

"Democracy means freedom to choose"



INKATHA

Inkatha Freedom Party

IQembu leNkatha Yenkululeko

CONFIDENTIAL

CENTRAL COMMITTEE MEETING

PRESIDENTIAL ADDRESS BY MANGOSUTHU BUTHELEZI

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I believe it is necessary to pause at this juncture to consider once again the reason for our demand for the establishment of a Federation of States in South Africa. This exercise of re-focusing our attention is necessary to clarify to ourselves the parameters against which we need to assess the constitutional documentation which has emerged from the World Trade Centre during the past two weeks.

In fact, there is a generalised perception in the media and in some political circles that we as the Inkatha Freedom Party have substantially achieved our goals in negotiations and that this would be reflected in the constitutional documentation produced at Kempton Park. Nothing could be further away from the truth.

Once again we are faced with a massive propaganda effort aimed at distorting truth and information, and we need to take it upon ourselves to seek and produce clarity. Since the beginning of the process of negotiations we have demanded that South Africa be established as a Federation of States in which all the residual powers are reserved to the member states, and only those powers which can not be adequately and properly exercised at State level are devolved to the federal government.

This is the notion of residuality which calls for the allocation to the member states of as much power as they can adequately handle. In this context the powers of the member states are original and autonomous powers which means that they can be exercised within the discretion of the State and the State has a final say in the area of their constitutional autonomy.

I am stating these considerations to stress that from a political point of view we need to focus on two elements, the extent of the powers of the member states, or of the SPRs as they put it at the World Trade Centre, and the degree of autonomy with which such powers can be exercised.

We believe in federalism because we are aware of constitutional developments of the great majority of other African countries. All too often after elections a successful majority has operated to destroy the power-base of the defeated minorities in society. This has set the foundation for long-lasting dictatorships of the majorities in a system, which from a practical point of view, preclude minorities from ever becoming majorities in the future.

Some cynics synthesise the expression one man, one vote, one time. Only federalism can ensure that different political parties can be in power at the same time in different regions at the same time. Federalism is a form of power-sharing which allows minority parties to exercise power at regional level in spite of the power exercised by a majority at central level.

I am reiterating this notion which is familiar to most of you because we need to focus on the issue of appropriate powers for the SPRs [states, provinces and regions] and we need to understand the relation between legislative and administrative powers on the one hand and political power on the other hand.

In fact, there are legislative powers which are obviously much more politically charged than other powers. The lists that the process of negotiations at the World Trade Centre envisage giving to the SPRs, are utterly ludicrous. I think that this fact has been clearly shown by some major municipalities in South Africa which lodged objections to the Technical Committee on Constitutional Matters, indicating that if the SPRs were given powers suggested by the Technical Committee, no powers would be left for the municipalities and local government to exercise.

In fact, the powers that the ANC/SACP alliance and the National Party-South African Government want to give to the SPRs are basically powers which are often exercised by local governments and have little political value attached to them. Those powers are far less than the powers currently exercised by the self-governing territories, such as our own in the KwaZulu Government.

The other aspect of this issue is the degree of autonomy granted to the SPRs in the exercise of their powers. Differently put, it is of no great avail to give to an SPR powers when it is the central government which will directly or indirectly tell the SPRs how its powers are to be exercised.

This is exactly what the ANC/SACP alliance and the NP-SAG are suggesting. Looking at the latest draft constitution, it appears clear that even the limited number of powers which are characterised as exclusive powers are under the control of the central Government which can adopt legislation and over-rule the decisions made by the SPRs. In terms spelt out in the draft constitution, the central Government is able to do so any time it feels it is necessary to promote national unity, economic development, uniformity of standards, national security, and for many other reasons.

Against these general parameters it would be impossible for any constitutional court to assess the concern of national interests made by the central government. To give an example, the SPRs within their jurisdiction of regulating road traffic could not even have the power to change the speed limits if the central government wishes to have national uniformity over this matter.

