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**MEMORANDUM FOR PRESENTATION TO THE HONOURABLE  
DR HELMUT KOHL, CHANCELLOR,  
FEDERAL REPUBLIC OF GERMANY**

**BY MANGOSUTHU BUTHELEZI, CHIEF MINISTER OF KWAZULU  
AND PRESIDENT OF INKATHA FREEDOM PARTY**

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Mr Chancellor it gives me great pleasure to discuss the affairs of South Africa with you at this crucial time in our history. I have visited your country many times in the past, and each time I have left feeling overwhelmed by the hospitality and warmth I received from your people. The honesty and frankness, so characteristic of the discussions I have had in Germany, reveals much about the German culture. The security and stability that your nation offers, and the resolute determination of your people, has made Germany the mighty force it is today within the European Community.

The most uplifting and emotional event of modern times, the physical destruction of the Berlin wall, has brought with it a serious monetary undertow. The general consensus at the time was that the takeover of eastern Germany by its prosperous western counterpart would create an economic powerhouse, especially as the German Democratic Republic was regarded as the jewel among the eastern European economies. I am sure this reality can still be fulfilled, but hidden behind the impenetrable screen of Eastern bloc regimes, no Western leader could be expected to anticipate the extent of investment West Germany would have had to make in the east.

Mr Chancellor, as a man with your integrity and sincerity, you had only one choice to make. In the social interest of Germany you could not fail to meet the challenge of unification by not offering the east the infrastructure and social safety net which pre-exists in the west.

I am speaking to you openly because South Africa, like Germany, has personal challenges of its own. And like Germany, the future decisions to be made in my country will impact on those around us. South Africa is the gateway to Africa. The sophistication of our infrastructure and the level of economic development is unique in Africa. South Africa is a third of the size of Nigeria, and yet without Nigeria's massive oil reserves, our GNP is Nigeria's equal. South Africa is Africa's principal trader, as well as the leading importer and exporter, making my country the natural master of the African continent. South Africa is the greatest hope the African continent has to break from the current mode of economic stagnation and decay.



But like Germany, South Africa has an internal crisis to overcome, before its unbridled potential can be unleashed on the rest of Africa. As South Africa approaches a new phase of government, the economic implications of this transition, and its impact on the rest of Africa, are yet to be determined. No longer will my country have to endure the excesses of central apartheid government rule. But the demise of apartheid, has been succeeded by a turbulent period of uncertainty and instability.

South Africa is a country with enormous social and economic complexities. The diversity of cultures, races, language and ethnic groupings, which is so characteristic of South African society, co-exists with vastly differing levels of social, economic and cultural development in the same regions. Social imbalances and economic and class conflicts are exacerbated by ethnic tensions.

Finding a popular solution to accommodate the plurality and inherent inequalities in South Africa's divided society has been an awesome task. The mere empowerment of Black disenfranchised masses is not enough. Just as West Germany was alarmed to find a monolith of rust, filth and inefficiency as the fantasised allusion behind the Berlin wall was exposed for what it was, so too must the new government of South Africa wait to access the extent and horrors of National Party Government abuse.

For the past 45 years South Africa has been governed by an over-centralised and authoritarian state, comparable to the bureaucratic nightmare of East Germany. The present National Party government exercises vast control through its colossal public sector and extended parastatals, permeating all facets of social and economic life in South Africa. The extent of state corruption and abuse of public coffers is poorly hidden beneath a mountain of indecipherable documents, which even superficial audits cannot pretend to overlook. Commissions of Enquiry are merely extended over a two year period, giving the respective government departments ample time in which to destroy evidence of expropriation or fabricate expenditures, clearly hinting at the lack of accountability that exists.

The abuses of central government by an entrenched ruling party which can not be dislodged by democratic means have been exposed across the globe. In Africa these abuses seem to have been more severe. In South Africa, the dangerous temptation of wresting control from the oppressive apartheid regime, and placing these oppressors under the same inhumane subjugation endured by Black South Africans for so many years, is an option that could be very attractive to some, and indeed there is the danger that it is an option the ANC/SACP alliance will find difficult to resist.

For South Africa this would mean both political and economic suicide. A new South African government moulded in the same dictatorial form as the old, would not auger well for the liberation of the South African people. It would delay the final liberation of the people.

My country has a vast population of underfed, under-educated and desperately poor people. A highly centralised political system will worsen the plight of these people, because it will widen the divide between the rulers and the ruled. It will make access to an accountable government that much more remote, isolating the people from the decision-making structures where policies are formulated which affect the day-to-day running of their lives.



Mr Chancellor, this is the battle that is being waged at the constitutional negotiating table in South Africa right now - the battle to establish a federal system of government against the opposition to it by the ANC/SACP alliance. Their fight is not for democracy, but for power.

The ANC-in-exile championed the revolutionary ideals of communist Russia. They promoted the disruptive policies of ungovernability and people's power in the Black townships. They urged young children to boycott and burn down their schools, using these innocent victims as recruits for their revolutionary army to topple the South African Government. In return for transforming South Africa into a state of anarchy and violent disarray, the people were promised a grand share of South Africa's wealth after the National Party takeover.

