



**PROVINCE OF  
KWAZULU-NATAL**

**ISIFUNDAZWE  
SAKWAZULU-NATALI**

**PROVINSIE VAN  
KWAZULU-NATAL**

**INDLU YABAHOLI BOMDABU  
THE HOUSE OF TRADITIONAL LEADERS  
DIE HUIS VAN TRADISIONELE LEIERS**

**PRESENTATION TO THE HONOURABLE MR J S NDEBELE AND MEMBERS  
OF HIS CABINET**

**BY PRINCE MANGOSUTHU BUTHELEZI, MP  
INKOSI OF THE BUTHELEZI CLAN  
UNDUNANKULU KA ZULU**

**EMONDLO: EBAQULUSINI**

**17 AUGUST 2006**

Having received an invitation to attend this gathering as Inkosi whose Traditional area falls within the area of the Zululand District Municipality, I shall speak in that capacity. I shall also speak as someone that was elected twice by Amakhosi of this Province as Chairperson of the House of Traditional Leaders in this Province. And I will also speak as the Traditional Prime Minister of the Monarch, whose seat falls within the area of this municipal district and as the Traditional Prime Minister of the Zulu nation.

When my Deputy who runs the affairs of the Buthelezi clan Mr Josias Phumempini Mtshali received the invitation to the Inkosi of the Buthelezi clan he passed it on to me. I realised that he did so because of the invitation's importance. I should have been in Cape Town in Parliament today but because of this I decided to attend this meeting.

This is first out of the respect for the Honourable Premier of this Province that I have attended. But secondly I realised looking at the period of more than two years since the Premier's government acceded to power in this Province there has hardly been any dialogue between him or his Ministers and ourselves. I concluded that not attending today's gathering might be missing an opportunity of a lifetime to say what is in my heart to my Premier and his Cabinet, senior officials and members of Parliament and our Municipal Representatives.

Section 12 of our Constitution no 108 of 1996 recognises the existence of our institution of Traditional Leadership. We were celebrating the 10<sup>th</sup> Anniversary of the Constitution in May this year. We have had 12 years now of a predominantly black democratic government in South Africa. There have been debates about the institution of Traditional leaders right from the time of the Constitutional talks at the World Trade Centre. The talks were inconclusive up to the time that our Interim Constitution was finalised. As a result of this situation there was a threat that some

of our people in this Province were not going to participate in the 1994 elections. The crisis was averted when Professor Washington Okumu of Kenya's intervention resulted in the solemn agreement that was signed by the then President Mr F W de Klerk, by Mr Nelson Mandela in his capacity as the then President of the African National Congress and by myself in my capacity as the Traditional Prime Minister of the Monarch and the Zulu nation and also as President of Inkatha National Cultural Liberation Movement as it concerned the institution of the Monarchy. The agreement was that the issue of the monarchy and other outstanding issues would be addressed through *International Mediation* as soon as possible after the general election, which was taking place on the 27<sup>th</sup> of April 1994. I also insisted that Parliament be called for one day before the elections took place to enshrine the institution of the Monarchy in the Interim Constitution. Because of the time constraints I will only record that, that solemn agreement was to this day dishonoured. The debate on the institution of Traditional leadership went on and as a result there was the white paper process, which took place before anything concrete was done to make the recognition of the institution of the Traditional leadership in the Constitution meaningful at all.

