

MEMORANDUM FOR DISCUSSION WITH AN OAU MISSION TO SOUTH AFRICA

Comprising: HE Mr Ousmane Camara, Ambassador of Senegal
to Zimbabwe
Mr MS Kapumpa of Zambia
Col HEI Elezaby of Egypt
Mr ET Mahenge of Tanzania
Mr C Mengale of Cameroon
Mr M Kane of the Secretariat of the OAU
Mr S Ibok of the Secretariat of the OAU
Ms CC Mfula of the Secretariat of the OAU

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ULUNDI : 1ST OCTOBER 1992

Madam, gentlemen, I welcome you to Ulundi. I want right at the outset of my remarks today to say that I welcome the decisions of the Security Council, the EEC, and the OAU to help monitor events in South Africa. The National Peace Accord, which gave so many so much hope a year ago, is now in danger of collapse.

Violence now presents a graver problem than I presented a year ago, and the nature and the extent of violence is now having much graver consequences than a year ago. There is now much more at stake than a year ago. It is not only the peace process that is under pressure of violence. The resumption of negotiations and a viable negotiation process are also under threat.

If there is anything that I can do to facilitate the role of international observers, I will do it. The more that is known of the reality of the South African situation, the better off the whole of Southern Africa will be. We need the facts of violence and the political intrigue behind violence, to be known.

The whole purpose of international monitoring is to facilitate the resumption of negotiations. Why I have withdrawn from further negotiations with the South African Government is therefore one of the items which should be discussed today.

I want initially, to dispel notions that have been created that I am objecting to the fact that there are bilateral discussions between the Government and the ANC, taking place. This is just not true. Any party in South Africa is quite entitled to have bilateral discussions with any other party in South Africa. What I object to is the fact that bilateral discussions between the Government and the ANC give rise to Government action to which every party not involved in those discussions are subjected to.

When bilateral discussions between the Government and the ANC give rise to decisions on national issues which should be subjected to wide scale multi-party negotiations, then I object very strenuously.

It is therefore not in a fit of pique because I was left out that I object to the Record of Understanding signed by Mr de Klerk and Dr Mandela. I have very serious constitutional objections to the decisions which they took, and the politics of what they did. It was destructive of faith in the negotiation process. What they did is so widely and deeply condemned that it can hardly be regarded as a promising new beginning to new negotiations.

Allow me to expand on some of the constitutional and political reasons why I reject the Record of Understanding.

If we are ever going to have a democracy in this country we will have to stand firm in our conviction that only multi-party negotiations will help us do so. I say that if Mr de Klerk and Dr Mandela are so convinced that their agreement is good for South Africa, they would have no hesitation in putting themselves, and their agreement, at the mercy of a National Multi-Party Conference of Review.

I make that my opening remark in the exposition of my thinking on the matter to emphasise that I am not negative in my objections. It is absolutely necessary for the future of South Africa that the meeting of Mr de Klerk and Dr Mandela be reduced to what it is - private discussions between two parties amongst many in the negotiation process.

The decisions reached by them can be summarised as follows:

1. Multi-lateral negotiations on the constitution will resume but will be directed and supported by extensive bi-lateral negotiations. This is a commitment to continue to hijack the negotiation process.
2. Two key issues of the constitutional negotiation process are resolved in the agreement, and therefore are likely to be removed from the agenda of multi-lateral negotiations: the constitution drafting body and the constitution drafting process. These issues have prejudicial importance on many of the other constitutional issues such as the form of state, the principles of representation, the nature and guarantee of the constitution, et cetera. Most likely these issues will also be removed from the multi-lateral agenda as soon as the "extensive bi-lateral negotiations" between the ANC and the government will resolve them.
3. The two parties agree to a strategy of ethnic cleansing of the uncomfortable and politically vociferous Zulu minority and what they perceive as their political expression, the Inkatha Freedom Party. The tools of this operation are intimidation and provocation, the tactic is the planned escalation of the confrontation.