The latest draft constitution also identifies another class of SPR powers which are characterised as concurrent powers. These powers can only be exercised by the SPRs to the extent that the national legislature does not wish to regulate the subject matter. If the national legislature wishes to regulate the subject matter of these powers, the SPR jurisdiction will shrink into nothingness. Therefore to all intents and purposes concurrent powers are not autonomous SPR powers and are identical to the power exercised by provinces. In this context the SPRs only do what the national Parliament allows or requires them to do, nothing more or nothing less. Therefore the degree of autonomy of the SPRs, and their related political power, is almost non-existent.

The powers of the SPRs do not even include the power of self-organisation as far as their offices and structures are concerned, which is an essential requirement for their autonomy. Moreover, they do not have fiscal autonomy, for the power of taxation provided for in the first draft has been transformed in the second draft into the power to appropriate funds provided for in the budget of the central government. Therefore the power of taxation will remain with the central government with the related power to allocate money to the SPRs. The SPRs will only be able to appropriate what has been allocated to them, and only to the extent and within the parameters of such allocation made by the central government at their discretion. For example, if the government allocates money for road capital improvements, that money could not be used for road maintenance.

I draw attention to these kinds of details to show that opposition to our claims that our concerns are met take the form of a massive propaganda effort aimed at distorting the reality of the documentation emanating from the World Trade Centre.

The powers of the SPRs cover matters of only local interest, reserving any other functions to the central government. This means that even if the SPR has jurisdiction over cultural affairs, this relates only to matters of local interest, while the central government will have its own Ministry of Cultural Affairs.

I am raising these issues not because I think that it is even worth discussing the list of powers suggested by the Technical Committee shoe approach is an insult to our intelligence and political determination.

The worst part is that the draft constitution submitted by the Technical Committee reflects a clear intention that no powers should vest in the SPRs before elections. After the election the Constituent Assembly will have the power to prevent the adoption of SPR constitutions. This may happen if in the Constituent Assembly there is as little as a one-third minority which wants to prevent the empowerment of SPRs. The SPR constitutions need to be adopted by a two-thirds majority of the Constituent Assembly.

I have looked at these issues to pave the way to the second matter on which I believe we need to focus our attention. It is the intentions of the ANC/SACP alliance and the NP-SAG. They are the details which the ANC/SACP alliance is attempting to hide in a massive cover-up and propaganda operation.

They are telling us that the World Trade Centre will adopt a justiciable constitution. I submit to you that once you read its provisions, you will agree that that document has only

the title of a constitution and that to all intents and purposes, it is something meant to be torn apart and disregarded by a 51 per cent majority empowered under elections. The only purpose of this constitution will be to endorse a Constituent Assembly with a blank cheque to draft a new constitution. A constitution drafted by such a Constituent Assembly will not be justiciable and could make provisions about SPRs as it sees fit.

Deadlock-breaking mechanisms contained in the draft constitution could empower a 51 per cent majority to adopt a constitution within four months after elections and in no more than two years. Even a 60 per cent requirement for the adoption of the new constitutional text at a referendum has no impact on the power of a 51 per cent majority of the Constituent Assembly to do as it pleases. Due to the fact that if such 51 per cent majority of the Constituent Assembly were to be defeated at the referendum, it could basically do as it pleases the next time around.

The discretion of the 51 per cent majority of the Constituent Assembly is almost unlimited. Ostensibly the Constituent Assembly shall abide by a set of constitutional principles, but they are very vague and undefined. However, requirements to satisfy the constitutional principles could be easily avoided by adopting a constitution which can be modified by an ordinary majority of the next Parliament. In other words, a constitution adopted by the Constituent Assembly could be such that it could be amended by a 51 per cent majority rather than a two-thirds majority and might not even end up providing for a Constitutional Court. This means that the Constituent Assembly has the power to re-establish the Westminster system based on the rule of the majority entitled to operate outside any rigid constitutional parameters.