There was a coalition of Traditional leaders, which comprised all Traditional leaders of South Africa. We had a number of meetings with the President of the Republic His Excellency President Thabo Mbeki as the coalition of Traditional leaders. The passing of the Municipal Structures Act and other related legislation further compounded the problem of where does all this place Traditional leaders concerning their powers and functions. President Mbeki at meetings we as Traditional leaders of South Africa had with him assured us that there would be no obliteration of the powers and functions of Traditional leaders. He went on to say that if there was such obliteration he would ensure that the Constitution is amended to prevent the obliteration of the powers and functions of Traditional leaders. He even signed a letter addressed to Inkosi Mpiyeziintombi Mzimela in his capacity as the Chairperson of the National House of Traditional leaders that there will be no such obliteration, and if there was, the Constitution would be amended. This debate heated up just before the year 2000 local government elections. As a result of this the Cabinet of South Africa in which I was still serving as a Minister, set up a Cabinet Committee which was headed by our then Deputy President His Excellency Mr Jacob Zuma. It consisted of some of the Ministers, representatives of the Coalition of Traditional leaders, and some legal experts. This Committee decided on the 30<sup>th</sup> of November 2000, just a day or two before the municipal elections that Chapters 7 and 12 of the Constitution (Act no 108 of 1996) would have to be amended in order to prevent the obliteration of the powers and functions of Traditional leaders. This was another solemn agreement between our National government and the Coalition of Traditional leaders of South Africa. Needless for me to say that agreement has up to now not been honoured.

It was much easier to amend the Constitution to allow floor crossing than to amend the Constitution to prevent the obliteration of the powers and functions of Traditional leaders. The agreement turned out like the agreement on International Mediation to be no more than just a sop to pacify Traditional leaders some of whom were threatening to tell their people not to vote in our first municipal elections under the Structures Act, in December 2000.

In the year 2003 the national Parliament passed Act 41 of 2003, which is the Traditional leadership Governance Framework Act. This Act was supposed to make an outline of the kind of legislation, which various Provinces needed to pass to define Traditional leadership in the new democratic South Africa. In 2005 our MEC for Local Government, Traditional Affairs and Housing suddenly told us that we had to elect Traditional Councils to replace Traditional Authorities in terms of Act 41 of 2004, which is the national legislation. At an extended meeting of the House of Traditional Leaders, which our MEC for Traditional Affairs attended, we voiced our concern about electing these Councils before the Province passed the Provincial legislation. We differed on the legal opinion on the matter, which we discussed at that meeting. But the Department continued to promote elections of the Traditional Councils in some of the districts even in the absence of Provincial legislation. A Provincial Bill was then tabled on Traditional leadership and Governance, which was later to become a Provincial Act of Parliament. We sought opportunities to meet with our MEC to discuss some proposals as Traditional leaders in order to make suggestions. We were denied these. We finally resorted to sending a delegation to the Honourable Premier to report to him as Head of government and as someone in whom the executive authority of the Province resides, that we were denied opportunities as Amakhosi of the Province to discuss provisions of the Bill, by his MEC for Traditional Affairs.

Our delegation which met with the Premier was led by the Deputy Chairman of the House of Traditional Leaders Inkosi Msibi and Inkosi Mpiyezintombi Mzimela who was then the Chairperson of the National House and also a member of the Executive Committee of the KwaZulu Natal House of Traditional leaders. I received a message from the delegation that the Honourable Premier had invited the MEC to the meeting and asked whether the matters that we wished to raise could be discussed with our delegation. Our wish was that the MEC for Traditional Affairs should come and discuss the issues with us at an extended meeting of the House of Traditional leaders. However when we received this suggestion for a discussion with our delegation we had to agree in view of the deadlines that were then looming for the passing of this law by the KwaZulu Natal Legislature. We were informed that the discussion went well. However when the law was passed in December 2005, some of the issues we wished addressed were not addressed. When the first extended meeting of the House of Traditional Leaders took place early this year we decided to send the same delegation that was sent to see the Honourable Premier last year. We were disappointed to be told by Inkosi Mpiyezintombi Mzimela that when just by chance he came across the Premier, the Premier told him bluntly that he is not prepared to meet our delegation because he stated that our delegation will only bother him with the same issues that IFP members of Parliament bother him about in the Legislature.

