

# IFP constitution envisages a provincial army

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**T**HE recently released hardline Inkatha Freedom Party constitution calls for a provincial army, exclusive provincial policing powers and the right to refuse intervention in the province by the South African National Defence Force. It also claims exclusive powers over all constitutional, legislative, judicial, and financial matters and paves the way for an unelected provincial government.

The IFP draft says neither the provincial premier nor other members of the provincial cabinet need come from the elected parliament. The Zulu King is mandated, in consultation with the leaders of majority parties, to choose the premier, who is then empowered to form a cabinet at his discretion. The provincial parliament is then mandated to cast a vote of confidence or no confidence in the cabinet within 10 days.

The African National Congress analysis argues this feature "produces an autocratic monarchist government which is not really responsible to the parliament and to the people".

The ANC has slammed the IFP constitution in an internal paper — prepared for the party leadership but leaked to the *Mail & Guardian* this week — which claims that the IFP proposal "is a document of secession ... written under the supposition of and in preparation for secession".

The ANC said of the IFP security provisions for a Volunteer Reserve Force and exclusive provincial policing powers: "There is no federation in the whole world which allows its inherent state to maintain its own army."

The release of the IFP constitution comes amid a growing rift between IFP provincial "moderates" and national hardliners over the multi-party constitutional negotiations in progress in the province.

Provincial negotiators this week defied moves by national negotiator and IFP deputy national chairman Sipo Mzimela, and constitutional advisor Mario Ambrosini, to quash the multi-party process and force a parliamentary vote on a set of hardline principles which would surely have set the province on course for further secession. Mzimela last week rejected a com-

promise document drafted by all parties, but provincial negotiators this week pushed ahead with multi-party talks in the constitutional committee.

But provincial negotiators claimed last week that Mzimela's hardline position had "nothing to do" with their efforts to secure a negotiated compromise with other parties including the ANC in the province.

Observers argue that the seismic rift in the IFP casts doubts on attempts to democratise party structures over the past year, while the heavy-handed interference of national leaders in the provincial process casts aspersions on the party's claims of federalism.

Ironically, a party whose claims to internal democracy are in dispute, is promoting a constitution that provides for the government of the "kingdom" to intervene in the internal affairs of political parties and trade unions whose structures are deemed undemocratic.

The constitution also says: "The kingdom of Kwa-Zulu-Natal is a sovereign member state of the Republic of South Africa."

The ANC's rejoinder is that "the notion of a 'member state' is only used within an international context:

"For example, the European states forming the European Union are called 'member states' in the Treaty of the European Community."

The ANC also criticises the IFP claim for "a priority of the provincial constitution over the (national) constitution", saying "the only similar rules are to be found in the separatist constitution of Tartarstan".

The ANC argues these clauses "could only be accepted after a secession of KwaZulu-Natal ... No federal state (anywhere in the world) can — except in danger of its own dissolution — permit that the legitimacy of its national actions would finally be controlled by the constitutions of its provinces or revised by their constitutional courts. The intention clearly is in the direction of secession".

The IFP constitution also makes several declarations regarding the superiority of provincial laws over national laws. The ANC argues this claim for the "sovereignty of parliament implies that the Republic of South Africa ... should only be a composed entity (not a state) consisting of several provinces with all the attributes of a national state".

**'As German chancellor I do not have any intention of interfering in the internal affairs of this country'**



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# Inkatha's secret German war chest

Concerns have been raised that German funding is being used for IFP paramilitary purposes, report **Paul Stober, Marion Edmonds, Eddie Koch and Ann Eveleth**

**E**VIDENCE has emerged that the Inkatha Freedom Party (IFP) plans to rebuild its paramilitary and intelligence capabilities — using German funds earmarked for development — ahead of a possible showdown with central government over a constitution in KwaZulu-Natal.

And, in the week that Chancellor Helmut Kohl made a state visit to South Africa, the *Mail & Guardian* has learned that there is serious concern in President Nelson Mandela's office about the use of German funds in the province.

Sources in Mandela's office say the president has an "ongoing concern" about German development funds to the IFP being diverted for intelligence and other paramilitary purposes in KwaZulu-Natal.