Therefore all this negotiation process and the millions of rands spent to finance it, are for the purpose of adopting a piece of paper which could be in force for only four months. I fail to see any value for us from this negotiation process as it is now being run. What is happening at the World Trade Centre is no surprise to me whatsoever, as it is a direct consequence of the original instructions given to the Technical Committee on Constitutional Matters on June 30, and on July 2, 1993.

We object to these instructions very firmly to the point that this was the final reason of our delegations' walk-out on July 2, 1993. Since then the situation has not improved but has clearly deteriorated, and the reasons for our objections stand firmer than ever.

The NP-SAG and the ANC/SACP Alliance have approached us during bilaterals inviting us to come back to negotiate our case in the Council. However, no concession has been made to alter the fact that the Negotiating Council could make decisions despite our most fundamental objections. The rule of sufficient consensus still allows the ANC/SACP alliance and the National Party to go it alone and relegate our participation to the role of a rubber stamp. Because of this reason, and because of discussions at bilaterals, it clearly appears that neither the NP-SAG, nor the ANC/SACP alliance have any intention to go back on the decision establishing a two-stage process and the empowerment of a Constituent Assembly.

I agree that our participation at the World Trade Centre would still have no benefit for us while providing legitimation and credibility to an otherwise discredited and unworthy negotiation process.

As bilaterals with the Government and the ANC continue, we need to seek clarity on our fundamental bottom lines. I would suggest that the following constitutional priorities are bottom lines which can not be allowed to be defeated through negotiations.

1. The next constitution shall be complete. It should contain no constitutional mandate calling for its replacement or repeal. It must contain standard reinforced amendment procedures as other modern constitutions do. Special and simplified amendment procedures should only be available for sections of the constitution which do not reflect parameters of a political compromise reached among the participants.

These parameters will include the establishment of federalism, human rights and a Constitutional Court, and procedures for amendment.

2. SPRs must be established and empowered under the next constitution. They must have the right to exist autonomously under their own constitutions autonomously adopted. They must have a final say in the area of their constitutional autonomy. Their existence could not be adversely affected by future stages of constitutional development.
3. The SPRs must have extensive powers. Mechanisms should be entrenched in the next constitution to ensure the power of the SPRs to claim as much powers as they can adequately claim and properly exercise on the basis of the notion of residuality. This should happen accepting the possibility of asymmetry so as to reflect the different capabilities of SPRs to handle and exercise powers.
4. The KwaZulu Government shall be preserved with its constitutional, territorial, operational and financial autonomy until the State of KwaZulu/Natal comes into existence. The process of rationalisation of the KwaZulu Government shall be conducted primarily by the State of KwaZulu/Natal.
5. The next constitution shall ensure mechanisms for the recognition and/or ratification of the Constitution of the State of KwaZulu/Natal.

As the constitution-making process and the transition are currently envisaged at the World Trade Centre the draft constitution should be negotiated by the end of August and the Transitional Commission Bill and the Transitional Executive Council Bill should be approved by the end of August.

A special session of the South African Parliament will sit in September to turn these Bills into law, and the laws will pass with immediate effect. The Transitional Executive Council will immediately take over, and it and the Sub-Councils under it will have the power to:

- a. request and obtain, subject to the act, all such information, including records, as maybe necessary for the purpose;

- b. direct a Sub-Council to enquire into and advise the Council on any matter in connection with the functions of the Council;
- c. initiate or participate in negotiations relating to its functions and objects;
- d. appoint staff to assist it or the Sub-Council in the performance of its functions, and in consultation with the State President to determine their conditions of service, remuneration, allowances and other benefits;
- e. request the secondment of skilled personnel from any public service to assist the Council or a Sub-Council in the performance of its functions;
- f. make rules providing for the convening of any procedures at meetings of the Council and Sub-Councils;
- and under g, h, and i arrange administration and procedural matters, and it must be noted that:
- j. takes such legal steps as are necessary to give effect to this act or any decision taken under this act.

In addition to this TEC there will be the following Sub-Councils:

- regional and local government;
- law and order stability security;
- defence;
- finance;
- foreign affairs;
- status of women.

