

EMBARGOED UNTIL DELIVERY

FIRST SPECIAL SESSION OF THE THIRD KWAZULU
LEGISLATIVE ASSEMBLY : 6TH AUGUST 1979

Chief Minister's Explanatory Remarks On The Reasons For The
Calling Of A Special SESSION OF THE KWAZULU ASSEMBLY :

On the 25th of June 1979 the KwaZulu Legislative Assembly
resolved that:

"In the opinion of this Legislative Assembly the
advisability be considered of instituting an
inquiry in terms of Section 11 of Act 8 of 1974,
to investigate the allegations of misconduct made
against His Majesty during the session, which
misconduct inter alia includes participating in
politics, in violation of the oath subscribed to
by His Majesty at the Special Session at Nongoma
on the 19th January, 1976 which reads as follows:

'I Zwelithini Goodwill kaBhekuzulu prese=
ntly the Ngonyama of the Zulus, pledge to
the KwaZulu Legislative Assembly here
present and to the Zulu Nation my solemn
word that I will withhold myself from any
participation in any form of politics.
I pledge further that I will honour in
thought word and deed the letter and the
spirit of the Constitution of the KwaZulu
Government'

The Legislative Assembly further resolved through
the said resolution No. 23, that the Chief Minister
should reduce the remuneration payable to His
Majesty the King until such time as he rejoins and
personally attends the Legislative Assembly;

and that

If His Majesty the King should decide to rejoin and
personally/2

personally attend the Legislative Assembly after the Second Ordinary Session of the Third KwaZulu Legislative Assembly has been prorogued, the Honourable the Chief Minister should convene a Special Session for that purpose in terms of Section 10(4) of Proclamation R70 of 1972".

I insisted to His Majesty through messages I sent through the Hon. Minister of Justice, Mr. Mtetwa, and the Senior Prince of Nxangiphilile that His Majesty should indicate his willingness to rejoin the Assembly in writing. I insisted on a written pledge in the light of His Majesty's promises which he made to His Royal Highness the Senior Prince, who is his senior uncle, the KwaZulu Minister of Justice, the Assistant Chief Whip and other members of the Zulu Royal House, which His Majesty never fulfilled. Being in politics as I am, I could not risk a situation where I call the session and find that His Majesty is not prepared to attend, and yet not be in a position to prove to the Assembly and the KwaZulu people that I had called the session at the King's special instance and request. It was not as if I wanted to humiliate the King in insisting on a written pledge. I can understand him resenting my insisting on a written pledge to attend today's session. But no one who was here during the last session can fail to understand this.

Now that His Majesty is here, my first duty is to explain this whole breakdown of communication between us and the King.

The Zulu people must understand that although we are not really a Parliament, that we here follow parliamentary procedure in which everything is discussed openly, particularly when it comes to financial matters.

The department I hold is the department of the Chief Minister and Finance. Under the department of the Chief Minister, falls all matters pertaining to the Monarchy, the Monarch, Chiefs and Headmen. Any amount spent from KwaZulu coffers has to be accounted to before this Assembly. That is why the first duty we have to carry out each year is the passing of the/3

of the Appropriation Bill under which the Assembly allocates funds to be spent for that particular financial year. Any amounts that are spent beyond those which have been appropriated under the Appropriation Act, are accounted for in the Assembly. Any unauthorised expenditure must be authorised ex post facto and that is why we have to pass an unauthorised expenditure Act or Additional Appropriation Acts.

It is important for me to give that brief outline for people to understand in a context that is clear, what has brought us to our present situation which has necessitated the calling of this session.

In my policy speech, I have to account to this Assembly about all matters affecting the King, Chiefs and KwaZulu in general. In theory I must report to the KwaZulu Assembly about all matters which have taken place since we last met. We are all aware of the position of the King under our Constitution. In February the KwaZulu Cabinet passed a protocol guide as quite a number of problems had arisen in the past concerning the King's movements, and also certain events which have had the effect of tarnishing His Majesty's image.

I presented the protocol first to the KwaZulu Cabinet as this matter falls under my department. The KwaZulu Cabinet passed it. His Majesty was informed about it. We have had various problems concerning the types of invitations that are extended to His Majesty. Our Constitution states clearly in Section 25 of the KwaZulu Legislative Assembly Constitution (Proclamation R70 of 1972) that

"The Paramount Chief

- (a) Shall by virtue of the fact that he personifies the unity of the Zulu Nation, hold himself aloof from party politics and sectionalism.
- (b) Shall retain his traditional powers and functions and shall continue to enjoy the personal status he has hitherto enjoyed and shall, with regard to ceremonial/4

to ceremonial and tribal matters within his tribal area and at ceremonial occasions within the area of the Legislative Assembly take precedence over the Chief Minister and Ministers, except in respect of matters and occasions directly connected with the business of the Legislative Assembly".

