

EMBARGOED UNTIL DELIVERED

PLENARY SESSION OF THE CONCERNED SOUTH AFRICAN GROUP

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

PRETORIA, DECEMBER 7, 1992

Gentlemen, we convene here today to face a situation which is worse than the one we faced when we recently formed the Concerned South African Group. The Government has given full implementation to the Record of Understanding with the ANC/SACP alliance, committing itself to a process which will culminate in a general election for a Constituent Assembly. In addition, the Government and the ANC alliance after three days of secretive talks have announced that they have reached a full range of agreements which are now ready to be "endorsed" by other parties in multilateral negotiations.

This process does not even have any more the decency of euphemisms. We heard the other day from the voice of Mr Cyril Ramaphosa that the agreement reached with the Government is now open for endorsement "of the other political parties of South Africa." In the great scheme of the Government-ANC/SACP alliance, our role seems to be relegated to the function of rubber-stamping their - agreement on the process of transformation of our society so as to provide legitimization to their secretive dealings.

However, I told the State President - and I am glad to repeat to you - that no one shall claim the exclusive right to decide the direction and components of the process of transformation of our society, for this process originates from, and must respond to, the demands of the people whom we represent. At this point nobody can claim the right to unilaterally determine what contributes and what does not contribute to the process of transformation of our society.

In the last six months, the transformation process has witnessed a total stall in multi-party negotiations, while a progressively strong line of bilateral negotiations developed. These bilateral negotiations can be traced to as early as last May when the ANC and the Government began to conspire in various matters related to CODESA to the exclusion of all other parties. Therefore, . during the last six months, the process of transformation did not stop but it broke apart into various components which now need to be brought together again. ;

It all started when the ANC/SACP alliance forced the State President to go back on his promise to me to allow the King of the Zulus and the KwaZulu government to participate at CODESA, to represent the Zulu nation. The hard fact of history is that the

Zulu nation was not represented at CODESA, while the Xhosas were represented by the Transkei and the Ciskei, the Vendas by the Venda government and the Tswanas by the Bophuthatswana government. The only political and institutional representatives of the Zulu nation were intentionally excluded, for the IFP is a truly multi-racial political organisation which does not represent the Zulu nation as such.

Then when the ANC decided to walk away from CODESA because it could not get its way through negotiations in spite of the numerous concessions which both the IFP and the Government were ready to make and had already made, I was expecting President de Klerk to take a firm position condemning such irresponsible behaviour. Once again, the pressure of political convenience led the Government into supporting the astonishing propagandistic campaign developed by the ANC which blamed us, the IFP, for the failure of CODESA II.

As the ANC developed threatening mass action of a clear revolutionary nature with the stated purpose of undermining our social stability and order, we witnessed the total collapse of the Government into the hands of the ANC's grand plan to seize power. Our numerous calls to force the dismantling of Umkhonto weSizwe were ignored. While the ANC was waging war in a planned strategy of mass assassinations which led to the murdering of 258 leaders of Inkatha Freedom Party, the Government witnessed with complicity the massive build-up of hidden ANC arsenals throughout the country. Today the ANC has a powerful private army which can afford the luxury of sending 1 000 cadres for special military training in Uganda.

According to a report in Saturday's Citizen:

"The government is aware of the departure of more than 4 600 members of the ANC for military training abroad since the unbanning of the organisation in 1990.

According to the information of the South African Police, about 3 300 members of the military wing, Umkhonto weSizwe (MK) left South Africa illegally in 1990 and 1991 for training abroad. However, the modus operandi changed this year and recruits were sent out of the country with legal passports on the basis that they were to receive education abroad. Only a small number of about 30 left illegally as opposed to about 1 300 who have left legally.

The more recent batch of about 850 left Jan Smuts Airport on several SAFAIR charter flights at the end of October and early in November.

Brought in from all over the country, the recruits were assembled at a holiday resort in KwaNdebele from where they were taken to the airport as flights became available.

A number of children of school going age are among those who were taken out, but according to police information there have been a number of MK members who had previously received

military training in Angola and elsewhere. These were people who returned to South Africa under the auspices of the United Nations repatriation programme and who again left South Africa for further training. So far this year, about 5 300 MK members have been repatriated through regular flights to Jan Smuts Airport.

