerk delivered his famous speech – *Towards a new dispensation in South Africa*, in February 1990, the government and the ANC had several rounds of talks albeit the back-door ones which contributed to the breaking of

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years of impasse. In a dramatic departure from its previous position the
government committed itself to negotiation and change. The Inkatha, on its
part, geared up for the new situation and soon actively involved in the
negotiation process. By the time the government responded positively to
the demands for removing obstacles in the path of negotiations, Inkatha
had already issued its resolutions (noted earlier) on the nature and kind of
future South African polity. Before the beginning of substantive
negotiation the political parties including the government engaged in a
process which can be called preliminary negotiation that included both
bilateral and multilateral talks. Both the preliminary as well as the
substantive negotiation processes have to be studied in the background of a
bloody township violence which took an alarming proportion in the Natal
region.

Preliminary Negotiation

It took three months since the February speech of President Klerk
for both the government and the ANC (now a legal organisation) to come
to the negotiating table as the obstacles to negotiation such as the
continuation of state of emergency, detention of political prisoners etc
were not yet removed. The ANC broke off its scheduled meeting with the
government on April 11 following accusations of police brutality against
protesters. Nevertheless both sides finally met in Cape Town on May 2-4
to iron out differences on the issue of obstacles to future substantive negotiations. A working document, the Groote Schuur Minute, was issued after the meeting in which both the sides resolved to end the climate of violence and intimidation and peacefully conclude the negotiation. Two more agreements (Pretoria Minute, August 6, 1990 and D.F. Malan Accord, February 12, 1991) were signed between the government and the ANC on similar line. Broadly speaking, these accords paved the way for withdrawal of state of emergency, suspension of armed struggle by the ANC and phased release of political prisoners. After the D.F. Malan Accord the ANC agreed to end infiltration into the country by armed guerrillas and not to undertake armed action inside the country. The PAC objected to this and remained committed to armed resistance.

Inkatha’s role in the entire period of negotiation had to be seen in the context of the ANC’s predominance during the period and the violence which took alarming proportion since 1990. Right from the beginning Inkatha was apprehensive about the role of the ANC in talks. This came to

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21 Before this meeting, on April 23 the government tabled a Bill in Parliament which provided for indemnity against prosecution, detention or arrest for political activists, and exiles facing criminal or civil charges, thereby removing one major obstacle.

22 On June 7, 1990 the nationwide state of emergency was withdrawn except Natal because of continuing violence in the province. On October 18, 1990 it was withdrawn from Natal.

the light at the 15th Annual General Conference of the organisation when Chief Buthelezi said in his presidential address, “There is going to be a new South Africa with or without the ANC. We will have a multi-party democracy ... despite the ANC’s attempt to monopolise political power to produce a bipolar South African government”.24 He also said that the ANC was involved in violence despite the signing of Groote Schuur Minute.25

Realising the need to end confrontational attitudes, various peace accords were reached between the ANC, the IFP and the government at both bilateral and trilateral levels. The first such accord (The Royal Hotel Minute) was signed in Durban on January 29, 1991 by the ANC and the IFP represented by Mandela and Buthelezi respectively. The two leaders agreed to end violence, vilification, intimidation and arrange joint tours of troubled areas to restore peace.

But the accord failed to improve the situation mutual animosities continued to persist which quickly manifested in violence. Besides this the obvious role played by the criminal gangs (comtsotsis), warlords and the so-called third forces contributed to the continuation of township violence. Areas in Pietermaritzburg (Kwashange), the Midlands (Richmond and Greytown) and on the South Coast (Umgababa) remained disturbed despite the agreement and in Natal 98 fatalities were reported in January 1991 and

24 Buthelezi, n. 8, p. 8.
25 Ibid, p. 11.
In this period, as spiralling violence spread throughout the country, the ANC issued an ultimatum on April 5 to the government in the form of an open letter in which it threatened to break off talks unless appropriate measures were taken to restore peace by May 9. It (the ANC) also issued a 32 page document on April 12 declaring its principles for a post-apartheid constitution. Though the government rejected the ANC ultimatum, it announced the holding of an all-party peace summit on May 24-25 to seek an end to township violence. The peace summit held in Pretoria could not yield any result as the ANC and other parties like the PAC, the SACP, the AZAPO, several churches, the CP, the Afrikaner-Weerstandsbeweging (AWB) did not participate in it. The ANC continued to attack the government for the latter’s alleged involvement in the township violence. The newly elected president Nelson Mandela repeated the call for an interim government.

The efforts at achieving peace were, however, pursued. On August 15, 1991 representatives of the government, the ANC and Inkatha agreed on a draft proposal to end violence. Following this, on September 14, 1991, a National Peace Accord (NPA) was signed at the National Peace Convention held at the Carlton Hotel in Johannesburg. Considering the number of signatories and the issues addressed by the convention, the NPA

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was a comprehensive accord so far. Including the ANC, IFP and the NP, the accord was signed by the representatives of 23 organisations and movements. But the CP and other right-wing groups did not support the NPA and the AZAPO issued separate undertakings for restoration of peace without signing the accord. Primarily aimed to promote peace and remove the causes of violence the NPA prescribed, *inter alia*, for a code of conduct for political organisations, general provisions for security forces, a code of conduct for police, steps to promote socio-economic reconstruction and development, a Commission of Enquiry regarding public violence and intimidation\(^{27}\) and a network of national, regional and local peace committees.\(^{28}\)

The IFP, though a signatory of the NPA, was apprehensive about the implementation of the accord considering the prevailing circumstances of violence. Commenting on this, Chief Buthelezi said at the Annual General Conference of the women’s brigade of the IFP on October 26, 1991, that the logic of working for peace was meaningless since its members were under attack from rivals. He argued that peace process was contributing to more violence since it left the ‘endangered communities more vulnerable’

\(^{27}\) Accordingly Goldstone Commission was setup by the government.

\(^{28}\) For complete reference of the NPA see Hough and Plessis, n. 23, pp. 58-101.
to attacks due to their weak resistance.\textsuperscript{29} The ANC also similarly accused police for helping Inkatha members to kill its opponents.\textsuperscript{30} Notwithstanding these accusations, this accord was considered to be the outcome of the first comprehensive multi-party conference and it was not an outright failure.