Later on the 4<sup>th</sup> of May, I attended the official Opening of the National House of Traditional Leaders in Pretoria by the President of South Africa, with members of the Executive Committee of the KwaZulu Natal House of Traditional leaders. After a short meeting that we had with the Minister of Provincial and local government the Honourable Sydney Mufamadi, Inkosi Simon Gumede who is the member of the Legislature informed us that the Director-General Professor Mandla Mchunu, had a message from the Premier to us. The Director-General told Inkosi Gumede that the Premier was not prepared to meet with our delegation because, he is not

prepared to interfere into the affairs of Minister Mabuyakhulu's portfolio. I have a copy of an address that the Honourable Premier had prepared for the KWANALOGA Conference in Durban. And I wish just to quote excerpts from that address in which the Premier congratulated the Minister of Local Government and Traditional Affairs on the way he has handled what the Premier described as the transformation process as far as Traditional Leadership is concerned. They are the following:

*"In conclusion I wish to applaud the MEC for Housing, Local Government and Traditional Affairs for the bold steps and the dignity with which he has pursued transformation agenda in his portfolio. Transformation is hard and often easy to resist. But a resolute leader is one who makes it happen".* He had earlier said in his speech: *"Nobody held a gun to these citizens for them to choose this route when they voted".* Today we therefore have municipalities that are largely peaceful and focused. In turn this is allowing us to transform the associated institutions of local governance, the main being the traditional leadership institution. The Traditional Leadership and Governance Framework Act (No 41 of 2003) and the KwaZulu Natal Traditional Leadership and Governance Act (No 5 of 2005) are two legislative instruments that have enabled the process of transforming the traditional leadership institution in this country. The main object is to align the institution with the constitutional imperatives. The new legislative framework for traditional leadership marks the culmination of a process that was started in 1996, which was to transform traditional leadership institutions in the country and align them with the democratic system of government introduced in 1994.

*The role of traditional leadership in a democratic local governance context was always not clear. The question was always: "How do we create a situation where elected leadership structures can exist harmoniously with non-elected traditional leadership structures? Through the introduction and mixing of a bit of both the new Traditional Councils are now having at least 40%. They will soon be put in a place a new type of District Houses of Traditional Leadership and a new Provincial House of Traditional Leadership. The end result will be a traditional leadership system, which plays a pivotal role in the holistic development of our rural landscape, working side by side with the elected representatives".*

*We are overwhelmed by the resolute decision by most of the Amakhosi in the Province to participate in the moulding of a future for all our children. I can now state that our Amakhosi are by and large participating in local government and governance processes as put forward through current legislations. Municipalities are reporting high number of Amakhosi turn out in the compilation of Municipal IDPs. To re-instate the dignity of Amakhosi their installation has been returned to the Majesty the King, the only person who can preside over it. The practice of government politicians and officials presiding over the installation of Amakhosi is a thing of the past. I should stress, though that once installed an Inkosi has to function within applicable laws and code of conduct".*

The Minister of Provincial Government Mr Mufamadi told me on the 4<sup>th</sup> of May 2006, that he and Inkosi Mzimela had been instructed by the President to come to see the Honourable Premier concerning the impasse that exists between the MEC and us as the House of Traditional Leadership and Traditional Leaders with



Traditional Affairs. Minister Mufamadi again told me on the 8<sup>th</sup> of June in Cape Town, that he and Inkosi Mzimela have been trying to get a date for a meeting with the Premier as directed by the President of South Africa President Mbeki. Inkosi Mzimela told us that on two occasions President Mbeki had instructed Minister Mufamadi to go with him to consult with the Premier of this Province concerning the present impasse.

On this day when Minister Mufamadi replied to the budget debate of his Ministry he reacted to the words of Mr Peter Smith who had in his response deplored what he called the dishonesty with which the government of South Africa has dealt with Traditional leaders. I prefer to quote what Minister Mufamadi actually said:

*"Chairperson, all who participated in the debate, especially the Chairperson of the Portfolio Committee, have a right to an expression of my thanks and appreciation. I fully appreciate the views that they so generously shared with us..."*