The Police have no detailed information on the type of training the recruits are receiving, but because of the fact that MK members who had already undergone extensive military training previously are among those who have left, it is believed that the training is specialised.

Apart from Uganda, others are being trained in other countries, including Tanzania, Egypt and India.

According to the Police, those going to India are receiving training for an officers' corps.

Apart from those being trained in these countries, it was also well known that short training courses for members of the ANC's self-defence units - which last about three weeks - are being undertaken in the Transkei. These courses are not sophisticated and involve basic training in the handling of weapons, according to the Police."

I have analysed in depth the political philosophy of the ANC. It is - a very common philosophy among insurgent movements and inevitably leads to the creation of people's republics. The ANC has publicly taken the position that the new state of South Africa should recognise only individuals and not the cultural and social formations the individual belongs to or identifies with. The national state, according to the ANC, shall ignore ethnicity and what are known as "intermediary" formations. The ANC's State will be charged with providing for the needs of the people as the State will perceive them.

This type of constitutional thinking was abandoned in Europe right after World War II, and the democratic constitutions of Europe began to recognise the rights of the people both as individuals and as members of the social and cultural formation to which they belong. The international law system has developed very clear mandates to protect cultural diversity and empower ethnic minorities with special rights and protection in their personal matters.

When the Record of Understanding was published, I immediately compared it to the von Ribbentrop/Molotov agreement by virtue of which Hitler's Germany and Stalin's Soviet Union secretly agreed to split Poland. I submit to you that I am sure that history will reveal that the agreement between the ANC and the Government is much, much broader than what was publicised in the Record of Understanding and is an agreement to partition and feast on South Africa at the expenses of the Zulus and all other groups. Six million Poles were massacred 'in implementation of the von Ribbentrop/Molotov agreement, after which Hitler breached the agreement and continued its march all the way to Moscow and Stalingrad.

If Mr de Klerk believes that he has an unbreakable agreement which he can rely on, and which will save the interest of the people he thinks he is representing, then Mr de Klerk believes also in fairy tales and green little men coming out of cabbages!

The election of a Constituent Assembly will give an absolute and unconditional green light to the implementation of the ANC/SACP alliance grand plan. The Constituent Assembly will be elected in a climate of escalating violence and intimidation and once established and empowered by universal and popular suffrage, the Constituent Assembly will do what is natural for any of these elective bodies to do. It will claim no restriction and no mandates and will vest unto itself the greatest amount of powers possible. The claim for powers is going to be twofold. It will claim powers for itself and for its creations. It will organise in the State that it will create the greatest amount of powers possible.

Only the existence of already established member states, vested with already established powers, can prevent the Constituent Assembly from creating a central government empowered with all the fundamental powers of government. In this regard I would like to quote a famous remark from the father of Italian constitutionalism, Prime Minister VE Orlando, who noted: has anybody ever reported having seen a dog wearing a muzzle of his own accord?

This result is a necessary consequence of the type of election that the ANC/SACP alliance have envisioned for the Constituent Assembly. I have pointed out on many occasions that it is not possible to draft an electoral law to elect a Constituent Assembly before having resolved the issue of what form a State should take. If we want to have a federal system, the Constituent Assembly, like the Philadelphia constitutional convention which drafted the United States constitution, must primarily represent the states. Electing a Constituent Assembly before having decided on the form of government, is like putting the cart before the horse. A Constituent Assembly elected on the basis of an electoral law inspired by a nation-wide proportional system, can not produce a federal system.

With the signature of the Record of Understanding the Government agreed to a Constituent Assembly and smashed any foundation for the unity of the process of transforming our society, which, as I have said, broke down in various segments.

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At this point we need to acknowledge that the process of transforming our society has broken down in many separate segments of action and initiatives. We need to capitalise on such initiatives to begin building democracy through the creation of institutions which immediately reflect the will of the people at the local level. This is the only way to assert reason and to resist the intimidation and violence of the ANC/SACP alliance. I am warning you not to fall into the trap of their political

promises. Once a Constituent Assembly is empowered and provided with the strength of popular suffrage, it will recognise no limitation and feel bound by no political promises. The resulting constitution will transform South Africa into a society where it will be very hard for Zulus, or any other cultural groups for that matter, to live and prosper. I have never spoken the seductive language of political promises but only the language of actions and commitments. Now you have my commitment in writing, engraved in 113 Articles.