These Sub-Councils will be all powerful. They will be able to demand any information from the KwaZulu Government, or any other government of a self-governing state, investigate any matter they want to which will relate to the Council's functions, or second any member of the KwaZulu Civil Service to the TEC or the Sub-councils.

It shall directly intervene in the affairs of KwaZulu and monitor developments, policy objectives and targets in relation to the KwaZulu Government and local government for the period of the transition. They could propose amendments to legislation, or the repeal of legislation or the enactment of new legislation. They could undertake the education of KwaZulu citizens in elections and about the electoral process.

They could make proposals regarding KwaZulu and local authority budgets, and the powers they exercise, and could make proposals for the restructuring and rationalisation of KwaZulu and local government administrations, transitional measures, interim local government structures, and the demarcation of boundaries.

And mark this, the Transitional Council and its Sub-Councils will be given authority to make recommendations to the appropriate institutions and authorities on:

- legislative and executive measures, either existing or proposed, which may effect traditional leaders' powers during the transition;
- free and fair participation in the areas of traditional rulers;
- matters of material concern to the communities of traditional leaders.

There we have it my brothers and sisters, the whole long constitutional catastrophe of it all.

One can perhaps have an image of not being able to stop this negotiation train in its tracks, or perhaps more appropriately one should talk about a huge juggernaut hurtling down upon us which can not be stopped before it crushes us.

Everything that the Technical Committee on Constitutional Matters is doing makes the worst fears we had when we rejected the instructions to it which set it on the course to do what it is doing, mild by comparison to what we should have feared at the time. Now more than ever I feel that the IFP was totally justified in walking out of the Negotiation Council in protest against instructions given to the Technical Committee.

Members of the Central Committee will remember that at the last Central Committee held shortly after the IFP and the KwaZulu Government delegations walked out of the Negotiating Forum, we established three negotiating teams.

One team to deal with the South African Government, the Volksunie, the Conservative Party, the Volksvront and the AWB. Another team was established to deal with the ANC/South African Communist Party Alliance and the Patriotic Front members, and a third team to deal with friendly parties.

We are in a crisis which is created by the South African Government and the ANC deciding between them that the process will continue without us at the World Trade Centre as if nothing has changed. To this crisis we add the fact that the South African Government and the ANC are forcing the pace of a timetable in which they intend rushing through the TEC negotiations before the end of August. The crisis is deepened by the intention of the Government and the ANC to adopt legislation in the special session in Parliament in September to implement the negotiation proposals we reject so entirely.

The time has come for the Central Committee to think very clearly about this complex crisis, and to give our negotiators very specific mandates. We must charge one negotiating team to deal with everybody and all parties to ensure that negotiations are properly co-ordinated, and to ensure that there is one unbroken line of instructions and responsibilities from the Central Committee, through me as President, to our negotiators.

In terms of the work already done, I believe the negotiating team, headed by Dr BS Ngubane and Mr WS Felgate, has had more meetings, has considered more detailed issues, and has been correctly focused on the South African Government as the government of the day in charge of the transition to democracy. I wish to ask for your wisdom on the proposal that the National Chairman, whom I gave the responsibility of leading the team that talks to friendly parties, should perhaps lead an IFP team again, as he does at the World Trade Centre. And I would like to suggest that Inkosi Gumede should lead a team that speaks to friendly parties. The Chairman has the prerogative of co-ordinating all the teams. He also is free if time allows him, to join the team that will continue to speak to friendly parties as he has been doing for quite some time from the days of CODESA.

I, as President, ultimately carry the responsibility for the party in action and it is at my desk that the buck stops. I therefore have the prerogative of picking negotiators and instructing

them within the mandates that are given by the Central Committee. When therefore I suggest that the negotiating team under Dr Ngubane and Mr Felgate be expanded, I am not suggesting that they are free to include whomsoever they want to include in their team. We should continue to consult with each other, or if there are Central Committee meetings I will always test at such meetings what I do on behalf of the Central Committee.