*The Hon Smith said many things about local government that I appreciate, and what we need to do is to improve its performance. However, his unfounded assertion about the alleged dishonesty with which government deals with the institution of traditional leaders, devalues some of the important things he said in this debate. This is a tired, old argument that he has been putting forward over a long period of time. I have, frankly, no appetite to engage in the dialogue of the deaf with him.*

*He must, for once, remove his narrow party political blinders, interact himself with traditional leaders, premiers and MECs outside KwaZulu-Natal, and he will be educated about the excellent relations that exist within our provincial and local spheres of government, at least, everywhere else in the country.*

*The overall sound relations that exist between government and the institution of traditional leadership should not be seen through the prism of what is happening in one province. However, this does not detract from the fact that what is happening in KwaZulu-Natal is a matter of grave concern to us. It is for that reason that the Chairperson of the National House of Traditional Leaders, Nkosi Mzimela, and I have been in discussions, which led to an agreement that we are going to intervene and exorcise this ghost out of the body politic of our Country once and for all."*

As the Premier can recall in my speech at the Inkosi Bhambatha Centenary Celebrations on the 11<sup>th</sup> of June at KwaMpanza in Greytown I mentioned to President Mbeki that we as Amakhosi have no access to the Premier as he refuses to meet with our delegation. This was in the presence of His Majesty the King and in the presence of the Honourable Premier. I deplored the fact that we have as Traditional leaders found it easier to see President Mbeki both in his previous life as Deputy President and in his present capacity as President of South Africa than it has been for us to see the Premier of our Province.

I have throughout my life always believed in playing open cards with those in authority even during the previous era. I was therefore quite astonished when I was attacked by the Minister of Traditional Affairs in the media for speaking as I did

about these difficulties that we have encountered in our efforts to have access to the Premier. I responded to the MEC's unwarranted attacks on me. He accused me of lowering the dignity of the Premier in speaking as I did. I have the highest respect for the Office of the Premier and it does not mean that if I speak openly about that which I think is wrong in the Premier's dealings with us, that I disrespect the Premier or that I do not give due respect to his office as all of us should do. In my public life I have always spoken openly and frankly to highly placed people in this Country and that has not meant that I do so because I either want to lower the dignity of the incumbents in their high offices or just to show disrespect for them. As I recall, I spoke just as bluntly to the Architect of Apartheid Dr Hendrick Francois Verwoerd as Minister of Native Affairs at the Mona Saleyards in Nongoma in 1955, when I was only 27 years of age. I spoke just as frankly to Mr John Balthazar Vorster Prime Minister of South Africa in 1973 and 1974 when I pleaded with him to release Mr Mandela and other political prisoners. I did the same in speaking to President P W Botha, who walked out at a meeting he had with me in the presence of Dr Frank Mdlalose, my Private Secretary Mr Eric Ngubane and Dr Piet Koornhof. I spoke just as frankly to both President Nelson Mandela and President Thabo Mbeki. None of these important leaders of our Country could accuse me of being disrespectful merely because I always speak as bluntly as I did on the 11<sup>th</sup> of June 2006 and as I also do so now.

On Sunday the 13<sup>th</sup> of August 2006, 'The Sunday Tribune', published a wide-ranging interview that their senior journalists had with the Premier, the Honourable Mr J S Ndebele. I wish to quote from this interview with Philani Mgwaba and Sibusiso Ngalwa:

*"While Ndebele remains satisfied with the Government's work and stability of KwaZulu Natal, he believes the relationship with IFP Leader Mangosuthu Buthelezi could be vastly improved. He is disappointed this is not the case".*

This part of the Premier's interview sums up the problem underlying everything. The problem is that I am perceived as "the problem".