But it is known that there is serious concern in the Cabinet's inner circle that the IFP may be trying to rebuild its policing and military capabilities ahead of a possible showdown with the central government over a federal constitution for KwaZulu-Natal.

Despite assurances from the Ger-

man chancellor that his government does not interfere in South Africa's domestic affairs, it has emerged that the Konrad Adenauer Foundation, the taxpayer-financed funding agency of Kohl's Christian Democratic Union (CDU), has sunk tens of millions of rand into Inkatha over the last decade.

At least two intelligence sources have told the *M&G* this week that two German citizens currently in South Africa are involved in trying to devise ways of using money intended for development projects in KwaZulu-Natal to bankroll a new Inkatha intelligence unit. The intelligence unit is intended to replace the once-powerful Bureau of Security and Intelligence (BSI) which was disbanded together with the KwaZulu police.

It is understood that Joe Mathews, Deputy Minister of Safety and Security and a high-ranking Inkatha official, and IFP Senator Phillip Powell, will play leading roles in the new intelligence unit and that IFP leader Mangosuthu Buthelezi has been briefed about the plan.

Also named as a player is a man called Stan Armstrong, who is said to have played a key role in the BSI before the KwaZulu homeland was disbanded. Armstrong served as an administrative chief in IFP leader Mangosuthu Buthelezi's office at the time.

Armstrong was named last year by Rian van Rensburg — a former military officer who claims to have been involved in the training of paramilitary units for the IFP — as the link man

between his clandestine work and the party's leadership.

There are fears in the president's office that the proposed new intelligence agency is part of a more extensive set of contacts between the Inkatha Freedom Party and conservative organisations in Germany — a major source of support for the IFP, especially since access to state revenue was cut off with the disbandment of the KwaZulu homeland. Presidential spokesman Parks Mankahlana refused to comment on the reports.

Large sums of money have been donated to Inkatha since 1983 through the CDU's Konrad Adenauer Foundation. The Foundation receives German taxpayers' money to fund political and development programmes in the Third World. It is not allowed to finance political parties as such and the money has been paid to the Inkatha Institute.

It emerged from the Inkathagate scandal that the Institute was the channel used by the South African security police for secret government funding of the IFP. Major Louis Botha, the security police officer who acted as the link man with Inkatha, has close family ties with Germany. Botha was arrested some three months ago and charged in connection with the murder of 13 ANC supporters in 1987. This month, Botha asked for his bail conditions to be lifted so that he could attend the "50th wedding anniversary of his father-in-law" in Germany.

**T**he Inkatha Institute closed down after the Inkathagate scandal and has been replaced by the Institute for Federal Democracy. The Konrad Adenauer Foundation now donates some R3.5-million a year to the new institute. Sources close to the Adenauer Foundation say it is currently channelling a minimum of R9-million a year into political and development projects in KwaZulu-Natal.

The head of the new-look institute is Rama Naidu, former head of the Konrad Adenauer office in Cape Town. Naidu insists his organisation is not a think-tank for Inkatha and that it offers its services to a wide range of political organisations.

Ingor Scholz, director of Konrad Adenauer's Africa desk, said he had been disappointed by past media reports linking foundation money to "fomenting bloodshed in KwaZulu-Natal". Scholz stressed that the foundation was now providing constitutional support to all political parties in South Africa which requested such assistance.

But it is understood that there has recently been some concern among consultants hired by the the foundation over the possibility of its funds being "misspent" in the volatile province.

The history of German links with Inkatha has reinforced concern about foreign involvement in moves to create a new intelligence agency linked to the IFP.

The developments come amid reports of a hardline draft constitution drawn up by Inkatha's national leadership that grants extensive regional powers to KwaZulu-Natal. The draft IFP document provides for a right to declare provincial states of emergency and set up a provincial army. It also places strong controls on the power of the national army to operate in the province.

Konrad Adenauer Foundation funds, funnelled through the Institute for Federal Democracy, have been used to pay for a number of German consultants to help the IFP draft its constitutional proposals. The latest draft constitution is, however, believed to have been produced by the IFP in the face of criticism from the German advisers.