Next effort to quell violence and also to create a united front in negotiations came in the form of a ‘patriotic front’ between the ANC and the PAC at a conference in Durban on October 5-7, 1991. Except the AZAPO and Inkatha, more than 75 organisations were present at this meeting. Delegates demanded all-party talks as early as possible. An interim government and election to a constituent assembly should follow afterwards.

Preliminary negotiation came to an end towards the end of 1991 with the beginning of preparatory talks in Johannesburg on November 29-30 in which 20 groups, organisations and parties participated. This meeting decided on the convening of a Convention for a Democratic South Africa (CODESA) on December 20-21 to start substantive negotiation on South Africa’s future constitution.

\textsuperscript{29} See Anthea Jeffery, \textit{The Natal Story: Sixteen Years of Conflict} (Johannesburg, 1997), p. 250.

CODESA

The phase of substantive negotiation began with the CODESA. As had been agreed upon at the Johannesburg preparatory talks, the first plenary session of CODESA I was inaugurated on December 20, 1991, at the World Trade Centre, Kempton Park. Except some exceptions, all the signatories of Johannesburg talks participated in the Convention.\(^{31}\) The PAC had withdrawn from the November preparatory meeting, having accused the government and the ANC of secret collaboration and expressing discontent at the name and venue of CODESA. On December 16 the party finally withdrew from CODESA as well. The CP also declined to attend and the AZAPO declared the meeting ‘unrepresentative’.

Although the IFP participated in the session, its leader Chief Buthelezi stayed back, as the government did not agree to his demand for inclusion of Zulu monarch – King Goodwill Zwelithini and the KwaZulu government as separate participants.

CODESA I, although failed to produce any tangible outcome, made some progress in the direction of negotiated settlement. A *Declaration of Intent* was signed on December 20, except the Bophuthatswana government and the IFP. The signatories committed themselves to drawing

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\(^{31}\) Five homeland political parties, four TBVC (Transkei, Bophuthatswana, Venda and Ciskei) administrations, the DP, the ANC, the IFP, the NP, Natal and Transvaal Indian Congresses and the South African government, including some other groups, participated in the session.
up a constitution that would ensure, *inter alia*, an undivided South Africa, non-racial and impartial judiciary, multi-party democracy, universal adult suffrage and a bill rights. On the issue of constitution-making body, the government, the ANC and other parties put forward proposals and counter-proposals without much progress. The ANC insisted on an elected constituent assembly using a system of proportional representation; whereas the government proposed for a constitution arising from negotiations within an elected bicameral elected body. The deadlock continued though the government was firm on its reform initiatives despite increasing right-wing opposition, especially after the March 17 “Whites-only” referendum; which it won by a 68.6 per cent “yes” votes.

The position of IFP during talks was in line with a federal constitution with a large measure of regional autonomy, although its constitutional proposals of December 1991 for the Republic of South Africa stated that they could be adopted either to unitary or federal system. Professor Albert Blaustein of Rutgers University provided the party with intellectual feedback in this regard. Buthelezi’s demand for inclusion of Zulu King in negotiation as representative of Zulu people was meant to strengthen his federalist stand. Though De Klark was amenable to this demand and so did the Nationalist who saw in it, some degree of

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32 For details of the proposals see Hough and Plassis, n. 23, pp. 12-15.
33 For details of this constitutional proposals. see Saxena, n. 19, pp. 457-76.
convergence with their long-term strategy; the obduracy of the ANC acted against the proposal. As De Klerk was banking on a deal with the ANC, the Inkatha was sidelined causing much bitterness in the IFP circle. Buthelezi warned against ignoring the Zulus in negotiations and predicted a repetition of RENAMO (Mozambique) and UNITA (Angola) like situation of their demand were not met. 34

CODESA II, the second in the series was held on May 15-16. IFP was a party to this convention. But its president did not participate. Although the government and 18 other organisations participated, it ended in a deadlock on the issue of the size of the majority required for decision-making in a future transitional parliament, which would draft and adopt a new constitution. The ANC and its allies proposed a 70 per cent majority for most decisions and a majority of 75 per cent for the Bill of Rights. While accepting this proposal, the government demanded a 75 per cent majority applying to all regional issues including the future status of the country as unitary or a federal state. 35 The ANC and its allies rejected the proposal. IFPs position in CODESA II was along the lines of its previous position in CODESA I. In fact the party had given detailed submissions to the working groups that were set up after CODESA I on issues like


35 Hough and Plessis, n. 23, p. 15.
constitution making, interim government etc. These submissions (some discussed earlier) largely reflected its support to federalism, constitutional conference and disapproval of interim government. Since CODESA II failed to adopt the reports of working groups, in reality the Convention was a non-starter. It was expected that talks would be resumed by the end of June and the CODESA Management Committee was mandated to resolve contentions issues. This however did not happen as a series of events led to the failure of CODESA II.

The most important event which jeopardised the negotiation process occurred on June 17 at Boipatong – an east Rand township, 40 miles south of Johannesburg. At this place 39 people including women and children were hacked to death reportedly by about 200 armed Zulu hostel dwellers from nearby Kwamadala hostel for migrant workers – an Inkatha stronghold.36

The ANC was highly critical of the government’s role in the killing as the party put the blame on it for supporting Zulu hostellers. It also cited the role of a ‘third force’ of right-wing police and army officers in formenting instability with the help of the government. The ANC, which had already started a mass action campaign on 16 June, made it more

vigorous after the Boipatong incident. Soon after, the party withdraw from CODESA and so did several other participants. Violence in townships continued unabated. Notwithstanding ANC's accusations noted above, the radical faction within the party was influencing events as seen at Bisho, the capital of the nominally independent homeland of Ciskei. On September 7 ANC supporters organised a march on the town with the view of overthrowing the administration hostile to the ANC. The outcome was tragic, 28 marchers died as Ciskei army troops opened fire on them.

On the face of public criticism of the Bisho event the ANC realised the urgency of holding talks with the government. Following a series of meetings between Roelf Meyer, Minister of Constitutional Development and Cyril Ramaphosa, ANC Secretary General, the two chief negotiators of the Government and the ANC respectively; both De Klark and Nelson Mandela agreed to meet on September 26, 1992.

