

**MEMORANDUM FOR PRESENTATION TO THE CANADIAN  
AMBASSADOR, H.E. MR MARC BRAULT  
ACCOMPANIED BY THE HON MR GARY PRINGLE,  
VICE-CONSUL**

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

**ULUNDI : NOVEMBER 23, 1993**

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Mr Ambassador it is a great pleasure to welcome you on your first visit to Ulundi. These are very exciting times for Canada with the election of Canada's 20th Prime Minister, Mr Jean Chretien, from the Liberal Party. This is a bewildering comeback to power for the Liberal Party, after nine years in opposition. The outside world waits to see whether the change in the ruling party will bring about meaningful prospects for change in your country.

For me, what is notable about Mr Chretien's rise to power, is his unswerving commitment to keep federalism alive in Canada. Am I right in saying that he realises that for Quebec to gain independence from the rest of Canada, may

prove a hollow victory with Quebecans losing their Canadian passport and the wealth that belongs to that territory? Mr Chretien seems to have identified the need for Quebec to tackle its problems of debt and economic decline, and feels this can be best achieved under the management of a responsible federal government.

Mr Chretien has pledged his commitment to strengthening Canada's federal government economically with plans to create 120 000 public sector jobs. Your new Prime Minister has acknowledged the need for fiscal restraint, but at the same time realises that something will need to be done to address the economic

difficulties your country is facing at present. He also recognises that economic growth is not a matter for market forces alone, and that economic expansion will need the support of a good government, which could serve to boost consumer confidence.

I would like to extend my full support and encouragement to your new government. Canada is facing a new era of reconstruction and development. Much will depend on Prime Minister Chretien and his Liberal government to put into force the reforms necessary to bolster Canada's economic position, both internally and on the international trading markets.



South Africa is anxious for Canada to succeed both economically and politically. Trade relations between our countries have picked up substantially over the past year, with many Canadian companies considering entering the South African market, and greater interest is also being shown from exporters looking for opportunities in South Africa. During the era of sanctions and disinvestment, Canadian investment in South Africa was small. Now with the imminent removal of the trade embargo with my country, which prevented the exportation of high-tech goods and equipment, as well as agricultural goods to South Africa, it could pave the way for substantial foreign trade.

The IFP strongly encourages the normalisation of relations with Canada. Much has already been done in this regard with the establishment of the SA-Canada Chamber of Business, which is affiliated to our national South African Chamber of Business, as well as the organisation of several Canadian trade missions to visit South Africa this year.

The fruition of these ventures will largely depend on the outcome of the negotiated settlement. You have no doubt come to Ulundi also to express your concern about the IFP's rejection of the ANC's and South African Government's constitutional deal which is due to be passed through the final

In the first phase an election is due to be held in April next year for the establishment of a Constituent Assembly, which will be tasked with drafting the final constitution for South Africa. In the second stage, once a final constitution has been put into place, there will be an election for the future government of South Africa.

The South African Government's support for this process is to secure a power-sharing role during a five-year period of transition. At a tremendous cost of constitutional guarantees for the citizens of South Africa, the National Party Government has opted for its own party gain. Our present government has

shown an alarming willingness to take this country along an unknown path, under the direction determined by an unrepresentative and undemocratic transitional process.

In the final hours of negotiations the future well-being of this country was thrown out of the window in a desperate bid to finalise arrangements for the undemocratic election for an undemocratic Constitution-Making Body. Gone was the farce of multi-party negotiations. It became clear to all who were present - and justified what the IFP has been saying all along -that the



Negotiating Council was merely a farce to bulldoze through deals previously agreed to by the ANC and government.

With no time left in the last week of negotiations, the ANC's Secretary-General, Mr Cyril Ramaphosa, and National Party negotiator Mr Roelf Meyer, emerged to announce their 'six-pack' deal, operating as a single team, each taking three items and spelling out the details to the Negotiating Council.

The message to the Negotiating Council was clear: we, the ANC and South African Government, have made the decisions; you can take them or leave.

them. The PAC negotiator, Barney Desai, described the process as 'abominable' and the DP's Colin Eglin said the timing of the National Party/ANC deal was 'close to a disgrace' and 'a farce of what we set out to do'.

This of course did not deter the ANC-aligned presiding Chairman of the Negotiating Council, who in the same way over-ruled objections by the IFP and the KwaZulu Government in the past, driving through every single agreement on the basis of 'sufficient consensus'. However, whenever objections and reservations made by the ANC were raised - through Mr Pravin Gordhan's

blatant manipulation of the negotiation procedures - these issues were referred back for 'more canvassing'.

Mr Ambassador, what has transpired at Kempton Park is manipulation of the worst kind. But all the ANC and South African Government were doing, was acting out a role they have been playing all along. Nothing has changed - it is just more blatant. The extent of the South African Government's capitulation to the ANC last week, in the final hours of negotiations, is as follows:

- \* The powers and functions of the provinces during the interim constitution can be over-ridden by the centre - a far cry from federalism!
  