Only through a bottom-up construction of democracy will we be able to ensure federalism, limit the role of government, protect cultural diversity and all human rights, and ensure that social justice will be achieved without the collapse of the economic system. Building democracy from the bottom up is the only way to go, and we need more hard facts of history to throw into the equation which underlies the process of transformation of our society.

While this process of bottom-up institution building takes place, multi-party negotiations must resume, and must resume immediately. Their primary goal at this time should be to identify a constitution-drafting process which ensures, within a pre-agreed time frame, that a national constitution be produced through negotiation. This negotiation should not allow anyone to walk out, as the ANC did from CODESA.. Through this process, and not through a Constituent Assembly, the national constitution should be drafted. This process can not be bound in any way, shape or form to the agreement on a Constituent Assembly reached in the Record of Understanding.

As early as last September, I suggested that a new constitution should be negotiated and drafted with the same techniques used for the drafting of the Bretton Woods Agreement which set in place the international monetary system. The Bretton Woods Agreement was an agreement that no politician would have had the political strength to put together, as it required major limitations of national sovereignty in areas which were perceived to be of very sensitive importance by all the countries involved.

For this reason a group of technocrats were sent to study the matter in a secluded resort at Bretton Woods. These technocrats came back with a fully drafted agreement, on which they had reached full consensus. They submitted this agreement for the approval of the politicians. Once the agreement was on the table, no politician was willing to pay the high political cost associated with the rejection of the agreement, and the agreement was approved and ratified.

South Africa today is in a similar situation. Nobody seems to have the political courage to put on the table a proposal to solve South Africa's problems. At CODESA it was impossible to undertake any serious constitutional negotiations, as all the parties involved were more concerned to make statements for the ever-present media of mass communication than to discuss substance. I strongly

believe that if a proposal were to be put on the table by a credible group of experts, appointed by each of the political parties, and specially mandated to come up with a proposal, it would be very hard for all parties involved to reject it.

As far as I am concerned, this technique should be used to draft the entire Constitution of South Africa. Through the process of drafting the Constitution for the State of KwaZulu/Natal, I have realised that the drafting of the Constitution is like putting together an ancient clock, in which all the gears must fit in perfect harmony so as to ensure the proper functioning of the

machine. I do not think that the simple formulation of principles to be handed down to a second constitution drafting body would be sufficient. I fear that the exercise of identifying and drafting

the principles would not have much meaning.

In fact, any principle can be implemented in a thousand different ways. The resulting system may work in one or in another direction, depending on the type of coordination of each principle with the others, and on the fashion in which the other principles have been implemented. To give you an example, all that it would take to irreparably alter the system of checks and balances set for in the Constitution of the State of KwaZulu/Natal would be to change the provisions regulating access to the Constitutional Court, or those provisions identifying criteria to draw constituencies, or any other marginal provision related to the protection of minorities or to the limits of government powers.

However, if it is deemed necessary that the enunciation of principles precede the actual drafting of the Constitution, the principles as produced by the technocrats and approved by the politicians, could be submitted to a referendum for approval by all South Africans. Such principles could then be given to another technical body, a constitution drafting committee, which would implement them into a fully fledged national constitution to be submitted for the direct approval of the electorate in a referendum.

This Constitution Drafting Committee would have a special commission, not involved in actual drafting activities, which would ensure that all the provisions in the new constitution are consistent with the principles previously approved by the electorate. The IFP made this proposal at Codesa II.

I think we need to begin thinking about producing our own timetable to complete the process of transforming our society. I believe that the drafting of a national constitution should be completed by the end of 1993 or early 1994 to be able to call a general election by the middle of 1994. This means that it would be advisable that as many state constitutions as possible are approved or are in the process of ratification by the end of June 1993. b

There is a lot of work to do and most of this work must be done on the ground. Public relations and political action at local level will become very important to build the necessary consensus and explain to the people that their support is necessary. Too many people in South Africa see the approaching hurricane and just hope that it will leave them untouched. It is time to tell them that hurricanes are blind and that they better seek a strong shelter. This shelter can be found only in a strong system of checks and balances based on federalism, and they must support the erection of regions into states so as to participate through the states to the process of democracy building at central level.

As you are aware, I have been championing the cause of federalism since 1972, and thanks to the works of the Buthelezi Commission and the KwaZulu/Natal Indaba, the cause of federalism has been fully understood and shared throughout the region of KwaZulu and Natal.