**Record of Understanding**

The meeting took place at the World Trade Centre, Kempton Park. The outcome was the *Record of Understanding*, containing the details of the agreements reached earlier between the two chief negotiators. The

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37 The mass action campaign was started with the objective of strengthening the ties between the negotiators and the grassroot level workers and people and to force the government for a speedier move towards majority rule. The campaign was code-named “Operation Exit Gate”. For details see “South Africa: Memory”, *The Economist*, June 20, 1992, pp. 76-8.
agreement met three important demands of the ANC which had obstructed negotiations, namely release of political prisoners, surveillance of hostels for migrant workers and public display of dangerous weapons. The government and the ANC agreed on the need for a democratic constituent assembly/constitution-making body which would also act as the interim/transitional parliament and an interim/transitional government of national unity which would function according to a transitional constitution. 38

Notwithstanding the extent of the agreement and its success in ending the deadlock, one major problem of the Record of Understanding was that it was a bilateral agreement. The IFP strongly objected to this agreement since it had always supported an all-inclusive negotiation encompassing all shades of political groups/parties. Buthelezi rejected all the clauses except the freeing of political prisoners and the party withdraw from negotiations in protest. Agreements relating to migrant hostels and carrying of dangerous weapons in public, in the opinion of the IFP, were specifically aimed at the Zulus. Commenting on the agreement, the Buthelezi said, “I declare that any laws which the South African government may be able to pilot through parliament giving legal effect to bilateral agreements between itself and the ANC will be rejected as spurious and illegitimate by the IFP and the KwaZulu government”. 39 He

38 For details of the agreement see Hough and Plassis, n. 23, pp. 104-8.

told in a television interview—"We will never accept the idea that the NP government and the ANC can make binding decisions and agreements about matters affecting third parties or the country as a whole."\textsuperscript{40}

Terming the agreement a discrimination, the IFP demanded the disbanding of MK. On the issue of local autonomy and the fear that the ANC had gained too many concessions, the party found common ground with the homelands of Bophuthatswana and Ciskei, the CP and the Afrikaner Volksunie (AVU). The leader of these homelands and political parties\textsuperscript{41} decided at a meeting on October 6, 1992 to form a negotiating alliance known as COSAG (the Concerned South African Group). The alliance called for scrapping of CODESA, and condemned the Record of Understanding and advocated federalism.

Following the September meeting, a series of bilateral talks took place between the ANC and the government on issues of interim government, election of constituent assembly, transitional executive council and multilateral talks.\textsuperscript{42} In these bilateral constitutional talks which ended in mid-February 1993 the parties agreed to hold elections by April 1994, with any party with 10-15 per cent votes to be represented in the

\textsuperscript{40} *New Strait Times (Kual Lampur).* September 30, 1998.

\textsuperscript{41} Besides Buthelezi, the participating leaders were Lucas Mangope of Bophuthatswana, Oupa Gqunza of Ciskei and Andries Treunicht of the CP.

\textsuperscript{42} For details of these bilateral talks see Hough and Plessis, n. 23, pp. 17-19.
coalition government. The Government also agreed to a number of proposals of the ANC which included an elected sovereign constituent assembly where all decisions would be taken by two-third majority instead of 75 per cent and a single presidency instead of a rotating one.

As the government and the ANC came close to each other through bilateral talks, one sees increasing levels of rapprochement among their opponents. White radicals, fearful at the prospect of transfer of power to the ANC and its communist ally (SACP), were looking towards the IFP for its federal ideas and right-learning economic and social policies. For similar reasons even some Natal Nationalist MPs including George Bartlett, an influential member of De Klark cabinet, supported Buthelezi. A report in *The Natal Witness*, an independent daily published in Pietermaritzburg, suggested that many of the Nationalists supported a federal constitution and weak centre as means to prevent ANC's abuse of power.43

The relationship between the IFP and the Government had already been soured since September 1992 on the eve of Government – ANC talk. It further deteriorated in January when the Government took exception to an Inkatha document alleging an ANC – Government connivance, which was tabled at a government – Inkatha meeting.44 After the final round of

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44 Ibid. Also see *Deccan Herald*, March 19, 1993.
discussion between the ANC and the Government in February on power sharing Buthelezi declared that if the ANC and the government proceeded along the lines of their agreement, they would have to use the South African Defence Force and ANC’s MK to ensure compliance of KwaZulu.\textsuperscript{45} The IFP president was particularly furious at a statement of Cyril Ramaphosa that the Government had agreed to refer the issue of regional autonomy to an elected constituent assembly. Opposing elections at the time he said, “a constituent assembly elected in unfree and unfair elections in the current climate of violence and intimidation, will decide on boundaries, powers, functions and structures of the region, was simply out of question”.\textsuperscript{46}

Closely linked to this political development after the signing of \textit{Record of Understanding}, was the approval of a new constitution for the KwaZulu-Natal region by the KwaZulu Legislative Assembly in December 1992. This was qualitatively different from the one proposed for the Republic of South Africa by the IFP. As the rift between the government and the IFP widened following the formation of COSAG, this constitution was designed ‘to entrench IFPs dominance within the State of KwaZulu-Natal’. In the opinion of critics, the provisions for separate flag, anthem, state militia and debarring the federal state to levy taxes without the State’s

\textsuperscript{45} \textit{Times} (London), February 14, 1993.

\textsuperscript{46} Ibid.
permission had an underlying secessionist desire it. However the constitution was never pursued vigorously, in fact, it almost disappeared as the negotiations proceeded. Nonetheless, considering its strong federal features, it can be said that the constitution was an attempt to reshape IFPs policy in a changing political scenario.

Multi-Party Negotiating Forum

After nine months, multilateral constitutional negotiation was resumed on March 5-6, 1993 at Kempton Park in the form of a Multi-party Planning Conference (MPC). After a series of discussions with the government the IFP and its COSAG allies agreed to participate. KwaZulu administration for the first time became a party to the negotiation process. Except AZAPO and Afrikaner Weerstands beweging (AWB). Including political parties and observes from 11 organisations attended this conference. On March 5-6, 1993 Resolution on the Need for the Resumption/Commencement of Multi-Party Negotiations was adopted by

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48 Since September 1992 the IFP had several rounds of bilateral meetings with the government. In January 1993 IFP and COSAG members decided to participate in the MPC following a meeting with the government. According to the national chairman of IFP Frank Mdlalose the government agreed that it would not hold bilateral meetings which affected other parties and would support participation of the KwaZulu and other homeland administration in negotiation process. See Race Relations Survey 1993/1994, (Johannesburg, 1994). pp. 533-4.
the Conference in which the members committed themselves to the resumption of multi-party negotiations and drafting of a new constitution for South Africa. It was also decided that talks would start within a new forum – the Multi-Party Negotiating Forum (MPF) by April 5. On March 18 the Negotiating Council (NC) comprising one representative from each of the participating organisations agreed on the resumption of talks on constitutional issues within MPF from April 1.