We reject the interpretation of the agreement by Dr Mandela who regards Government/ANC negotiations in bilateral discussions, as the primary negotiations of the country. He argues that negotiations began with bilateral negotiations between Government and the ANC. He further argues the negotiations broke down because bilateral negotiations between Government and the ANC faltered. He also argues that only continuing bilateral negotiations between the Government and the ANC can keep negotiations on track. I, and a great many other leaders in the country, reject the notion of the Government and the ANC bilaterally deciding on the framework, the structure and the process of the negotiations.

A constitution is the result of a process of development and negotiations, and its characteristics are likely to resemble the characteristics of such a process. With the signed agreement the process of development and negotiation has buried the ideal of pluralism, whether it is social or cultural pluralism. In a bilateral, totalitarian and behind-the-scene fashion, the agreement went to the core of the constitutional negotiations, and imposed a solution which is the least likely to produce results respectful and protective of cultural and social pluralism.

A constitution is a legal document which organises and determines powers. The South African constitution should only organise the limited powers of the South African federal government, respecting the general powers of the member states, of the individuals and of social and economic formations, such as universities, families, churches, trade unions, private associations, et cetera. However, a constituent assembly vested with the power of electoral suffrage, will not feel bound to follow any principle. As any other body, it will claim the greatest amount of power possible, and will draft a constitution which will bring under its scope and will organise the greatest amount of powers possible.

Negotiations at CODESA have always been greatly impaired by the exclusion of KwaZulu and His Majesty the King of the Zulus. KwaZulu is not a product of apartheid. What it is can not be subsumed under what detractors from KwaZulu call "Bantustans". KwaZulu is an historic reality. It was an historic reality before the Act of Union in 1910, and it was an historic reality before there were any colonial settlers on South Africa's north eastern sea-board.

If we have not learnt the lesson that even the full powers of the Kremlin, using the full might of the Soviet state, could not weld disparate ethnic groups together, there will be no future worth having in South Africa.

South Africa is a plural society and a unitary state democracy will just not work here. I say very emphatically that the Record of Understanding, reflecting agreement on an elected Constituent Assembly becoming the Constitution Making Body of the country, spells out disaster for the country. The Constituent Assembly

route can not lead to anything else than a unitary state solution for South Africa. We reject that. Only a federal system, in keeping with international trends across the century will be able to provide a political system which could stand the test of time.

The Zulu ethnic minority is the only major social formation in South Africa which is not armed. Both the white minorities as well as the ANC have piled up immense hidden arsenals. Their weapons are automatic rifles, such as the AK47, and their military support include heavy artillery and equipment. In light of this situation the Record of Understanding carries the commitment of the Government and ANC to combine forces to take away spears and shields from the Zulus!

Cultural weapons are a sign and a token of the militancy of this ethnic group to defend its cultural and ethnic identity. They are a tool of self-identification as a minority, and a reminder of their ethnic roots and history. Theirs are not weapons, as weapons are understood in the modern world, and their primary purpose is not to cause injury to others. They can surely injure others, but so can any object if it is used for that purpose.

Taking away the cultural weapons means depriving the Zulus of their chosen and traditional tools of self-identification. It is a strategy to destroy the Zulu ethnic identity and awareness, and to intimidate them in the most militant expression of their identity. It is a well planned form of cultural castration which is meant to be received both as an intimidation and a provocation.

Similarly, the creation of Zulu concentration camps is also aimed to both intimidate and provoke a reaction. The majority of the dwellers of many hostels are Zulus and are often members of the IFP. The hostels become a "problem" because the ANC turns them into targets for their political violence. As the dwellers of the hostels learned how to react and respond to the violence, they became the centre of Zulu awareness and political identity.

At that point the ANC looked for a more permanent solution aimed to destroy in mortification that Zulu awareness and sense of pride which so effectively had succeeded in reacting to the ANC's violence and intimidation. The implementation of the Record of Understanding will turn the hostels into places where the violation of human rights, and the oppressing sense of governmental violence are a daily part of the dweller's lives, and this is going to prompt large-scale reactions, which in turn will justify massive killings and more direct intimidations.

