

**MEMORANDUM FOR DISCUSSION WITH MR OG TEBAPE,
BOTSWANA REPRESENTATIVE TO SOUTH AFRICA
AND MRS CT MODISE, FIRST SECRETARY BOTSWANA EMBASSY**

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

ULUNDI : DECEMBER 13, 1993

It is, Mr Tebape, a great honour for me to welcome you and your First Secretary to Ulundi. I have been a great admirer of Botswana for many many years. Sir Seretse Khama who was a true son of Africa rose to the very pinnacles of achievement for a Black man in the Western world, so that he could come home to lead his people into democracy. Botswana has stood as a bastion against strange ideologies that destroy the capacity of a people to do what has to be done.

We saw the grand marches of socialism and communism across state after state in Africa. And we saw the misery that their failure left in their wake. Even today Africa is burdened with states

that are reeling under the pressure of reality which always is there when false idealism fails.

The Botswana Government, year after year, and decade after decade, has governed with the people for the people. In Southern and Central Africa, where there has been failure and turmoil, the society that Sir Seretse Khama gathered together, and that subsequent governments have kept together, has been a rock on which new generations could stand.

I am so very aware of the need for common sense politics here that we have seen in Botswana. We face a real historic crisis in this country. The South African Government and the ruling

National Party, which has been in office for 45 years, are now making political blunders as great as ever they made before.

The present State President and his Cabinet just do not understand Black politics. They lived for so many decades immunised from the realities around them that they can not see how the ANC has run circles around them.

Every Black man will know that in Africa Black people have not turned to support their former oppressors at the polling booths however magnificently their oppressors, in the end, withdrew the oppression and granted people their freedom. That that had to be done was actually an injury to the African soul, and the

experience of colonialism and the experience of oppression lived on in people's memories and their mind-sets.

Yet in 1991 the State President of South Africa stepped forward to abandon all the solemn undertakings he had given to Black South Africa that he would oppose the Harare declaration to the bitter end, and that to the bitter end he would reject the Constituent Assembly approach of the ANC.

In December 1991, he, himself, as State President, proposed a two-phase transition to democracy in which he traded with the ANC politically to get them to abandon their transition to democracy approach. He offered them a two-phase approach which is

basically what they wanted in return for a power sharing formula.

After a great deal of negotiating on a bilateral basis, Mr Mandela and Mr de Klerk emerged on 26th September 1992 with a signed Record of Understanding. In this document they record that they were jointly committed to:

- a two-phase constitutional development;
- the establishment of a Constituent Assembly in phase one which would start de novo to write a new constitution by

re-examining every clause in the transitional constitution they agreed to formulate at the World Trade Centre;

- the inclusion in the transitional constitution of a deadlock breaking mechanism which emerged in the draft constitution to be worded in such a way that whoever won the next election would be able, after as little as five months, to call for a second election, and end up adopting a constitution which had been prepared in advance for their purposes;
- the establishment of a government of national unity.

This last agreement was the pottage of soup that Mr de Klerk bought at the expense of a true and straightforward new constitution and an immediate step into democracy.

Last year when Mr de Klerk was negotiating to these ends he was confident that because he had made the break with apartheid, that Black people would be so grateful that millions of Black people would vote for him. He thought that he would be in a powerful position to direct the ANC and to call the shots because the strength of support he would have, would give him the influence in the Cabinet of national unity that was envisaged.

The whole World Trade Centre negotiations were woven around the Record of Understanding. The salient features of the draft constitution before the South African Parliament were prescribed and fore-shadowed by the Record of Understanding. Negotiations at the World Trade Centre have been a grand scale manipulation by the force that the ANC/SAG bilaterals generated.

We left the World Trade Centre at the beginning of July because there was only a lip-service to the vital ideal of consensus decision-making in constitution-building. When it came to a two-phase process we said no, and when it came to the establishment of a unitary state with token regionalism, we said no, and when

it came to setting an election date even before a constitutional settlement was in sight, we said no.

The "we" I am talking about was not just the KwaZulu Government and the IFP. I am talking about that collectivity in interests in the Negotiating Council which represented something like at least half of all future voters. We were overruled by decisions of successive chairpersons who declared that there was sufficient consensus for the process to go on without us.

As a consequence the constitution that was evolved at the World Trade Centre is rejected by the leaders of over more than half of all South Africans. There are some who dispute that percentage. But none can dispute the fact that after the next

election it will only be parties with deep roots in Black society which will have any real Parliamentary relevance. Black society is going to produce 80% of all those who are going to vote. It is probably only the IFP and the ANC who are nationally significant and who have deep roots in Black society. This does not under-estimate the following that other black organisations have, for there are parties with significant Constituencies.

We have taken every possible step to overcome the great deficiencies in the negotiation process. We did what we could to correct them while we were still in the Negotiating Council. When structural and process problems made it totally impossible to remedy the problems, we took the democratic step of leaving

the Negotiating Council and the World Trade Centre process to mount democratic opposition from without. Right now we are running into the 59th minute of the 11th hour of negotiations, and we are still taking every democratic step possible to stop this headlong rush into national disaster.

We have been so alienated from what the South African Government and the ANC are doing that we are ending up opposing the constitution itself. The constitution is daily becoming more and more divisive. It will end up polarising South African society. That means that in the end the ANC and the South African Government are so driving the whole process with their own party

political gains that they are pushing the country towards civil war.

We can not force a constitution on a people by troops or the full might of the state even. Constitutions have to be owned by the people they govern. There can only be civil and democratic government if people are prepared to be governed in the way that they will be governed under the constitution of the day.

We have really done everything possible to turn over every last stone in our attempt to stop the present constitutional bill being taken through the due process in Parliament which will make it the most fundamental law of the land. Right now, as we talk,

Mr Roelf Meyer and Mr Cyril Ramaphosa, as the heads of the South African Government and the ANC negotiating teams, have in their possession a list of bottom line Freedom Alliance demands, which the IFP and the KwaZulu Government have helped to formulate.

When Freedom Alliance negotiators met these two gentlemen last week, Mr Cyril Ramaphosa said he was not interested in talking about them unless we agreed to commit ourselves to participate in the Transitional Executive Council, and the whole transitional process, and unless we agreed to participate in elections in advance of discussing our points.

Our delegates correctly told him we were not in negotiations in order to get into elections. We were negotiating for a better future for South Africa, and when we saw what resulted from the best we could do in negotiations, and were able to review the constitution as a whole, we would consider whether we would enter elections under that constitution. We also told him that over and above the constitutional issues involved there were the transitionary issues, and issues of violence and whether or not elections could ever be fair and free.

We are absolutely committed to the principles on which we stand. Central to them is the principle that only consensus government through truly federal-type constitutional structures could bring

democracy to this country. World history has had very dramatic statements about the failure of powerful centrist constitutions being able to unite plural societies. Civil government and the constitution itself, will be torn up by the pluralism of South African society if the Government and the ANC succeed in forcing their constitution through Parliament.

I have painted a picture of where we stand in broad strokes because I believe that Africa must look at the fundamental issues and not at detailed constitutional argument. I hope, Mr Tebape, that you will leave Ulundi with a deeper understanding of historic and macro forces to which we are responding as leaders and as constituencies.

I have with me some of my colleagues who were themselves involved in these negotiations. Dr B.S. Ngubane is the Chief Negotiator for the KwaZulu Government. Mr LPHM Mtshali has also been involved in some of these talks right up to the founding of the Freedom Alliance, of which both the IFP and the KwaZulu Government are Constituent members.

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KWAZULU GOVERNMENT SERVICE
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