As talks proceeded, the negotiation entered a critical phase when the date for election was decided. On June 15, 1993, the IFP, KwaZulu administration and other COSAG members temporarily walked out of negotiation when M.J. Mahlangu, the chairman of NC declared that sufficient consensus existed for the adoption of an election date April 27, 1994. IFP and others returned to talks next day. But on July 2, 1993, when the MPF finally agreed on the election date (April 27, 1994) on the basis of what Pravin Gordhan, its chairman, said ‘sufficient consensus’ (despite opposition of 7 participating organisation), the IFP and KwaZulu administration along with CP walked out of the MPF. The IFP and the KwaZulu administration suspended their participation in subsequent talks. When the draft proposal of transitional constitution was published on July 6, both IFP and CP refused to attend the debate. The party challenged Gordhan’s ruling on ‘sufficient consensus’ in the Transvaal Provincial
Division of the Supreme Court but lost the case.\textsuperscript{49} But Buthelezi declared that neither IFP nor KwaZulu administration would participate in negotiation.

The cause for withdrawal, however, was a deeper one. The Government and the ANC wanted an election at the first place to constitute a government of national unity which would decide a 'final' constitution. Whereas the IFP demanded that the Negotiating Council should draft the final constitution itself. On June 30 the Government and the ANC declared the contents of a deal which provided that the boundaries, structures, functions, duties and powers of the regions would be decided by the Negotiating Council and would be legally binding on an elected constitution-making body which would draft the final constitution. This was contrary to the demands of IFP and other COSAG members. When the MPF decided election date on the basis of 'sufficient consensus', it was considered by the COSAG that its demands were ignored.

The Parliament passed the Transitional Executive Council Act, 1993, on September 28 on the basis of MPF's recommendations. The Act provided for the establishment of a Transitional Executive Council (TEC) which would be a non-racial body, to work with the Government and the state president in the run up to the April 27, 1994 elections.\textsuperscript{50} The IFP and


\textsuperscript{50} For details see Hough and Plessis, n. 23, pp. 119-33.
other right-wing groups continued their boycott of discussions at the MPF on transitional constitution. COSAG relaunched itself under a new name – Freedom Alliance (FA) on October 7, 1993 with the declared objective of the right to self-determination. The FA called for the abandonment of the MPF and constitution of a new national convention of all leaders and rejected the TEC. The first elections should take place after a new constitution had been negotiated.

The negotiation process, remained deadlocked until November when both the government and the ANC made concessions to ease the situation. The Government abandoned its demand for two-third majority for cabinet decisions and agreed that they should be made within the spirit of consensus. The ANC, on its part accepted a five-year term for the transitional government under which steps would be taken to establish majority rule. The two sides also endorsed the system of single-ballot under which voters would be allowed to vote for same party or alliance both at the national and regional level. The Freedom Alliance rejected these proposals.

Notwithstanding this stalemate, the Transitional (or interim) constitution was finally approved by the MPF (minus FA) on November 18, 1993 under which the country would be governed for five years. It accommodated the federal demands of FA and allowed the regions to draft their own constitutions. It also accorded a position to the traditional
The Transitional Executive Council was installed in December 1993. In the same month transitional constitution was approved by the tricameral parliament, thus crossing another hurdle towards democratic transition. But the major problem remained, as the FA continued to defy all attempts at negotiation unless its demands were rightfully addressed. While the Afrikaner Volksfront (AVF) demanded for a Volkstaat, the IFP asked for regional autonomy and recognition to Zulu monarch. So since the beginning of 1994 both the ANC and the government tried to resolve this crisis by extending concessions.

Political Bargaining Prior to Elections

IFP's position in regard to participation in the negotiation became more pronounced since the beginning of 1994. The party declined to accept the interim constitution and also boycotted April general elections. Along with the FA, it demanded right of the regions to have their own constitutions, fiscal autonomy and dual-ballot system for both provinces and national bodies. The government and the ANC came out with their proposals to defuse the crisis. In February the government declared that the

51 Ibid, pp.133-211.

52 Bangkok Post (Bangkok), January 9, 1994; New Strait Times (Kual Lampur), January 31, 1994.
parliament would be reconvened to extend the date for registration of political parties for coming elections. The ANC on its part put forward six proposals accommodating the demands of the IFP and FA. These proposals were provision for self-determination, including provision for a *Volkstaat*; separate ballot papers for provincial and national legislatures; provincial autonomy in legislative, executive and financial spheres; commitment that provincial powers would not be diminished substantially in future constitution; dropping of ANC’s demand for an advance commitment by the FA that it would participate in elections and acceptance of a change of name of Natal to KwaZulu-Natal. The IFP rejected these proposals. The government meanwhile extended the deadline for the registration of parties till March 4, allowing more flexibility. Although IFP registered for the elections on the last day of registration, Buthelezi declared that his party would continue to boycott elections unless all its demands were fulfilled.

Meanwhile violence continued at an alarming rate in Natal and Johannesburg townships causing concern within the nation and all over the world. The government imposed emergency on March 31, 1993 in the face increasing killing and lawlessness. This was a sort of victory for the ANC

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54 *New Strait Times* (Kualampur), March 16, 1994.
as it was demanding emergency for a long time. Condemning the emergency as 'an invasion' by the government, Buthelezi said it would seriously undermine prospect for elections.\(^{55}\) Inspite of emergency violence continued unabated.

Another important aspect of this transition period was the interference of Zulu king Goodwill Zwelithini in the political affairs, notwithstanding his constitutional status. This gave a sort of legitimacy to the demands of IFP. Being the king of Zulus, Zwelithini's public utterances carried weight. The king had an emotional appeal among the Zulu population. His call for Zulu right to self-determination struck a deep chord in the minds of people. When the King met De Klerk in Pretoria in January 1994, a crowd of 30,000 gathered at the city in his support.\(^{56}\) This demonstrated not only the King's popularity, but also support to IFP's viewpoints. Because the King was articulating primarily the demands of the IFP albeit in an aggressive manner. On February 14 at a meeting with president De Klerk in Durban city centre the King gave the call for a Zulu sovereign state with a separate constitution. Buthelezi was present during the meeting.\(^{57}\) By associating the King with the negotiation process, the

\(^{55}\) Times (London), April 1, 1994.