The aim of issuing the protocol guide was to avoid situations we have had in the past where certain people invite the King in order to exploit his office either for political or financial ends. All mischief-makers in the past few years have tried to drag His Majesty's name into the mud. When the Shaka's Spear Party, the Inala Party, the Zulu National Party and now ICILONGO Party were launched certain shady characters aided by departments of the Republican Government have on each and every occasion attempted to use His Majesty's name by attempting to build these defunct parties around the person of the King and the Zulu Royal House. I have no intention of going into details as all these matters are too well-known to all of us except ICILONGO which has just been recently launched.

When we issued the protocol for the King's visits certain members of the Zulu public - against us as if we were now placing the King in a strait-jacket. Because we in the Cabinet, want to be democratic, I felt that this matter should be brought to the attention of the KwaZulu Assembly in order that we may be sure whether what we have done meets with the approval of the Zulu people. We have no way of consulting the Zulu people individually. This Assembly is the best forum for doing so, as in this Assembly sits Representatives of the Zulu people. The King is also a member of the Assembly. So that by raising the matter before this Assembly, I was also giving His Majesty a chance to have his say about it, so that if members of the Assembly feel that the protocol guide is unfair, we would have amended it accordingly, or abandoned it.

Furthermore certain protagonists of the line that we as a Cabinet were circumscribing the King's movements through this protocol, are members of this Assembly such as Chief Zwelibanzi Nzuza, for one example. We are open to being told where we have gone wrong in this Cabinet. No one can do it more constructively more than members of this Assembly or the King himself.

I will not go into details of the kind of things that satisfied me that His Majesty was not at all happy with the protocol. An impression was created as if we wanted His Majesty to ask for permission from us even when he goes to the toilet. These were actually some of the things that were articulated on this subject. This explains why I brought in the subject of this protocol at our recent session.

We are concerned about what are our duties in respect to His Majesty's dignity and his security. Anything that endangers either, is something we have to do something about. It was in this spirit that we ceased involving the King in the Ceremonies held for the installation of Chiefs. It is known that this was done because of the involvement of His Majesty in the formation of the Inala Party and in the dispute which arose over tripartite Companies between the KwaZulu Government and Inyanda.

I had further to inform the Representatives of the Zulu people on the disputes that arose on King Cetshwayo's mortal remains and the allegations that were made in that connection. Certain fools have alleged that we were not responsible in bringing up these matters for discussion. The Zulu people have contributed quite substantial amounts in connection with a memorial for King Cetshwayo. There was no intention to belittle the King. The people were also entitled to know that the King's former driver Mzamo Zulu, had at various times and to different people, expressed his intention to assassinate me quite openly.

The KwaZulu Assembly decided to invite Mzamo to a caucus meeting to question him about his expressed intentions to kill me.

It was in the caucus meeting that Mzamo on his own made revelations which astounded everyone who was present that evening about acts of violence, which he brazenly stated he had perpetrated against certain people on the instructions of His Majesty. This particular driver was also in the employ of the KwaZulu Government. That is why this matter had to be discussed by the Assembly.

At the caucus meeting it was further felt that certain utterances of Mr. E.T. Mathe, the King's father-in-law should be discussed. He had made them openly to the Senior Prince and in the presence of other members of the Zulu Royal family. We took a very serious view of Mr. Mathe's utterances since his daughter who is one of the King's Princesses, had also made statements which we felt created ill-feeling between the KwaZulu Government and the King and between Inkatha and His Majesty. As you may recall Mr. Mathe's utterances and strictures were directed at me, and they also involved the Anglo-Zulu War functions. So this was without a doubt a matter which had to be put before this Assembly for their information and reaction if they deemed this necessary. What Mr. Mathe expressed was consonant with complaints by His Majesty that we had not informed him about programmes for the Anglo-Zulu War functions. It was proved before the actual date of these functions that His Majesty's staff had failed or neglected to pass on correspondence from Ulundi giving His Majesty the information he needed. In the KwaZulu Assembly I had confined my remarks to only these issues.

