

MEMORANDUM FOR PRESENTATION TO:

**DR ANDREAS SCHOCKENHOFF, MP (CDU/CSU)
HANS-GUNTHER TOETEMEYER, MP (SPD)**

**HEAD OF DELEGATION
DEPUTY HEAD OF
DELEGATION**

**HANS-JOACHIM FUCHTEL, MP (CDU)
CHRISTEL HANEWINCKEL, MP (SPD)
ULRICH IRMER, MP (FDP)
ERWIN MARSCHEWSKI MP (CDU)
ULRICH STOCKAMP**

**SECRETARY OF
DELEGATION
INTERPRETER**

**ULRIKE HOFFMANN
AMBASSADOR HANS-CHRISTIAN UEBERCSCHAER
MICHAEL SCHMUNK**

**COUNSELLOR OF THE
GERMAN EMBASSY**

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

ULUNDI : JULY 15, 1993

His Excellency the Ambassador Mr Hans-Christian Ueberschaer, members of the delegation, ladies and gentlemen, it gives me great pleasure to welcome you to Ulundi. To the members of the visiting delegation, I would like to say that your visit to our country could not come at a more opportune time, for at this very moment in time we are in the midst of negotiating a political settlement for our country which would guarantee the peace, prosperity and justice which you have come to expect in your homeland.

While the world might point to Germany as the paragon of democracy and prosperity, this was not the case in 1945. Germany after the second World

War was a country in ruins, a country whose people were demoralised and its power to determine its own future stripped away from it. Yet with common purpose, hard work and the will to succeed, you have built up your country to where it is today.

At the present moment we too are embarking upon our own quest for democracy and prosperity after having ridden ourselves of apartheid. However, our fight to rid our country of this evil system has been costly. Today we find nearly half of our population without formal employment, just under half are illiterate and about half of our Black urban population are living in shacks in

informal settlements. If we are to improve the lot of the Black man after majority rule is finally achieved, then we will need economic growth and wealth creation. Economic growth however demands the prerequisites of stability and conditions propitious for investment. For this we will need to agree to a constitutional dispensation which accommodates the fundamental needs of our plural society.

When the German Federal Republic framed its Basic Law in 1949, it chose a federal structure partly in homage to Germany's federal roots. However, of

more importance in shaping your constitution was the reminder of the past abuses of power by central government.

We in South Africa do not have a tradition of federal roots to draw from. Our history is one of an authoritarian central government accumulating power for itself and deciding for South Africans what is good for them. Yet, like you, we also have etched in our minds the abuse of power which went along with a strong central government. But unlike you we cannot forget. The poverty which is to be found in KwaZulu is for us a living reminder of the abuse we have suffered at the hands of Pretoria. Our poverty is for us a constant

reminder of what happens when you allow central government to determine your development needs.

If we are to build our country into one of the success stories of Africa then, like Germany, we too need to embark upon our own quest for democracy and prosperity. Today South Africa's negotiators, including the Inkatha Freedom Party, are locked in negotiations aimed at achieving just that. At the heart of our approach is the need to transform our country from one based on minority rule, domination and discrimination to one based on democracy and a respect for human rights.

Like Germany's efforts to build itself up again after the war, the process of rebuilding our economy will be long and hard. It will demand sacrifices from all our country's people and a commitment to work together to rid ourselves of the divisions of the past.

However, as was the case in your country, we will not succeed in building a better future for our people if we impose centralised rule on our society. If we are to accommodate the needs and aspirations of our diverse society, our constitution too must have as its basis the recognition of pluralism. It must

recognise political pluralism through the establishment of a federal political system.

But these fundamental issues of federalism and pluralism have yet to be agreed upon at multi-party talks taking place at the World Trade Centre. In fact, signs are that the issue of federalism will bring about a deadlock in negotiations. Yet far from going away, the question of federalism will remain. It will continue to hang like the sword of Damocles over the negotiation process, and over our efforts to bring peace and prosperity in our country.