\(^{56}\) The Economist, January 29, 1994, p. 47.

IFP not only managed to enhance its bargaining ability, but also tried to address the challenge of loss of support in areas considered to be its strongholds. Opinion poll in early 1994 showed the ANC's rise in popularity in Natal and also in migrant hostels.58 As the election date came close the king became increasingly crucial in the negotiation process, and so did the participation of IFP. On March 15 the deadline for presentation of party lists passed, but IFP refused to submit its list until its constitutional demands were met. The king told his supporters to 'defend their freedom and sovereignty' at all cost. It was described as a sacred duty.59 As will be seen in subsequent discussion this period was the peak of violence in the country.

This was also the time of hectic political activities in order to ensure the participation of right-wing groups especially the IFP. It is important to note that the IFP continued to boycott elections till the last moment. This requires analyses of the reasons that prompted the party to change its strategy just one week before the elections. Following points can be noted in this context.

The collapse of Freedom Alliance in March was a major blow to the IFP as it lost a united front for putting pressure on the government and the

58 ANC's support in Natal was 46%, compared to 19% for IFP. In hostel IFP got 30% support, whereas ANC 52%. See The Economist, n. 55.

ANC. In early January 1994 Oupa Gqoza, the leader of Ciskei and an alliance partner, was forced by senior army officers of the homeland to quit FA as they feared their own exclusion from a new South African defence force. In March Bophuthatswana president Lucas Mangope was also forced to resign by his security forces. An AWB invasion of the homeland was successfully thwarted by the SADF forces and order was restored. Following talks with the ANC, Freedom Front leader Constand Viljoen decided to take part in April elections. After submitting his party’s list for the elections Viljoen resigned from the FA. In the absence of all these leaders FA collapsed.

The second reason for IFP’s last moment participation was the effective resolution of the demands of Zulu King Zwelithini. Sensing the popularity of the King, the ANC tried to bring him into confidence. Nelson Mandela played a crucial role in this regard. He started dealing with the King directly, not through the IFP. By calling the King as ‘my King, but also my child’ (he had once served as his father’s lawyer), the ANC president tried to develop personal intimacy with him.60 He also promised to fulfil his demands. The Skokoza agreement between the ANC and the Royal House of KwaZulu (this meeting at game camp Skokoza in Transvaal was also participated by the government and the IFP) in April

60 Times (London), April 6, 1994.
was significant in this respect. The ANC acknowledged the historic role played by successive Zulu Kings including Goodwill in the struggle against apartheid, colonialism and other forms of discrimination. The King was given considerable symbolic importance. He was restored largely 'ceremonial and traditional powers and preorgatives'. The agreement also offered the King a 'Royal Constabulary'. 61 This way the ANC managed to solve the problems and challenges emanating from the Zulu Royal house.

The third aspect in this analysis is related to the internal political dynamics of the IFP during this time. A feeling was growing within the party that boycotting the elections based on universal suffrage would be disastrous politically. 62 It was felt that non-participation would help the ANC and other rivals and the IFP would be marginalised. Violence would also increase in the event political differences were not sorted out. Thus a division started appearing between Buthelezi and his white hardliner supporters on the one hand and the older Kholwa-liberal (Christian converts were called Kholwa) faction on the other. 63 Truly IFP's boycott had the potential of disintegrating not only the party but to some extent the region. This would have deprived its supporters their voting rights and more importantly the benefits of new administration, thereby contributing

61 For details of Skokoza agreement, see Rich, ed., n. 33, pp. 36-7.
63 Ibid.
to possible mass discontent.

The reasons mentioned above do not, however, explain the position of the constitutional demands of the IFP. In this context some last minute deals need to be mentioned to know the extent upto which IFP’s demands were fulfilled. In April 1994 a tripartite agreement was signed by the government, the ANC and the IFP which, besides recognising the institution, status and role of the Zulu King, accepted a post-election international mediation on any outstanding issues in respect of monarchy and other constitutional matters pertaining to the region.64 Provision was also made for the provinces to draft their own constitutions without violating the provisions of the Republic’s constitution.65 The transitional constitution was amended before April elections to incorporate changes relating to Zulu autonomy (and also Afrikaner self-determination). Another important event was the KwaZulu land deal which put all land of KwaZulu (7.41 million acres) into the trust of the King.66 It was approved by the KLA and was signed by president De Klerk. This deal came to light after the April elections. The deal has a long-term impact. As all land belong to

64 Hindu (Madras), Febraury 23, 1995.

65 KwaZulu-Natal was the first province to draft its own constitution. Although it was unanimously passed by the provincial legislature in March 1996, the constitutional court rejected it on the ground of infringement upon the Constitution of the Republic.

the King only he can delegate it to his subjects. It was like reviving the old communal system of land holding. The IFP being an important political force thought of gaining politically from the system by controlling land distribution in the province through the King. Finally, although IFPs demand for a final constitutional before elections was not conceded, the acceptance of a set of 33 inviolable 'constitutional principles' which include delineated powers of provincial government, was tantamount to an acceptance of provincial autonomy. Because no future government can by amendment or by any other means deprive the powers of provinces that were agreed upon at the time of formulation of transitional constitution.

On the basis of the above discussion it can be said that IFP's last minute participation was a result of both internal and external pressures on the party. Concessions along with the possibility of political marginalisation in a future non-racial polity acted as decisive factors in this regard. As a result, on April 19, 1994, the party finally decided to participate in the country's first non-racial elections.

Some Inferences

Following inferences can be drawn from the IFPs position during

67 Apart from the noted one, some of the main provisions under 'constitutional principles' are multi-party democracy and regular elections; supremacy of constitution and not National Assembly; right to form, join and maintain organs of civil society, including cultural and religious associations; fundamental human rights; non-racialism and non-sexism; universal adult suffrage; and the independence of judiciary.
negotiations. It can be said by studying the course of events during early 1990s that federalism or regional autonomy was central to IFP’s demands. Federalism was not new to Inkatha’s thinking. The Buthelezi Commission Report and Natal Indaba proposals discussed in previous chapters had undercurrents of federalism. However during negotiation period and especially after the signing of Record of Understanding in September 1992, the issue was pursued more vigorously. As noted earlier IFP strongly objected to any bilateral negotiation between the ANC and the government. It wanted to be a party in the negotiation independent of other parties. Also it did not like the idea that future would be dictated by the ANC. Since early 1980s the organisation’s relationship with the ANC (before unbanning it was UDF/COSATU) had been bitter. After 1990 unbanning this became further worse. It manifested both at the political level and at the level of violence. So far as the first level was concerned federalism became a potent weapon to challenge the ANC’s majoritarian principles. IFP was not alone in this struggle. The NP had also interest in federalism (see discussions on approaches of parties). But as negotiations proceeded, the NP under compulsions of politics as well its understanding with the ANC on contentious issues gradually moved away from the IFP side. This resulted in the formation of political alliances between IFP and other white and homeland political formations who had also interests in group rights & regional autonomy. COSAG and later on the FA were the outcome of this.
So far as the IFP was concerned, this change in political equation had its negative impact on the party. By associating with the right-wing political formations on the one hand and the Zulu monarchy on the other, the party came to be identified more with reactionary and ethnic forces than the forces of unity. As remarked by Gerhard Mare, its future was 'more firmly linked to the King'.