Then on the financial side, I had to inform the KwaZulu Assembly that the King was not happy with the sum of R500-00 which we set aside for his party last year together with three head of cattle on hoofs. This is what the Cabinet set aside. Since it was the KwaZulu Assembly which suggested that the KwaZulu Government must pay for this function, I had to go back to the Assembly and explain that this was the position. Only this Assembly could guide the Cabinet as to the nearest figure they would be prepared to have us add on to the amount we paid last year for the King's function. This necessitated my telling the Assembly about both the assets and/7

assets and the liabilities of His Majesty. In all Countries which operate on this parliamentary system such things are not hush-hushed otherwise they can become a source of scandal. We have just seen the traumatic experience South Africa has gone through because of the Info Scandal recently, the last sounds of which still reverberate throughout the World. To enable members of this House to make up their minds as to what amounts are necessary in order to satisfy His Majesty, I had to give a full report of the King's financial position to the Assembly. I had to reveal a loan of about R27 000-00 we gave to the Usuthu Tribal Authority, when His Majesty could no longer pay the construction company that was building his house at Khethomthandayo. These things were not done in the spirit of scandal or of lowering the King's dignity. If the King had not asked for more money, they would probably never have been laid before the House at all.

It is important for me to give this explanation because, there are many people who have criticised us as if we were just bent on casting aspersions on His Majesty or lowering his dignity or office unnecessarily.

There are many things that have happened which are quite ugly which I have no intention of getting into such as for instance, some members of the Usuthu Tribe who when it was felt that His Majesty needed to appear here in person, as a member of this House, were reported to be organising themselves into an assegai-armed brigade that wanted to come here to attack us. I can only hope that there is no one who is here who has come in that spirit.

I have given such an outline as I intended to give by way of giving the reasons for how we have come to be where we are today. But I feel that I have a duty to members of the KwaZulu Assembly to explain that His Majesty has between the time he agreed to come to this Assembly, and now, sent a certain questionnaire. I quote a letter from the Assistant Secretary of my department in which the King's questions are included:

The Secretary/8

The Secretary

Mr Badenhorst, the Magistrate, Nongoma phoned me yesterday evening.

Discussions took place with HM the King at Nongoma on 10.7.79 at which Princes Israel & Ndesheni were present as well as indunas. The King is prepared to meet the L.A. and attend a session and 6.8.79 is acceptable to him. I told Mr Badenhorst that a written undertaking is required.

The King wishes to know:

1. Who is the senior official who overheard him say that the Zulus should get help from Samora Machel of Mocambique to overthrow the status quo?
2. Who heard him say that they Blacks (Zulus) are wasting time with the whites and that they should rather resort to action?
3. Who heard it said that the Chief Minister will be shot by the King's driver in the King's presence, who reported this and where?
4. Who said that the King asked the Prime Minister for more powers and the full Zulu throne?
5. He would like to have a list of the accusations made against him in the KwaZulu Legislative Assembly session and he wants to prepare his reply.
6. The King is prepared to attend a special session and expects to be accompanied by Prince Ndesheni, Mthenjane, Nelson Shamase and Secretary E.B.K. Sibiya.

11/7/79.

In response to that questionnaire I asked that His Majesty be informed that the following is my response:

1. He is/9

1. He is alleged to have said this to a number of people (not a senior official) that Zulus must get help from President Samora Machel. (The names of these people will not be divulged). This was confirmed when he made a statement to the effect that the Blacks are too soft to the whites, that according to his view they should be having a show-down with whites by now ('Ngabe sekuchitheka gula linamasi' - to use his actual words). He said this to one of the Ministers and he was not alone. That Minister will tell him word for word what he (the King) said.
2. No one suggested that the King was present when Mzamo made the threats to a number of people at different times. The names of these people will not be released but Mzamo's past violent behaviour, of which the King is aware, convinces one that he is well capable of having made those threats. Since the matter was last discussed in the Legislative Assembly, Mzamo Zulu is alleged to have approached someone to help him acquire a gun to shoot me and one of the King's Indunas. Is the King still prepared to keep Mzamo in his employ in spite of all these allegations? The King's Indunas came to confirm this latest development to me on the King's instructions. Those who came were Messrs. Nelson Shamase, Nozishada Shamase, Induna Mthenjane and Induna M.A. Nhleko.
3. It was not stated or suggested that the King asked for more powers from the Prime Minister. He is reported to have made a statement appealing to the Prime Minister to help restore the Zulu Monarchy to what it was before (it is assumed that he meant to what it was before the Zulu conquest). The King's idea that the South African Government can do this instead of the Zulu people themselves through their Government is questioned.
4. A copy of my policy speech was made available to the King and certain actions concerning the King were mentioned therein. He might respond thereto if he so wishes.

