

**MEMORANDUM FOR DISCUSSION WITH
HIS EXCELLENCY AMBASSADOR KATSUMI SEZAKI,
AMBASSADOR OF JAPAN**

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

ULUNDI : SEPTEMBER 10, 1993

Mr Ambassador it is with great pleasure that I welcome you to Ulundi. For me it is indeed a great honour to address you as the Ambassador of one of the great economic powers of the world. Japan is a country whose efforts to build itself up from the ashes of the Second World War have been little short of spectacular. You are a nation which refused to let the despondency of defeat destroy your resolve and commitment. With iron resolve and sheer hard work, you have built yourself up to the great economic power that you are today.

In South Africa we are at a point where we too must find the courage and conviction to build up our country from the devastation inflicted upon us by apartheid and sanctions. Like you, we too will need to work together for the good of all of our people. On a policy level, we in the IFP, like you, believe that economic growth lies in promoting trade.

On Wednesday the press reported with glee that South Africa had finally crossed the rubicon to democracy with the agreement on the Transitional Executive Council Bill which resulted from negotiations at the World Trade Centre. According to the media, this Bill signalled the beginning of the end of white minority rule and was a great step forward. Despite the fact that the IFP was not at the talks, despite the fact that the Conservative Party rejected the Bill and despite the fact that the PAC reserved their position, it was said that South Africa is well on its way to democracy.

The fact that three of the five major political movements did not support the Bill did not matter. All that mattered was that the ANC and the National Party had agreed to the Bill. This proves once and for all our claim that the ANC and their new-found ally, the National Party, are manipulating the process to suit their ends. The fact that support by two of the five major parties is all that is needed to reach agreement on such a fundamental issue, is a damning indictment of the negotiations process. This more than anything supports our claim that there is an urgent need to review the making of decisions according to the concept of 'sufficient consensus'.

However, it was also agreed that since 'sufficient consensus' was a vague concept which could easily be abused, it was to be used with caution and only after all other avenues had been exhausted. This of course did not happen. Sufficient consensus has been used again and again to get around the IFP's objections to decision-making which will adversely impact on our desire for a federal democracy.

Yet in spite of the fact that we have long been aware of the deal made between the ANC and the Government, we continued with negotiations in the hope that we could overcome their dishonest plans. Throughout negotiations we consistently questioned the bona fides of these two organisations. Throughout, we constantly objected to the flagrant contempt shown by the ANC and the government to negotiations. We constantly warned that their actions would lead to a deadlock. Despite our objections, these two parties were not to be deterred. We were therefore left with no choice but to withdraw from talks.

Our decision to withdraw from talks was not taken lightly, however. We in the IFP, more so than any other party, are keenly aware of the need to secure a quick settlement to our country's problems. It has been our party more than any other which has borne the brunt of violence sweeping our country. The extent to which we have suffered is clear from the fact that thousands of our supporters have been killed by revolutionaries within the ANC/South African Communist Party alliance. Of particular concern to us is that more than 300 of our leaders have been assassinated by the armed wing of the ANC, uMkhonto weSizwe.

Of concern for those who are hoping for a peaceful transition is that this two-phased process will allow the ANC to fight our first non-discriminatory election on the issue of who would be writing the final constitution for the country. This would suit the ANC down to the ground since it would give credence to the myth that the ANC, as conqueror over the evil forces of apartheid, would be entitled to write South Africa's first non-racial constitution.

Going hand in hand with their self-styled liberator status, it can be expected that the ANC's quest for power will incorporate the Communist strategy that power will be achieved by all means possible. This includes the use of violence to intimidate political opponents. If the present levels of violence are any indication of what we can expect come April 27, then God help us.

Already the IFP and other parties are finding it difficult if not impossible to canvass or set up branches in ANC controlled areas. Just last month eight IFP supporters were killed when they attempted to set up a branch in a township near Durban. The very same day, the Democratic Party was driven out of another township by ANC youths. The violence perpetrated against us does not end there.

Efforts to annihilate the IFP do not end with the assassination of our leadership and the killing of our supporters. Politically the ANC, along with the Government, have set out to obliterate KwaZulu as a political force during the first phase of the two phased process with the passing of the Transitional Executive Council Bill. According to this Bill, South Africa will be governed by the National Party in conjunction with Transitional Executive Councils. The Sub-Council on Local and Regional Government, in union with a Local Government Negotiating Forum which is comprised of people drawn from the South African Government and the ANC-front - the South African National Civic Organisation - will have the authority to disband the KwaZulu Administration. With the powers ceded to the TEC's the ANC will be able to take charge of the running of the KwaZulu Government.