Notwithstanding the criticisms, the IFPs hard bargaining needs to be seen in a broader context. Unlike other right-wing political parties, it remained adamant till the last moment on its demands. In fact it was the only organisation that took the issue of federalism to the top of negotiation agenda. Undoubtedly it had a heavy price particularly in terms of violence. But at the same time it accrued political mileage as discussed earlier. Minus ethnic overtones, genuine federalism which promotes democratic decentralisation has a future in a country like South Africa which has linguistic, ethnic, cultural and regional diversities. This of course goes beyond the interests of IFP as a political organisation.

During negotiations ANC's image as liberator was quite evident. Its overwhelming support was proved during the mass action campaign of mid-1992 and also in the April elections. The realisation about the ANC's

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69 Mass action campaign (code named "Operation Exit Gate") was launched to break deadlock in talks with the government.
dominant position in an apartheid-free society had its impact on the negotiation process. As negotiations proceeded the collapse of homeland system was becoming more certain day by day. Inkatha, notwithstanding its espousal of anti-apartheid struggles, had its majority support in the KwaZulu homeland. If it accepted the constitutional proposals of the ANC which wanted a united, not federal, South Africa; that would have meant a serious attack on its stronghold and possible marginalisation. Federalism provided the answer. By asking for more regional powers, the IFP was trying to reshape its policies in a future ANC-dominated society. This is however not to deny the positive side of federal principles which the party emphasised in its submissions to the CODESA and other discussion forums during negotiations. But at the same time realpolitik needs cannot be underestimated.

VIOLENCE DURING NEGOTIATIONS

Before proceeding to discuss 1994 elections, violence during negotiations needs to be analysed because of its close link to the political developments of the time. As the process of change started since early 1990, violence, which had been mainly going on in the Natal region, not only became more severe but also more widespread. From Natal it reached townships on the Reef near Johannesburg and continued in its most severe form till April 1994 elections. From 1990 until the end of March 1994, 14,

In the previous chapter various reasons, actors and extent of violence have been discussed in detail. Political scenario had changed by the beginning of 1990, thereby bringing changes in the nature of black politics. The most profound change in this period was the unbanning of the ANC and other organisations. The ANC became an important actor in the violence during this period. People like Harry Gwala of ANC became notorious for their involvement in violence. Inkatha's warlords, as

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mentioned earlier, were also equally dangerous.

It has been argued earlier that no single factor can be held responsible for violence, rather a variety of factors need to be taken into account. While analysing the reasons of violence in the 1990s specific political circumstances of the period will be looked into. In addition to this, conditions in the townships of Johannesburg will also be considered. Since Natal situation has been discussed earlier, these will not be repeated here, especially the simmering factors. Like the previous discussion a distinction has been done in this context between simmering factor and triggering factors.

So far as violence on the Reef was concerned, there was an element ethnicity in it. Whereas violence in Natal was characterised as fighting between Inkatha and UDF with the Zulus on both sides, on the Reef it was often called inter-ethnic one and more particularly Zulu against Xhosa. For example, the Boipatong massacre of June 1992, violence at Phola Park squatter camp and many other incidents were seen as Zulu under the banner of Inkatha fighting the Xhosa supporters of the ANC. But there were cases of Zulus and Sotho fighting like the one at Sebokeng. As have been mentioned earlier analysing violence in ethnic terms has limitations. In case of Reef townships many ethnic groups like Sotho, Zulu, Xhosa, Venda and Pedi had been living together for many years in peace. Moreover it was not always a Zulu and Xhosa affair. Many other tribes
were also involved. As Rupert Taylor and other scholars argue killings often did not take place along ethnic lines.\(^7\) This requires an analysis of other factors especially in the context of Reef. Here the simmering factor was the socio-economic conditions and the political differences acted as a triggering factor.

**Socio-Economic Reasons**

Socio-economic conditions of Natal has been discussed in the last chapter. Those conditions continued in the 1990s as well. But the situation on the Reef townships was even worse than Natal. In addition to the general conditions of deprivation, fragmentation of social order, unemployment and other social evils which were the outcome of apartheid policy, some specific conditions of townships need to be analysed. The townships on the Reef were cases of acute economic differences especially at the middle and bottom level of the social strata. Johannesburg being industrially the most developed area, these differences were more prominent.

Influx control system (became defunct in 1986) created division between the urban middle class and skilled industrial workers (who were


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allowed to have a stake in the system) on the one hand and the semi and unskilled workers and unemployed people (the migrant labour force from the homeland) on the other. This second category people were living either in single-sex hostels or squatter camps. In 1990 there were around 243,000 migrant workers living in 130 hostels in the PWV area. There were some large hostels like the one Diepmeadow in Soweto accommodating 29,000 people.72

Like Natal region (discussed in last chapter) life in hostels was characterised by all evils. Inadequate facilities of life such as water, light, sanitation, recreation and more over the trauma of living at far away places without family had the most dehumanising affect on migrant workers. The squatter camps which were predominantly occupied by the unemployed, were known for shortage of housing and infrastructural facilities. For example, in Phola Park area (Tokoza) there were only two taps for 40,000 people.73 The temporary nature of the hostel dwellers and squatter camps' people precluded development of a social life among them.

On the other hand the established African communities had better socio-economic and cultural life. They used to regard the former category people in contempt and treated them as outsiders. When influx control regulations were lifted, more people from rural areas started coming to

72 Taylor, Ibid.

73 Ibid.
cities and other urban areas, thereby increasing chances of competition for scarce resources such as housing. This created a really volatile situation, the responsibility for which laid with the apartheid policy.