Indeed, we in the IFP will not allow the issue of federalism to be shelved or ignored. We demand that it be placed at the top of the agenda. This insistence on federalism is not one of sheer fancy. Rather it is our belief that it is only through a federal system of government that democracy can be ensured in our country. By clearly embracing pluralism, federalism is a system of government, far more than any other, which will allow democratic decision-making in our pluralistic and divided society.

But when I refer to pluralism I do not merely refer to political pluralism but also to social and cultural pluralism which is manifested through a limited role of government and the promotion of civil society. And, if we are to underpin our political transformation with economic prosperity, then it is economic pluralism which must be ensured through the guarantee of a free market economy, the protection of private enterprise and property and an extensive programme of privatisation.

Yet the advantages of economic pluralism and federalism do not end there. In line with the experience of other countries, it is our firm belief that it is only

through federalism that we can adequately address the differing developmental needs of our different regions. The needs of KwaZulu/Natal are very different from those of other regions in our country. Policies aimed at the development of these respective regions will therefore need to differ accordingly.

But it is in terms of accommodating the demands for self-rule amongst South Africa's minorities in a manner which is consistent with majority rule, that federalism gains significance. It is within the parameters of federalism that the internationally recognised right of self-determination can be accommodated in

a way which is consistent with majority rule and the broader interests of society.

While we have championed the cause of liberal democracy, at the same time we have consistently rejected and fought the authoritarian and centralistic tendencies which are inherent in our country. Unfortunately, the world-wide rejection of centralised interventionist government has yet to gain a degree of acceptance in our country. Indeed, while the National Party might have renounced their belief in a strong central government, we still find these

tendencies expressed in the constitutional proposals of the African National Congress and its allies the South African Communist Party.

The preoccupation by the ANC with a winner-takes-all approach to negotiations has led to us walk out of negotiations. Just two weeks ago the IFP walked out of negotiations taking place at the World Trade Centre. Our action was to express our outrage at the insistence on the ANC and their new-found allies, the South African Government, on setting an election date before we have even decided on what form of state South Africa will take. The ANC got its way and an election date was set.

Yet with the ludicrous insistence on setting an election date before we even know what that election is for, we in South Africa have adopted an approach without precedence. Nowhere in the civilised world has such an approach been taken. Indeed, nowhere would such an irresponsible approach to constitution-making be tolerated. Yet in South Africa, at the insistence of the ANC, we now have an election date without agreement on many issues which has - and will continue to bedevil the negotiations process.

For our troubles of highlighting this absurdity, the IFP was castigated by the ANC-leaning press. Almost without exception we were criticised and labelled

as objectionist, spoilers and afraid of democracy. But instead of being afraid of democracy, it is our firm belief that it was democracy itself which was the victim of this hasty decision.

Even though we believe we were justified in walking out of negotiations, our decision was not hastily considered. It was only after our appeals against the undemocratic setting of the date were not heard that we made our move. The decision to set an election date was taken in accordance with the nebulous concept of sufficient consensus - a concept which has yet to be adequately

defined and which, at the time of the vote, had been sent back to a technical committee for clarification.

This undemocratic decision to set an election date must not be seen in isolation though. Rather it should be seen as further proof of the collusion between the National Party and the ANC which is aimed at securing a transformation process which suits their party political interests at the expense of South Africa as a whole.

The ANC, along with the National Party, today insists that our transition to democracy take a two-stage process. This process has as its basic elements the setting of an election date, the establishment of Transitional Executive Councils and an agreement on the notion of an interim constitution which would act as an enabling vehicle to empower a Constituent Assembly after elections.

In terms of their proposals these two parties are prepared to go to elections before a final, complete and fully-fledged constitution for South Africa is drafted. After elections for a Constituent Assembly these two parties would share power for five years. The final constitution of South Africa would then

be drafted only after elections and the empowerment of a power-sharing cabinet.