I am suggesting rather that the expansion of a negotiating team, and the decision about who would be included in it, could be undertaken on an incremental basis, as and when the negotiating load so demands, and as there is need to augment the capacity of the team by appointing additions to it of members who can assume specific responsibilities for specific issues.

Today more than any other day in our existence, it is vital that the members of the Central Committee put their every effort into concentrating on the critical issues we face, and debate the issues I have raised fearlessly and in depth. The IFP has always relied on the Central Committee to run its affairs between one Annual General Conference and another. It is under the hands of the Central Committee that IFP policies and strategies have been fashioned for over a decade and a half. We need to make policy and strategy decisions today.

Policy evolves over time in the IFP as we deal with changing political positions and respond to the demands of ever changing circumstances. Not only do we need Central Committee meetings between Annual General Conferences to keep the IFP's responses pertinent to circumstances and comprehensive of IFP interests, but between Central Committee meetings the Central Committee Executive does the same.

As an overlay to this process of constant decision-making, I, as the President of the IFP, also have to respond to changing circumstances as they emerge. I have always integrated what I have to do on the balls of my feet in the day-to-day running of the affairs of the party, with the CCE and the Central Committee's role of constantly fine-tuning policy and strategy by seeking ex post facto ratifications of the decisions of the stands I have taken between Central Committee meetings.

I would like to sum up my own responses to the crisis we are facing as it has built up to what it is today so that what I have done can be subjected to democratic scrutiny.

I would like sum up my own perceptions of the mood and the decisions of the IFP leadership as I have subsumed them in my own attitudes and leadership responsibilities. I do not want in the following statements to justify each point that I make, because they have been justified over and over again. I simply want to state the positions I have adopted.

The first thing to say is that right from the outset of negotiations, before CODESA I even, I rejected the notion of an elected Constituent Assembly becoming South Africa's Constitution Making Body. It forms part of a two-phase process we rejected when we rejected the Harare Declaration.

I say now that I will not be prepared to accept the two-phase process that the World Trade Centre negotiations are proposing. I will not be prepared to participate in the election of a

Constituent Assembly which will do what the South African Government and the ANC have determined it will do.

I will not sanction any return to the World Trade Centre to cross the t's or dot the i's on agreements for its two-phase process. The decisions that led to it being adopted, and to the rushed election date before even a constitution has been finalised, are being challenged by the KwaZulu Government in a Supreme Court Action. We objected to the two-phase process and we rejected a date being set before we had a constitution. We walked out of the Negotiating Forum in protest when our rejections were spurned.

I would rather go to the streets and to the homesteads in rural areas to fight the two-phase process in every way possible, with whomsoever will fight with me. I am honestly thinking of calling a Special General Conference in September or October, with delegates from all our branches to come and give us their collective wisdom.

I reject the notion that I, the IFP and the KwaZulu Government will have to help implement majority decision agreements that have been reached in the negotiating process without there being sufficient consensus.

We will oppose the application of the legislation which establishes the Transitional Executive Council if it is constituted to have jurisdiction over KwaZulu/Natal.

The people of the KwaZulu/Natal region shall exercise their right to self-determination, and it is in the exercising of self-determination that the Zulu people of this region adopt federal ideals for South Africa. It is in a federation that the Zulu people express their own right of self-determination. In other words they express their self-determination by choosing their destiny to be citizens of a state in a Federation of South African States. I found it offensive when Mr Roelf Meyer, the Minister of Constitutional Development, announced at the National Party Congress in Amanzimtoti that all that our delegations want is self-determination for Zulus. That has never been my kind of politics. If that were the case, why has the Free Cape Movement joined COSAG? They did so because I also stand for self-determination for the people of the Western Cape as much as I do for people of every Region of South Africa who want to exercise that self-determination.

I reject ethnicity in constitution-building as can be seen by the recommendations of the Buthelezi Commission and in the constitutional recommendations of the KwaZulu/Natal Indaba. We have never ever attempted to establish exclusive Zulu ethnic advantages in the constitutional proposals that we have from time to time made.