On December 1, 1992, the KwaZulu Legislative Assembly approved the Constitution of the State of KwaZulu/Natal as a member state of the Federal Republic of South Africa. This action did not come as a bolt from the blue, as the ANC put it. It was the culmination of a long process which started with our work in the Buthelezi Commission and flourished through the KwaZulu/Natal Indaba, and the good work performed by the Joint Executive Authority in administering - the commonality of interests and aspirations of our newly created States.

It is not our intention to impose our Constitution on anybody else. For this reason we have worked through a long process of consultations and approvals, aimed at building support for our Constitution from all the social, economic and cultural formations which share an interest in the territory of the State of KwaZulu/Natal.

Even if it comes from the Zulu nation, the Constitution of the State of KwaZulu/Natal is not a Zulu Constitution for the Zulus. It has been drafted, under my personal direction, after a long process of negotiation and consultations, which dates back to the days of the KwaZulu/Natal Indaba. The Constitution capitalises on all the knowledge that I have acquired regarding the needs, wants and aspirations of all the people of KwaZulu and Natal.

The Constitution truly aims at meeting the demands of the people of the newly created State, guaranteeing their rights and fulfilling their aspirations. I am submitting it for endorsement to all the people in KwaZulu/Natal as it was approved by the -KwaZulu Legislative Assembly, because I strongly feel that the document accurately reflects the long process of negotiation among all of us in Natal and in KwaZulu.

Once approved by popular referendum, the Constitution of the State of KwaZulu/Natal will become law, and general elections will be called to fill the elected positions provided for in the Constitution. This will begin actual democracy building in our

State. In its resolution approving the Constitution, the KwaZulu Legislative Assembly indicated its understanding that with its final ratification, the Constitution will become the supreme law of the land and shall stand as such, regardless and in spite of whatever course negotiations at central level happen to take.

In its general characteristics the Constitution of the State of KwaZulu/Natal is an extremely good document which will bring the blessings of freedom, democracy, pluralism and social justice to the land of KwaZulu/Natal, and shall create a system of checks and balances to ensure that these blessings will be protected. As we all know, checks and balances are not only horizontal, in terms of separation of powers through their division in various branches, but are also vertical in terms of distribution of the governmental power among federal, state and regional governments.

The adoption of this Constitution is an enormous step forward in the process of transforming our society. In fact, even in the American experience before the US Constitution was written, fourteen State Constitutions had already been adopted. These State Constitutions provided the background of constitutional thought and the charter of aspirations of the various constituencies which inspired and controlled the drafting of the Federal Constitution of the United States of America. This process produced the most successful Constitution ever written, and definitely the only one which has ever lasted more than two hundred years.

For this reason I was astonished by the reaction of State President FW de Klerk. The message I received was extremely arrogant and condescending in its tone, and betrayed the conviction of a man who thinks he has the exclusive right to determine the process and the pace of the transformation of our society. It also reveals the attitude of somebody who claims to have all the solutions and intends to be the exclusive arbitrator of the process.

The hard fact of the matter is that as of now we do not have a process, but 'many' processes which are interacting together, to bring about the long sought-after transformation. The unity of the process of transformation fell apart with the exclusion of the KwaZulu government and the Zulu nation from CODESA. Even setting aside that very important element, the unity of the negotiating process surely terminated with the irresponsible withdrawal of the ANC from CODESA.

Gentlemen, it seems to me that the general direction of the way forward is clear. We need to begin institutional democracy from the bottom up and we need to create a unified process at the national level which through the participation of all the political parties, organisations and representatives of the people can register and metabolise the various segments which will concur in the overall process of transformation of our society.

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it becomes imperative that we agree here today on a set of constitutional principles which express our vision of pluralism and federalism. That will form the base of our propositive capability both within the process of negotiation at the national llevel, as well as in our action on the ground.

It is time to mobilise our support in a drive for democracy built around the support of clearly wunderstandable constitutional principles. This will force the SAG-ANC-SACP alliance to put on the table their constitutional vision for a future South Africa abandoning the comfortable ground of generalities to begin a discussion on the substance and the details of constitutional issues. This will also allow the creation of sufficient participation within all circles of South Africa around detailed constitutional proposals to justify the fact that the Constituent Assembly might be no longer necessary and appropriate.

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