I sincerely do not wish to be the problem. I have cooperated even when it comes to this legislation, which emasculates Traditional leadership. As long as we play a hide and seek game on the issue of Traditional leadership there can be no normalisation of our relations. This is not a matter for which the Premier is solely responsible. As can be seen the Premier had nothing to do with the International Mediation Agreement on the Institution of the Monarchy, which was dishonoured. But when the Premier in commenting about my position as Undunankulu ka Zulu says "there can be no two Premiers in this Province", it is clear that there is a problem. This problem did not exist with any of the three Premiers we have had since 1994. It has suddenly been a problem now, that the Honourable Mr J S Ndebele is our Premier. It is obvious that this issue has created a lot of problems real and imaginary, such as for instance all the storms in tea cups that brew whenever there are functions such as King Shaka Celebrations, when I am suddenly seen as a protocol problem. I was never such a problem in all these years until now.

Then there is the issue of efforts to re-write history by the Premier which has resulted in us even exchanging correspondence in letters to the editor. No senior leader of the ruling Party has any excuse to pretend that he did not know about that it was leaders such as Inkosi Albert Luthuli and Mr Oliver Tambo amongst others who urged me not to decline to take up the position of being the leader of the KwaZulu Government in the previous era. There is no excuse for any senior leader of the ruling Party to pretend that he did not know that the meeting I had with my delegation with Mr Oliver Tambo in which President Mbeki was present with his delegation in 1979, was a culmination of a long process of cooperation and collaboration of many decades between me and Mr Oliver Tambo. No senior leader of the ANC cannot be aware that the 12 that broke away from the ANC gave as one of their reasons for breaking away from the ANC-Mission-in-exile and as their objection to what they stated as Mr Tambo's 'closeness' to me. President Mandela in his very first rally in Durban after his release thanked me publicly for campaigning for his release from prison. Because of these reasons and others, I cannot understand the deliberate distortion of history by the Premier and some of the leaders of the ANC in this Province such as Mr Senzo Mchunu MPP, who describe Ulundi as a capital of a former *Bantustan*. They deliberately tell this lie that KwaZulu was ever 'a Bantustan'. To me these are unforgivable things that make the rift between us seem unbridgeable. Surely the Premier who is also the leader of the ruling Party in this Province, is also aware, that Mr F W de Klerk admitted before the TRC, that it was the stand we took against the balkanisation of 'KwaZulu' into a 'Bantustan', which made them to abandon their grandiose Apartheid scheme.

I have served the people of this Province, the Zulu nation and people of South Africa for over 50 years. It is a gross insult that the Minister of Traditional Affairs should keep on trying to teach me Royal protocol and protocol in general even when it comes to His Majesty the King. The manner in which he makes public Statements, which are insulting, do present me with a problem of how I can relate to the KwaZulu Natal Government in a normal way.

When I speak about the betrayal of Traditional leaders by the Government it is not something I refer to, just to attack the present Provincial government. It is something I direct at our democratic Government. The Agreement that was reached on the 30<sup>th</sup> November 2000 by a Cabinet Committee led by our then Deputy President Mr Jacob Zuma that Chapters 7 and 12 of the Constitution need to be amended in order to prevent the obliteration of the powers and functions of Traditional leaders, has nothing to do with the Premier or his Provincial government.

We cannot understand why the MEC for Traditional Affairs keeps on insulting our intelligence by making statements to the effect that the current legislation on Traditional leadership restores the powers and functions of Traditional leaders when he knows that even his own legislation has left the newly elected Traditional Councils without any budgets. That there are no powers defined for Traditional leaders in his legislation. What is it that makes the Government take Amakhosi as morons, who do not understand English. Even the Apartheid Regime did not carry their insults to our intelligence this far. The manner in which any Constitutional proposals that were made by other parties and even by us as Traditional leaders

were ignored dramatised the manner in which the Premier and his Government do not wish to consider any Constitutional proposals to the Constitution of the Province which come from other parties or bodies.

These are amongst matters which I would have been grateful to discuss with the Premier and /his government. So there has been no dialogue of any sort between us and the Provincial government. It is therefore no surprise that even the Premier acknowledged in the interview on Sunday that relations between us are not what they should be. And the letter, which the Leader of Government sent to me on the instructions of the Premier, chiding me for accepting invitations to attend Municipal functions as the guest of Municipalities crowned it all.

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