Political Reason

In the last chapter this aspect has been discussed in detail. In that context differences in strategy between ANC/UDF and its chief rival were noted. In fact this factor continued to dominate their thinking in 1990s as well. But besides this the unique political situation of 1990s needs to be emphasised. With the unbanning of apartheid laws and release of Mandela and other political prisoners, the countdown for change had started. With this the internal dynamics of black politics also changed. Before 1990 the struggle was against apartheid, but since 1990 the focus of struggle shifted to negotiation and realisation of a non-racial society. Earlier Inkatha and ANC/UDF were fighting for space in anti-apartheid struggles so that they could claim credit and project their roles in future once the goal was fulfilled. But since 1990 it was for strengthening their bargaining abilities in negotiations and ultimately making their positions secure in a future non-racial society. This was the core of violence in 1990s and it manifested in its intense form in the IFP and ANC violence. There were other actors as well, like the PAC and its military wing Azanian People’s Liberation Army (APLA), right wing Afrikaner organisations (AWB and FF) etc. But the
The core reason of violence as noted above can be best judged from the course of events during negotiations. From the beginning of negotiation till the signing of the *Record of Understanding* between the government and the ANC in 1992, the government and the IFP were arguing from the same federal/regional autonomy platform. They were demanding recognition of group rights. But the 1992 agreement changed the course of negotiations as the government now abandoned its previous strategy and started cooperating with the ANC. This made the IFP, which was adamant on its constitutional demands, to align with other like minded parties which led to the formation of COSAG and later FA.

This had definite impact on violence. It is important to note that when the government and the IFP had similarities of interests, the former was helping the latter in matters of violence. But when they parted ways violence even became more intense as the IFP thought that it was getting marginalised in negotiations. Role of the ANC in violence also needs to be seen in this context. While the party received wide support all over the country, the IFP remained the only black political organisation posing challenge to it. For ANC, KwaZulu-Natal was the only region where it faced opposition from blacks. The battle lines were clear. For example in KwaMashu, a Durban township, the ‘comrades’ of the ANC and an Inkatha
linked gang known as Amasinyora had their areas of influence into which rivals were not allowed to enter. Many other areas like this were divided into no-go areas by rival groups having allegiance to either ANC or the IFP. Not only the two major parties, but their respective trade unions (COSATU and UWUSA) were also involved in violent activities. By exploiting the vulnerability of workers these trade unions tried to extract political mileage. They were responsible for violence in the Johannesburg townships.

Failure of the parties to reach at reconciliation also contributed to the continuation of violence. After his release Mandela tried to meet Buthelezi on many occasions, but he was not allowed to do so by hardliners in the ANC. Mandela in his autobiography says, “I was concerned that I was willing to go to great lengths to meet Chief Buthelezi... But I found that such a meeting was anathema to the ANC leaders in Natal. They considered it dangerous and vetoed the meeting....” The ANC hardliners at the ground level were against any kind of rapprochement with Buthelezi and IFP. When a joint peace rally of ANC and IFP was scheduled to be held at Taylor’s Halt (near

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75 See Taylor, n. 71, p. 11.

Pietermaritzburg), Harry Gwala, ANC’s Natal midland leader led a 70-member delegation to lobby against any joint peace initiative.\(^7^7\) The IFP’s hardline approach was to some extent also responsible for failure of talks. In October when Mandela invited Buthelezi and five other homeland leaders for talks. The IFP leader refused to attend such meeting on the ground that he did not like to be equated with other homeland leaders.\(^7^8\) Even if Mandela and Buthelezi met on two occasions in 1991, violence continued like before.

So in the 1990s both ANC and the IFP along with their allies fought a bitter low-level war primarily to strengthen their positions so that they could be dominant political forces in a non-racial socio-political order. While the IFP wanted to be a dominant political party in KwaZulu-Natal; the ANC, more particularly its Natal leaders like Harry Gwala who was constantly opposing any meeting with IFP, wanted to control the only black region that had substantial ANC opponents. The local leaders of ANC in their need for power did not want IFP to control the region. This was central to the severity of violence at the time of negotiation. When socially and economically deprived people were given some outlet to express their anger, it was bound to take a violent manifestation.


\(^7^8\) The Economist, October 6, 1990.

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Government – IFP Collusion, Third Force and Others

This aspect has been discussed in previous chapter in the context of developments in late 1980s. 1990’s political situation had its impact on policies of all political parties including the government. As mentioned earlier from the beginning of 1990 until mid-1992 IFP’s relationship with the government was good as both were pursuing similar policies. This had its impact on violence in the period.

Before analysing the impact of government – Inkatha collusion some instances in this regard are given below. The Goldstone Commission found instances of arms transfer to KZP by the government till 1992. Training was also provided by the state to IFP members.79 In 1991 government’s secret funding of Inkatha activities came to light. On July 19, minister of law and order Adriaan Vlok confirmed that government had financed 250,000 Rand ($100,000) for holding Inkatha rallies in November 1989 and March 1990.80 This secret funding issue later came to be known as Inkathagate scandal. The money was used for UWUSA rally also. Besides this there were specific cases of violence in which the police had not acted

79 See Jeffery, n. 77, p. 694-96.

80 Money was put into the account of ‘Inkatha/Kgare’ (Kgare is Inkatha’s name in Sotho language) main branch at First National Bank, Durban. Account number was 221426-8006961533. While Buthelezi denied having knowledge of this, his secretary M.Z. Khumalo later resigned, saying he had deliberately kept this secret as he knew Inkatha president would have rejected the plan. Inkatha had later given the money back. For details of Inkathagate scandal, see The Guardian Weekly (London), July 28, 1991, August 4, 1991; The Economist, July 27, 1991; Deccan Herald, July 31, 1991.
impartially. For instance in the 1992 Boipatong massacre the role of SAP was doubted. It allegedly helped the people committing violence.

Thus the SAP and South African government in the initial years of negotiation helped IFP, activities. The logic applied by the state was 'enemy's enemy is friend'. IFP was actually made a scapegoat by the state to further its policy of weakening the ANC, so that sufficient concessions could be extracted during negotiations. In this entire process the IFP not only proved its vulnerability but its commitment to peace also came under attack. Indirectly it helped the ANC to gain public sympathy.