At the ANC's final annual conference in exile, at a time when their unbanning was a well-known inevitability, plans for their return were outlined. In the Harare Declaration the ANC stated its clear intentions to take full control over the future government. This document outlined the route to be followed, starting with the election of an ANC-dominated Constituent Assembly, empowering the ANC to draft the future South African constitution - alone! The ANC was to be elected into power in a central unitary state, to govern by 'the will of the people'.

We are all reasonable enough to realise that much of what was uttered by this revolutionary movement was radical rhetoric with no material substance. But one thing is certain - the ANC is still adamant in its demands for central state control, with no intentions of diminishing the power at the top. They want as much power as they can get when they take over the reins of state control from the ruling National Party - and once they have got it, they will not want to lose it. Their quest is all about the quest for absolute power and control, and they seem bent on gambling with the future of this country in their fight for these rewards.

What we are witnessing in South Africa today is a political process that has been manipulated by the South African Government and the ANC from the outset. The ANC is acting and speaking as a 'government-in-waiting' and the National Party Government is doing everything in its power to ensure that it will not lose its control during the period of transition. These could be dangerous developments given that there are many other interest groups that neither the government nor the ANC represent. The attempt by the ANC and the South African Government to dominate negotiating proceedings and their outcome, has only increased the tensions that exist.

The National Party is looking at its political survival under a possible ANC/SACP majority through the establishment of a short-lived Government of National Unity, constitutionally mandated by power-sharing provisions. We know that this type of arrangement will be ineffective and will be overtaken by constitutional developments following the first election. The National Party has been warned that it must be aware of the risks it is taking, and the dangers it is exposing the South African public to in seeking power advantages as a co-traveller with the ANC in its search for political power. But true to its form, the South African Government's desperation to hold on to the last vestiges of control for the period of transition has remained its overriding concern.



At the national Negotiating Forum an agreement has been bulldozed through for acceptance by the joint forces of the ANC and the South African Government, despite strong objections by the IFP and various other organisations and TBVC governments, that an election will take place on 27 April next year for the establishment of a Constituent Assembly type government. This is to be followed by a lengthy period of transition, jointly controlled by the ANC and the South African Government, whereafter a new central ANC-dominated government will be elected into place. This process of allowing the ANC to go too far in reaching their objectives as outlined in the ANC's Harare Declaration can only have disastrous results.

At the negotiating table the election date was pushed through all opposition, and instructions were then given to the Technical Committee on Constitutional Matters to draft an interim constitution empowering this two phase transition process.

The IFP opposed both the setting of an election date before there was a new and complete constitution, and it opposed instructions to the Technical Committee on Constitutional Matters telling it to draft a constitution for an interim period. We are not prepared to set an election date before we even have a constitution, and we reject the notion of having an election to decide which political party will write the constitution.

We argue that constitutions in a democracy should be aimed at limiting the powers of the state and maximising the liberties of the people. No government we say, can be expected to write a constitution which limits its own powers. The danger of it doing so is of course magnified when there is the chance of an erstwhile revolutionary party competing in elections as a democratic party. Revolutionary parties are not in the habit of writing constitutions which give their opponents any real prospects of coming to power.

These arguments in principle against what would happen if we elected a Constituent Assembly-type government to become the Constitution Making Body of the country, really were justified by the later turns the negotiation process took. The draft constitution now before the Negotiating Council contain clauses in sections dealing with deadlock-breaking mechanisms which make absolute nonsense of all the effort that has been put into the negotiating process now.

The deadlock breaking mechanisms contain the following steps:

- the Constitution Making Body prepares a draft constitution;
- if it can not find 66% or more majority support in the Houses of Parliament and the Senate together, the draft constitution is sent to a specialist panel of constitutional experts who are expected to make amendments to it while keeping within the agreed to constitutional principles to gain increased majority support;
- if there is still not a 66% or more majority support for the constitution the President shall then refer it to the Constitutional Court, which has to certify that it is in compliance with the constitutional principles;
- if such certification is received, it is then referred to a referendum;



- if the referendum can not achieve a 60% or more majority support, then the ruling party must call for a second general election;
- the government that is then empowered by that election can adopt any constitution it chooses to write with a simple majority.

This whole process could be gone through in a matter of four to five months. We reject this entirely. As far as we are concerned the next constitution must be a complete constitution, and any amendments to it must be made by the normal and special majorities laid down in the procedures for amending the constitution by the clauses of the constitution itself.

More significantly, the draft constitution eliminates the possibility of establishing federalism in South Africa. Federalism will not emerge once the first constitution establishes a unitarian government. Unless residual powers rest in the states of a federation, and unless it is the states in the federation which decide which powers should be delegated to the central government, there will be no federalism. In the draft constitution proposals are that constitutions for the states of the future regional dispensation should be completed after the election and should be drawn up to the satisfaction of the centralised Constitution Making Body.