While we have withdrawn from talks we are continuing with bilateral meetings with the Government and the ANC in order to find a way out of the impasse. We do however insist

that in order to prevent a reoccurrence of the undemocratic decision-making which has plagued the negotiating process, that the whole question of decision-making made in terms of the concept of 'sufficient consensus' will need to be reviewed. It is this desire to rid the negotiations process of this unacceptable concept which saw us institute legal action with the Supreme Court in order to have its legality assessed.

Although the Supreme Court ruled against us yesterday this in no way obliges us return to negotiations. In taking our case to the Supreme Court we were exercising our democratic right to try and overturn what we see as a total contempt for democracy on the part of our negotiating partners. The fact that the Supreme Court decided that it did not have the competence to intervene, does not prove that we were wrong in what we did. We are unbowed in our commitment to democracy and will continue to explore all avenues open to us to prevent the ANC and the National Party from manipulating the negotiations process to suit their own ends.

Although the ANC and the Government argue that there are 27 constitutional principles which concern the powers to be wielded by the regions, these are far fewer than those already granted to self-governing territories under the present centralised unitary system. To add insult to injury, the principles that do concern the powers of regions are either vague or biased towards the centre.

It is our view that if we are to secure a genuine federation for our country then the bottoms-up approach of allowing different regions to write their own constitutions and then have them fed into a central constitution, be recognised. Genuine federations, we believe, are based on a treaty concluded by the representatives of the centre and the regions. Such a constitution can only come into place when there is agreement between the regions and the centre to establish a common federal level of government which shall enjoy only those powers delegated to it from below.

What the ANC and Government negotiators fail to realise when they mouth to the public that we already have federalism, in all but name, is that the crucial mark of whether there is federalism or not, lies not in the extent of the powers conceded to the regions but in where the source of the regions' powers originates from. You can concede to the regions as much powers as you like but so long as the powers derive from the centre, then you do not have federalism. We want the ANC and the Government to concede this. We want them to recognise our right to have the Constitution for the State of KwaZulu/Natal imputed into a central constitution.

The IFP's participation in future talks is further dependent on whether the ANC and the Government are prepared to accept that the requirement of federalism that powers of states or regions must derive immediately from the constitution and their legislatures must be able to implement those powers through their own legislation. It is our firm view that the list of powers vested in the hands of the regions must be such that real political power can be wielded at the regional level. This must include residual powers. Only those powers which can not be adequately and properly performed at state level should be devolved to the Federal Government.

Of critical importance to us is that the exercise of powers must be autonomous. What this means is that they can not be subjected to the over-riding or concurrent powers of the central government. It is our view that our regions will not be able to exercise any true political autonomy if the constitution allows the central government to override any decision of the regions. If we are to maintain the autonomy of the regions, this arrangement will need to be entrenched and written assurances be given that any future constitutional development cannot remove any powers of the regions.

The flawed nature of the draft interim constitution is indicated by the deadlock-breaking mechanism which is built into the constitution. According to this mechanism South Africa's final constitution can ultimately be adopted by a 51 per cent majority of the Constituent Assembly, without adhering to any constitutional principles which might be included in the interim constitution. This mechanism renders totally useless the guaranteed built-in requirement of a 60 per cent majority which is needed at a referendum to pass the constitution. By including this mechanism in the interim constitution, all the party with majority support will need to do to free itself from the guiding principles of the interim constitution, is to generate deadlocks in the various stages of constitution drafting.

As many political commentators are fond of saying, South Africa is at a crossroads. In a few days, I will be meeting with President de Klerk to seek a way for the IFP to return to negotiations. I will be wasting my time if the National Party and the ANC are not prepared to seek a compromise on the two-phased process. While we in the IFP are keenly aware of the need to make sacrifices and compromises which will ensure agreement on all fundamental issues, we can never compromise our standpoint on securing a true federal dispensation for our country. While a compromise might secure a speedy settlement to our problems, we will merely condemn our country to further domination, poverty and conflict.

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