- \* The agreement on a government of national unity amounts more to a co-option of the National Party than power-sharing during the transition. The new President, if it is to be the ANC leader, Mr Nelson Mandela, will be able to over-ride opposition from his deputies, one of whom is likely to be President de Klerk.

- \* The constitutional principles that will bind the Constituent Assembly in the writing of a final constitution do not provide for federalism. They are suitably vague to be open to interpretation by the Constitutional Court.
  
- \* Before the vehement objections of the DP's Tony Leon, the agreement reached between the government and the ANC on the issue of the Constitutional Court, enabled Mr Mandela, if he were to be the next president, to have the authority to appoint the majority of the Constitutional Court judges in consultation with his ANC-appointed



Cabinet. Hence, the most important constitutional safeguard for the citizens of South Africa would have been left to the whims of a politically packed Court which, if Mr Mandela were to be President, would override any regional demands, irrespective of the details of the dispute.

In the light of a vicious attack from all other political parties present, together with the Association of Law Societies, this proposal was amended. David Asherson, the President of ALS, expressed his deep dismay over the proposals for the appointment of judges to the Constitutional Court, stating that it was appalling that a decision had been

taken which ignored the views of the entire legal profession and flew in the face of all of the representations submitted by various legal bodies.

In a bid to save face, the ANC had to make a compromise. The gist of this compromise is that the ANC President is now left to appoint five of the judges, one of whom will serve as the Chairman of the Constitutional Court, leaving the Judicial Services Commission to appoint the remaining six. Whilst this is a vast improvement on the first proposal, it makes a mockery of the ANC's earlier demands for an independent judiciary. The worst distortion of the apartheid government, was their total

unyielding control over South Africa's legal system. The ANC has now expressed its intent to perpetuate this undemocratic system. In the words of David Asherson, it is indeed a 'dark day in South Africa's legal history'.

- Clause 68 of the draft constitution still stands to make it possible for whoever wins the next election to go through the laid down procedures to end up writing an entirely new constitution and having it passed by a simple majority.

The negotiating debacle did not end there. While the DP were fighting for a more democratically constituted Constitutional Court, the Negotiating Council was debating whether voters should be allowed to elect their regional representatives on a separate ballot sheet. This, your Excellency, is a crucial clause for smaller representative parties which were strongly relying on the National Party's expressed commitment to the devolution of powers to the lowest level possible. How they could trust the National Party after all that has transpired, is something I cannot fathom.

The two-in-one vote conceded to by the National Party, implies that there will be a single ballot paper for the election of national and provincial legislatures. This clause was deliberately devised by the ANC to prejudice those parties which tend to have a regional power base, and aimed at facilitating power-sharing between the top parties.

I know of no precedent anywhere in the world where elections are held for both a national and regional legislatures and voters are denied such a choice. But it was this very arrangement that was pushed through in order to gain a more democratic agreement on the Constitutional Court issue. In the final hours of



the negotiation process, the other negotiating partners had to lower themselves to horse-trading on matters of principle.

I have no regrets whatsoever about the IFP and KwaZulu Government withdrawing from the World Trade Centre negotiating process. Proceedings at Kempton Park became more of a mockery every day. The ANC and South African Government are not interested in reaching a peaceful political settlement. In its bid for total control over the new government, the ANC adamantly refused to recognise the merits of federalism for a divided society

like South Africa. Federalism would merely limit its powers of government, allowing the representation of all parties in all regions.

All attempts by the IFP to table our federal proposals at the Negotiating Council were rejected. Were we then expected to remain to negotiate the details of a system of government which we believed was fundamentally flawed, and rejected by almost every Western democracy in the world? We said no, but together with other political groups and governments under the banner of the Freedom Alliance, we continued our fight for federalism in bilaterals with the government right up to the eleventh hour.

On Tuesday last week the Freedom Alliance submitted a 14-point document to Minister Roelf Meyer, stressing our bottom-line proposals which would pave the way for democratic federalism in the future South Africa. Despite assurances by Minister Meyer that our submission would receive his careful consideration, the details of this proposal were flagrantly ignored, and Mr Meyer has expressed his intention of pushing ahead with his own agenda with the ANC as planned. The IFP now faces the inevitability of the interim constitution being passed through Parliament this week.

The IFP has one of two options to choose from. Firstly, we can take part in the elections and legitimate a process the ANC and government have put into motion, which would exclude the voice of the regions, and lead to the unilateral dismantling of the KwaZulu Government. Alternatively, we can enter into the second stage of our protest, and refuse to sell South Africa down the drain, by continuing our fight for a federal democracy forcing the ANC and government to hear our demands for freedom and democracy in a truly representative government.

Although the implications of this choice are clear, it is not a decision I can make alone. I am the leader of the people - it will therefore be the decision of my valued supporters that will lead the way forward. This is where the international community can step forward and make a difference to the future of this country. If it is democracy we want, it is democracy each and every one of us will have to fight for.

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