The decision related to the actual vesting of powers, including the extent of the powers and whether or not they will be exclusive or concurrent powers, is left to the full discretion of the Constituent Assembly. And if this body is dominated by the ANC, federalism would be a lost cause.

Throughout negotiations the IFP's demands for constitutional safeguards, and for the determination of the form of state as a primary substantive issue to be agreed upon before elections, have been blatantly ignored. Throughout negotiations the IFP's demands for the serious consideration by the Negotiating Council of a more democratic, federal system of government have been ignored.

The South African Government/National Party and ANC/SACP alliance, rode rough shod over all opposition in the Negotiating Council by abusing the standing procedures laid down before the commencement of negotiations. The presiding ANC-aligned Chairman declared 'sufficient consensus' and in doing so did not reflect the original understanding agreed upon in setting up the current round of negotiations. The Chairman blatantly misused the agreed-to deadlock breaking mechanisms to such a degree that he in effect reduced the Negotiating Council to be no more than a rubber-stamp endorsing the decisions taken by the ANC/SACP alliance and the South African Government/National Party. On the important question of the election date, eight parties were against the date, three abstained and 15 supported it. The KwaZulu Government therefore decided to take this issue of 'sufficient consensus' to the Supreme Court.

Concern has been raised regarding the IFP's withdrawal from the Negotiating Forum, but my organisation could not remain party to a process in which it was precluded from playing any meaningful role in arriving at decisions about the future of the country. The IFP had



no option but to walk out of the negotiating process as the only option available to it after it failed to bring about changes to the decision making process from within.

The IFP is a major national political organisation in South Africa, and has national membership from people of all races, cultural and language groups. The IFP's pragmatic policies which promote free enterprise democracy, together with our unswerving commitment to a future constitutional dispensation which guarantees the protection of South Africa's social, economic and political plurality, is attracting supporters in large numbers and from every race group in the country.

The ANC and the South African Government are intent on an outcome that serves their de facto alliance. They fail to address the legitimate concerns of other parties, especially those of the IFP. The constitution that emerges following the empowerment of a Constituent Assembly in farcical elections, will carry no weight whatsoever. It will not have the political muscle to bind the parties that were excluded from negotiations to the constitution which is finally adopted.

Of all the parties in South Africa the IFP is the most keen to participate in an election. We have the most to gain by demonstrating our power base at the national level. We reject a two-phase process which will delay the final liberation of the people for two years or more while the interim procedure runs its course.

The IFP proposes that we proceed as follows:

- A Multi-Party Negotiating Forum decides upon the form of state of a future South Africa;
- it agrees to a set of constitutional principles;
- the Forum appoints a Constitution Making Body (CMB) made up of constitutional lawyers and wise men and women;
- the CMB receives the constitution and if it is agreed to by a pre-arranged special majority,
- the constitution is referred to the electorate by way of a referendum and if it is agreed to again by an agreed to special majority,
- the draft constitution becomes the final constitution and an election is held under it.

These procedures are sound, they are democratic and they could lead to the final constitution being adopted in time to have an election at the end of September 1994. South Africa can not be expected to move faster than that, and it is at this maximum speed that the IFP would like to move into a new democratic dispensation.

There is a desperate need in our country for the inculcation of a national culture of tolerance and democracy building. The proclamation of the principles of federalism with its unique virtue of dispensing power from the centre, its built-in checks and balances, its emphasis on



human rights, a sovereign constitution and supreme constitutional court, has a vital role to play in meeting this need.

One of the greatest threats to a free and democratic election is the violence, which has reached very high levels. Thousands of our people have been killed in this violence. Almost 300 leaders of my party, the IFP, have been killed in this violence.

In spite of all efforts to diffuse the violence, violence goes on in the country unabating. It is difficult to imagine how a fair and free election can be conducted in the midst of so much carnage.

It was the ANC/SACP alliance which destroyed CODESA last year by walking out of it. They did so because they could not get their way. They then sent demands to President de Klerk and unleashed what they call "mass action". This involves intimidating the communities in such a way that there are stay-aways, destruction of property and looting of shops, and the killing and intimidation of those who do not comply. Thousands of rands were lost and more than 30 people were killed and scores injured.

This was followed by a reduction of the ANC/SACP/COSATU demands to four. Then on the 26th of September last year, President de Klerk and the President of the ANC, Mr Mandela, signed what they called a "Record of Understanding". This is when the present collusion began between President de Klerk and the South African Government on the one hand, and Mr Mandela and the ANC/SACP alliance on the other hand. It was this collusion that prompted me to consult with other leaders who were concerned about it. We then formed the Concerned South African Group (COSAG).

I would like to conclude by expressing my hope that the Federal Republic of Germany will support the IFP in its rallying cry for a democratic federal system of government in the new South Africa. If our demands are not heard now, before the finalisation of the constitutional dispensation, the South African people will never be able to look forward to a true democracy.

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