Elements of security force and police who were known as 'third force', were also involved in violence. Third force groups were accused of killing politicians and common people with the sole purpose of destroying negotiations. There were cases of violence by members of MK – the military wing of ANC. TRC report found that thirty-nine IFP office bearers were killed by UDF/ANC alliance. Similarly the APLA was also held responsible for attacking civilians, primarily in western and eastern Cape.

ELECTIONS AND INKATHA

Elections held from April 26-29 were the culmination of a long process of negotiations that had started in 1990. The Independent Electoral

81 TRC Report, vol. 5, Chapter 6, n. 149. (Internet site www.suntimes.co.za).
Commission (IEC) was entrusted with the task of conducting and monitoring the elections. According to the agreement voting was to take place by means of proportional representation based on list system. Elections were held for 400 members National Assembly (200 from regional party list and 200 from national party list) and 425 members of the nine provincial legislatures (nine new provinces came up following absorption of homelands into the Republic). Members of the 90-members Senate (10 members from each province) were to be nominated by political parties on a proportionate basis according to their relative strength in the provincial legislatures.

Of the 19 parties contested the elections (IFP was the last one to join) at the national level, 13 were minor parties. According to IEC calculations based on 1985 census which included the four homelands, the total number of potential voters was 22,709,152. On the basis of race this had 72 per cent (16.35 million) Africans, 16 per cent (3.63 million) whites, 9 percent (2.04 million) coloured, and 3 per cent (0.68 million) of Indian origin people.82

Despite of the fact that the IFP joined the elections at the last minute, its performance both at the national level and in KwaZulu-Natal

was impressive.\textsuperscript{83} In the National Assembly it secured third position and by virtue of this five ministerial berths (3 cabinet and 2 deputy ministers) in the transitional Government of National Unity.\textsuperscript{84} In KwaZulu-Natal province it secured 41 of the 81 seats in the provincial parliament and was asked to head the government. Seven ministerial berths went to the IFP. Although the ANC managed to win majority seats in six of nine provinces, in KwaZulu-Natal it secured second position and got 26 seats and 3 ministerial berths. The NP by virtue of its position secured one ministerial berth. The ANC contested the final result in KwaZulu-Natal. Its leader Harry Gwala and Dumisani Makhaye claimed that their party had been cheated by the IFP. But considering the margin of victory by IFP, it can be said that it would have won the elections even if voting had been conducted fairly. Moreover results of only six districts were disputed and KwaZulu-Natal has 44 districts. The ANC won in ten districts, mainly around two main towns-Durban and Pietermaritzburg.\textsuperscript{85} The NP could manage to get more votes in comparison to 1989 elections to the House of Assembly in tricameral parliament. This was because some defections from

\textsuperscript{83} See Appendix 7 for details of 1994 elections' results.

\textsuperscript{84} Three cabinet ministers in the Government of National Unity are M.G. Buthelezi (Home Affairs), L.P.H.M. Mtshali (Arts. Culture, Science and Technology) and S.E. Mzimela (Correctional Services). The deputy ministers are Mrs. E.E.N. Shandu (Public Works) and V.J. Matthews (Safety and Security).

the Democrats and more importantly the support of the people of Indian origin.86

On the basis of these elections' results following points can be noted to comprehend the position of the IFP in KwaZulu-Natal and South Africa in general. First, though the IFP managed to retain its predominant position in the province, it had to face the challenges of ANC. The latter's strongholds, as mentioned above were the urban areas. Not surprisingly the urban areas, especially the townships around cities were worst affected by violence in this period. This also proves that the IFP's support among Zulus was not absolute. Since the province is a predominantly Zulu one (about 80 per cent of the black population speak Zulu language), the black voters who had supported the ANC were also largely Zulus. It is important to note that ethnic identity had not always been decisive in the politics of mobilisation. Had it been so the ANC would not have received 32.3 per cent support in the province.

Second, the elections demonstrated that the IFPs support was overwhelming in rural areas than in cities. According to an estimate about 90 per cent of the votes came from areas where Inkatha had been strong since its formation.87 These were areas previously under KwaZulu homeland and people there had been under the patronage of chiefs and

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86 For details, see Ibid, p. 473.

87 Rich, ed., n. 34. p. 41. Also see Southall, n. 82, p. 642.
homeland administration. Appeal to ethnic identity was also strong in these areas. Identification of IFP with Zulu monarchy, especially during negotiations (manifested more clearly in the KwaZulu land deal) and depicting itself as the ‘saviour of the monarchy from hostile external forces’, the party could effectively mobilise people during elections. 88

Finally, although IFP managed to secure third position in the National Assembly, its standing as a national political party was not impressive. Outside Natal, it could manage to win only three seats in Gauteng province. In all other provinces its presence was very negligible (see Appendix 7). The ANC on the other hand not only performed better in all provinces except one (in comparison to IFP), but could get more than 80 per cent black support in the country. 89 Although minority support to the party was not good, 90 its status as a national party was strongly reinforced after elections.

Notwithstanding the relevance of the above-noted arguments, for better comprehension some other aspects of the party also need to be focussed. Inkatha later the IFP needs to be understood in a proper


89 Ibid.

90 About 1 per cent whites supported the ANC in 1994 elections. Indians and coloured people supported more to NP than ANC as seen in Natal and Western Cape (coloured dominated province. See Ibid.
historical, socio-cultural and political context. It has been discussed elsewhere that Inkatha’s rise since its formation has been rapid. Though there were allegations of forced recruitment and other forms of manipulation, the fact is that the organisation has been able to remain a substantial political force all through its existence. Its rallies and public functions often attended by thousands cannot be underestimated. It started as a national cultural organisation, but slowly entered into political arena and used it to further its aims and objectives. As its origin was rooted in the homeland of Zulus, its strength remained in the Zulu constituency for a long time, though there were non-Zulu members as well. Zulu culture and tradition were used to mobilise people in a scale not seen in other parts of the country. This had many negative consequences, especially in creating a feeling of animosity towards other ethnic groups. Mobilisation along ethnic lines has many fallouts. But so far as survival of culture is concerned this has positive outcome. No other tribe/ethnic group in South Africa is so much attached to its group identity than the Zulus.

Inspite of all its limitations, the IFP’s political strength cannot be underrated. Even the PAC which fought apartheid from a radical platform, could not manage to get the kind of support IFP received in the last elections. Now it is the only political force with substantial black support which is challenging the ANC albeit at a regional level. Notwithstanding its frailties, the party remains a substantial political force unlike other political formations which were part of anti-apartheid struggles.