On this particular matter I understand how some of our colleagues think of self-determination specifically as a Zulu thing. I must say to them however that they misread history when they do so. From King Shaka's reign onwards no Zulu King regarded other races that lived in this region as anything other than Zulu. The greatness of the Zulu nation is that it is built up by expansions which became ever more inclusive of indigenous peoples and settlers in this region, regardless of where their ancestors originally came from. For us the Zuluness has always been a completeness of this exclusivity.

My point is that any suggestion of Black Zulu self-determination by Zulu speaking people is fatally flawed and dangerous to the nation. The Zulu nation has always been far greater than could be comprehended in that narrow exclusivity.

We have yet to go through the process, and we will yet have to see what the final South African response is to our claim to fashion Zulu self-determination around our primary objective of establishing KwaZulu/Natal (the centre domain of the old Zulu Empire) as a federal state in a Federation of South African States.

I stand adamant in my commitment to keep negotiations inclusive, and I will stand by my brothers and sisters in the country's Afrikaans population who demand that their voice be heard. How it will be finally be heard, I do not know. But this I do know -we have to move away from the negativism towards Afrikaner claims in the Multi-Party Negotiation Process, while at the same time we have to keep quite clear of any commitments to accept any Afrikaner constitutional proposals which contain definitions of citizenship on discriminatory racial grounds, and which result in the reduction of the liberties of any people or groupings already resident in domains which the Afrikaners will now want to claim as their own. There shall never again be influx controls or pass laws.

I demand that the next constitution be a complete constitution and however much it will be amended through the due process and special majorities which are laid down in the constitution itself, there shall not be a requirement that the next parliament pilot the writing of an entirely and separate constitution starting de novo by a commitment to revise every clause of the constitution to form a new constitution. I am only prepared to relinquish what we have got for something better, and that something better must be a new constitution which assures us that we have something before we even go to an election.

These are a limited number of fundamental positions I have adopted as positions which I understand correctly sum up both the feelings and outlooks of the IFP's leadership and our general membership. We will not be dragooned into the new South Africa against our will, and we shall be afforded the right to be co-determiners of the destiny that will be ours in the new south Africa.

My brothers and sisters, in the actual detail of negotiations and in the detail of the agendas in bilaterals, it is these broad brush strokes of the picture that I paint of our position that I expect our negotiators to respect and honour. It takes quite an extraordinary mind, even combination of minds, to look at the massive detail in which negotiators are involved, while at the same time they keep what they are doing intact and directed by our broad policy positions and options.

I invite our negotiators to be quite candid and tell me if they think my stand is wrong. I ask each and every member of the Central Committee who is here today to tell me if they do not agree with my stand. I know what the people said at the two Imbizos that His Majesty called on the 11th and the 25th of July. I know that a resolution of the IFP Central Committee endorsed this stand. I, however, feel strongly in view of such a concerted effort of vilification, that may be the issues are so serious that a special General Conference should be called to discuss these issues. If this Conference says we must go back to the World Trade Centre, we will do so, if that is the delegates' collective wisdom.

This has been a very long address to you as members of the Central Committee. I only hope that what I have said has been equally comprehended by all.

I am quite sure however that this will not be the case. Only a bunch of super human beings could have one understanding of what I have said in covering such a wide range of issues with so few words, however long those words have made this address to the Central Committee. I know that when I try to be explicit in my talks, some people have made it a habit to ridicule me, as if I speak at length because of long-windedness. I have established the following that I have, and created one of the largest organisations this country has ever seen, through the same so-called voluminous addresses.

I would therefore now urge everybody here today to pause awhile, and to think about what I have said, and to seek clarification on any point which I have either obscured in its presentation, or which is obscure because it is part of a complex whole.

After we are satisfied that there has been a comprehension of what I have said, it will I feel be necessary to structure the debate. This in today's debate I believe can best be achieved by debating a number of resolutions which state our positions and mandate our negotiators. Let those who have any hesitations or reservations about what I have said in my address exercise their responsibilities as leaders by arguing against any of the resolutions as a whole, or against any of their clauses or wordings.

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