This approach would however create a second stage of transition. The drafting of South Africa's final constitution would be left to a Constitution-Making Body which would begin its work in June 1994. Again without precedence, there would be no deadline to complete it. What this of course means is that constitutional negotiations could drag on - or be dragged on - for years. What this will do to our volatile and violent society, we can only speculate. Certainly

the violence which is endemic in our country will worsen as the increased uncertainty will destroy any prospect we have of economic recovery.

However, violence would not merely arise from economic hardship, it would arise from the heightened potential for political conflict from those who are party to the power-sharing agreement. Both the ANC and the National Party are monolithic organisations which share a deep distrust and hatred for each other. This can be expected to cause tensions and a breakdown in rule. If this holds true then we can expect a delayed transition to democracy and economic prosperity.

We in the IFP therefore reject this two-stage transition process. It is our firm belief that South Africa's complete constitution must be written now. We feel that there is no reason why a final constitution cannot be written by acceptable constitutional experts, endorsed by an all-inclusive Multi-Party Negotiating Forum and accepted by the people through referendum, by the constitutional deadline of September 1994 - without resorting to any type of transitional arrangements.

On a more fundamental level, we believe that the ANC/SACP alliance and the ruling National Party have agreed to a transformation process which would

prevent the establishment of federalism and pluralism in our country. We see the ANC's call for an elected Constituent Assembly as entrenching centralised power in South Africa's first full non-discriminatory constitution. We believe that any election process controlled at central level for a national constitution-making body is, by its very nature unitary. For us, therefore, a Constituent Assembly totally excludes the option of a federal dispensation for South Africa, because there is no case on record where a sovereign parliament elected on a unitary basis produced a genuine federation. Quite the opposite, such a body has always claimed for itself sufficient powers which would enable it to overrule the rights of regional or state legislatures.

Of concern to us is that with the ANC proposals our hard work of ensuring federalism in our country will be lost. In 1980 I commissioned the Buthelezi Commission to look into the possibility of setting up a federal dispensation in South Africa. This work was carried through to the KwaZulu Natal Indaba. Last year we formally adopted the Constitution of the State of KwaZulu/Natal. This Constitution was an exercise in bottom-up democracy building aimed at providing an input into negotiations taking place at central level. We aim to defend this constitution. We will do this to ensure that at least in one region of South Africa, the torch of freedom, democracy and pluralism cannot be extinguished.

If we are to accept the ANC's proposals all that we will end up with is a glorified provincial set-up - the kind of set-up which has led to central government domination since the agreement on the Union of South Africa in 1910.

But If we look at the German Constitution we find that your present dispensation is in direct opposition to the ANC proposals. Your constitution includes a system of state parliaments with considerable powers vested in those parliaments. Of fundamental importance is that the powers of the states may not be reduced or taken away from the states. The powers of your Lander

cover the important policy areas of education at all levels and law and order. In addition to this, other powers include roads, housing, planning, tourism, cultural affairs and the setting of environmental standards over and above existing federal or European Community levels.

Thus it is the IFP's belief that it is only through a substantial and irrevocable devolution of power that we can achieve the success which you obviously have. Incredibly, the ANC would like to emulate your success without making compromises on the power which they are prepared to devolve to the regions. The ANC cannot have its cake and eat it. If it is genuine about democracy and

giving force to the self-determination aspirations of South Africa's plural society, then it will need to compromise its present stand. It will need to accept the fundamental tenets of federalism as embodied in the IFP's constitutional proposals.

It would indeed be no exaggeration to say that the next few weeks are the most crucial in South Africa's history. It is during this time that South Africa will decide whether we are to rejoin the community of civilised nations or plunge ourselves into civil war and chaos. At the crux of the matter is whether we can reach agreement on a federal dispensation for our country or not. While we

have many a learned man forging out our future at multi-party talks, we will do well to take a leaf out of Germany's book and accept the basic principle on which your constitution is premised - and that is the need to bring government as close to the people as is possible. If we follow this through, then there can be no question that we will achieve the peace and prosperity we have fought so long and hard for.

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