The other aspect of this matter, is as I have mentioned above that the Legislative Assembly recommended that an inquiry be made into some of the King's conduct and arrangements are being made to investigate the following aspects with a view to the possibility of formulating specific charges of misconduct and to determine the need for conducting an enquiry:-

1. Mistreatment of members of the Usuthu Tribe who apparently resisted being called up for a regiment on the instructions of the King. Genital pinching alleged.
2. Alleged assault committed by Mzamo Zulu, Jerry Mthenjane and Nkomokayidelwa Nxumalo by dragging Nkambule by a rope behind a Kombi. The King's involvement is alleged or that it happened either on his instructions or with his consent.
3. Assaulting E.G. Mlambo by pinching parts of his anatomy again allegedly on His Majesty's instructions or with His knowledge. This is alleged to be standard punishment meted out on the King's instructions and with his knowledge, according to a statement by Mzamo Zulu.
4. Delivering an address at a Chiefs installation, Empangeni in contravention of a Cabinet ruling not to attend installation without their knowledge and/or approval.
5. It is alleged that His Majesty pointed a firearm at Prince Ndesheni Zulu.
6. Statement made to the Minister of Justice, the Hon. Mr. C.J. Mtetwa, advocating the use of violence to upset the status quo.
7. His Majesty's failure to pay his accounts which is allegedly conduct not proper to a Zulu King.
8. Misconduct in that His Majesty wilfully misled the Legislative Assembly via Prince Israel and other/11

other members of the Royal family and Minister Mtetwa, that he would attend the Legislative Assembly session. This was on more than one occasion.

10. An allegation that His Majesty denied people their right to plough unless they contributed to the building of one of the King's Houses.

I want to make it quite clear that the intention of holding this session is not to substitute it for a proper inquiry into these allegations. When the Legislative Assembly asked His Majesty to join this Assembly it was in order that he should say just simply, what his own views are concerning the matters I raised in my policy speech, and later allegations made by Mzamo Zulu in the caucus, which implicated the King. I think that is all we expect from His Majesty. The King must perfectly understand that he is not on trial here. I report to this Assembly the questionnaire the King sent to me, and my replies because the KwaZulu Assembly members are entitled to know that I have also mentioned matters that might form subject of the enquiry which the Assembly has ordered, not because I expect the King to reply to these here or to defend himself. But if His Majesty chooses to comment on these allegations, which is in his discretion, it might help me to appeal to the Assembly to suspend the holding of such an enquiry sine die, on the basis of an undertaking by His Majesty not to involve himself ever in such conduct. Here I am expressing my personal view. I am not speaking for the KwaZulu Legislative Assembly nor am I speaking for the KwaZulu Government.

But other matters which came up before the Legislative Assembly will certainly need to be commented on by His Majesty, in whatever manner he chooses. Once this is done then the Assembly can be faced with an appeal from me on whether they cannot drop the charges and the holding of an enquiry into alleged misconduct on the basis of a pledge by His Majesty to turn over a new leaf and start afresh again with us as his people, who he as King, must also respect, as much as we respect him.

I think it will depend entirely on His Majesty how this matter will go. I say the things I have said without prejudicing the Cabinet's and the Assembly's case. I am trying to be helpful and constructive that's all. If I were His Majesty I would respond to matters that were raised in the House and others. Then ask for the forgiveness of the House for the snubs to them during the last session and also plead for the dropping of an enquiry on the promise that I am going to start afresh with the Nation, if the Assembly and the government can hear my plea and give me another chance.

If, of course, the King prefers that the misconduct enquiry goes ahead, this will also be perfectly legitimate. This is the King's legal right to ask to defend himself in an open quasi-judicial enquiry as ordered by the Cabinet on the suggestion of this Assembly. I must say this, as I do not wish to create any impression that my suggestions are made in any spirit of trying to dragoon His Majesty into any line of action. His Majesty has these options and I have attempted to articulate what might flow from whichever action he takes.

The normal thing is that if an enquiry is held, the entire emoluments of His Majesty are likely to be suspended until the results of the enquiry are known. This might take a long time, as such enquiries are not rushed and this is done in the interests of the Respondent in such enquiries to enable him to prepare a defence. This will entail hardships for members of the Royal family.

I have carried out the instructions of this House and cut down the King's allowances to R8 000-00. I, however, did not cut out the R2 000-00 non-taxable allowance as this amount falls under different legislation than that which controls the King's salary. As I see it this represents the whole matter about which we are gathered again in this House.