This escalation will allow the Government and the ANC to adopt further actions aimed to eliminate from the political process the Zulus, the IFP and any other political formation which does not fall into line.

The political philosophy of the IFP is clear and well known. We stand for a federal system characterised by residual powers in the member states and regionalisation within each state. We believe in pluralism, personal and local autonomy and a limited role of the government in society. However, we believe that such a role is a social role, committed to helping the disadvantaged and to removing unacceptable positions of privilege.

This translates into precise choices about the electoral system. We want to ensure the representation of the people and their interests, not the representation of their affiliation to vague concepts used to aggregate people at a national level. We also want to ensure that the chosen type of representation can be used for all levels of representation, from the country level to the election of the legislator at the federal level.

Our objections to a Constituent Assembly becoming a Constitution Making Body is not a recent invention to justify our objection to the Record of Understanding. The recent signed agreement between the Government and the ANC seems to endorse the concept of binding principles to be handed down to a constitution drafting body, even if it indicates that such a constitution drafting body should be a constituent assembly.

Unfortunately, CODESA could not and will never be able to produce such constitutional principles. CODESA was too publicised and too politicised. The presence of political leaders and the massive press coverage made it impossible to conduct any serious constitutional talks or negotiations. The political representatives were too concerned about rendering public statements and too concerned about doing or saying anything which could compromise either the political position of their party or themselves. The discussion never left the level of generalities to go into technicalities. The result was that the real negotiation was moved to another forum: the intriguing dark alley negotiations which eventually produced the agreement.

Madam and gentlemen, I have taken time to go into some of the detail of my thoughts on the reasons why I reject the bilateral Record of Understanding. I believe it is important for you all to understand the extent of my objections to it. I base my objections on substantial constitutional and political issues.

My constitutional and political objections to the Record of Understanding are themselves substantial. When you add to them the reality of the ANC continuing to employ its private army, Umkhonto we Sizwe, to back up its claimed supremacy, then you will begin to understand why it is just not possible for me to continue with discussions about the constitutional future of this country under the present circumstances.

Umkhonto is not just a private political party in the waiting. It is a revolutionary party on active ANC service. We have irrefutable proof of the ANC's continued use of Umkhonto. The South African Defence Force warned that Umkhonto units were going to be deployed to disrupt the Shaka Day celebrations which took place in KwaMashu near Durban last Sunday.

The precision with which IFP leaders are slaughtered in attacks by trained guerillas has been repeatedly witnessed by IFP members who have seen their people being killed. I have video footage of Umkhonto work. The South African Police have arrested official ANC organisers for having veritable arsenals of arms and ammunition secreted in their offices. On some occasions fore-armed is forewarned, and the police have actually intercepted armed Umkhonto personnel sent out on missions to kill. I have an authenticated hand-written instruction for the mobilisation of Umkhonto personnel in the ANC's southern region. I append a copy of it to this document.

The ANC's involvement in the slaughter of IFP members and leaders has been established beyond all reasonable doubt. I have complained that the ANC's use of violence and the subterfuge with which they have passed the blame to the IFP, makes for very ugly politics.

I have laid complaints about the behaviour of Dr Mandela and the ANC before the National Peace Committee. The ANC could not satisfactorily defend itself before the NPC and the matter has now been referred for arbitration. The issues are so grave, and so much is at stake, and the ANC's vendetta against the IFP has been so internationalised, that I have called for international arbitration within the provisions of the National Peace Accord.

Madam, gentlemen, I attach a list of names of IFP leaders who have been assassinated - and assassinated is the right word. They were not killed in outbreaks of street corner or mob violence. They were actually targeted for death and assassinated.

The question of ANC violence against the IFP could only be thoroughly canvased in a separate and long discussion session. I would welcome an opportunity to lay before international observers all the evidence of the ANC's acts of violence against us.

In a one paragraph summary I say I reject the Record of Understanding signed by Mr de Klerk and Dr Mandela because of sound constitutional considerations, and I reject the politics behind the Record of Understanding in which the ANC is attempting to take over the powers of government during the process of change.

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