

MEMORANDUM FOR PRESENTATION TO DR LUIS DE SOUSA DE MACEDO,
PORTUGUESE SECRETARY OF STATE OF FOREIGN AFFAIRS FOR
PORTUGUESE COMMUNITIES

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

PRETORIA : 21 OCTOBER 1993
ACCOMPANIED BY:

HIS EXCELLENCY DR JORGE RITTO, PORTUGUESE AMBASSADOR

DR CARLOS GOMES DA SILVA, COUNSELLOR FOR SOCIAL,
CULTURAL AND EDUCATION AFFAIRS AT THE PORTUGUESE EMBASSY
THE HON. DR MANUAL PRACANA, PORTUGUESE CONSUL, DURBAN
MR ANTONIO MATEUS, CORRESPONDENT FOR â\200\230LUSAâ\200\231 NEWS AGENCY
TWO ASSISTANTS

Dr Luis de Sousa de Macedo, Portuguese Secretary of State of
Foreign Affairs; : His: Excellency : 'Dr.: Jorge Ritto, s Portuguese
Ambassador; distinguished guests and members of the press. It
is a great honour for me to meet with you. South Africa boasts
of a large Portuguese community. Their entrepreneurial skills
and community spirit has been an inspiration to many South
Africans. There will always be a place for your people in the
new South Africa. But first of all we must ensure that the
future constitution of this country protects minority groups, and
respects the diversity of cultural, language and ethnic groups
that exist.

This gentlemen, is precisely the crux of the current political
debate. I am relieved you have come here today to hear the other
side of the argument. I know you will leave our meeting with a
better understanding of where the IFP stands, and the reasons
behind our current actions.

Unfortunately I cannot rely on our local media to present a fair
reflection of our views. Too much emphasis has been placed on
the â\200\230Utopiaâ\200\231 the ANC and the South African Government claim they
will establish. It is a pity that little focus is directed at
the content of this future dream, because if it was you would
appreciate the deep concerns that the IFP has been raising, and
you would join us in our demand for a future democratic federal
state.

The IFP was well aware of what we would face when we entered into
negotiations at the multi-party Negotiating Council. We had the
experience of CODESA behind us, as well as an exposure to the
agreements reached between the ANC and the South African
Government. In September last year these two parties signed the
â\200\230Record of Understandingâ\200\231, a document which embraced national
binding decisions which had the following implications:

- * the South African Government was prepared to negotiate with the ANC alone in the determination of a future government;
- * both parties were prepared to marginalise all opposition;
- * both parties were committed to a two phase transition to the establishment of a highly centralised, unitary government;
- * the proposals destroyed all hope for the establishment of a Federation of States.

These decisions were made without the participation or consideration of any other representative political grouping. These decisions were made by our government, with a clear understanding that they would be rejected by all other parties across the political spectrum. Yet it was these constitutional policies that were to set the stage at the multi-party talks at the World Trade Centre. The South African Government was prepared to take the risk of plunging South Africa into further division and dissent!

The pivotal question of South Africa's dilemma rests on two fundamental issues: the form of state, whether South Africa should be organised as a unitary, a federal or confederal state; and, secondly on the issue of process, whether we should finalise the future constitution now, or whether it should be written by a majority party in a Constituent Assembly after the elections.

The constitution is not a cut and dried issue, as indicated by the ANC and the South African Government. The arguments against a unitary state and a two-phase Constituent Assembly process are far stronger than what these parties would like the world to believe. It is precisely because of the rational justifications for a federal government, that all counter proposals have been silenced.

Even to the casual observer South Africa is a highly diverse society, made up of many different cultures, races, languages, ethnic and political groups. Our bitter experiences under apartheid rule over the past 40 years has taught us that a central government ruled by one party is incapable of accommodating the diversity of our society.

No one party vested with all the power at the centre can speak for all South Africans. A political solution for this country needs to embrace all people's needs and interests. We need to entrench a constitution which will respect the autonomy of social and cultural formations, and will guarantee the co-existence on an equal footing of the diversity of people in our country - be they Portuguese, Zulus, Xhosas, Sotho, English, Afrikaans, Black, White, Coloured, Indian, Muslim or Hindu.

The self-determination of the South African people can only be

achieved through federalism. Federalism gives constitutional autonomy to the member states, thereby bringing the government closer to the people it governs. This form of federalism also

provides the indispensable condition of ensuring adequate checks and balances on central government, and limiting the dominant role of central government. This will go a long way in defeating the totalitarian and oppressive tendencies which are operating in our country. Only a federal system of government can ensure the segmentation of power between different levels of government so as to provide a power-base and an opportunity for political survival to minority parties which otherwise could be wiped out from the political dialectics by the actions of an oppressive minority.

Thus for federalism to work in South Africa, it must be organised in such a fashion that the members States are recognised, highly politically charged powers. This is an essential requirement to ensure that a region such as KwaZulu/Natal develops into an organised autonomy, deciding for itself how all aspects of society . . . which are . . . not of national-interest! . . . ought to be controlled. Hence, the members States would be the primary government of the people - the tools of empowerment for the people in the regions.

The South African Government and the ANC entered multi-party negotiations rigidly adhering to the constitutional politics entrenched in the Record of Understanding. Rather than coming to the table to negotiate a compromised solution, both parties refused to make one concession that would lead to the establishment of federalism in South Africa. Believe it or not, but the issue of federalism has not even been debated at the multi-party Negotiating Council.

When this proposal was tabled by the KwaZulu Government it was thrown out of the discussion through the motion of . . . sufficient consensus This amounted . . . to no 'more than . . . the ' blatant exploitation of the Negotiating Council's Standing Procedures by the South African Government and the ANC to ensure that our proposal for federalism, including our rational justification for this system of government, would not even be discussed.

The IFP and KwaZulu Government were also sidelined on the issue of process. The one . . . phase proposals of the IFP are far simpler and far more democratic. We believe that the purpose of the multi-party negotiations must be to agree on the fundamental constitutional principles, . . . which are to be handed to a body of constitutional experts to prepare the draft constitution. This draft would be returned to the multi-party negotiations for approval or rejection in its entirety, and once approved would be submitted to a national referendum.

Both the constitutional principles and the draft constitution would reflect the constitutional inputs provided through the ground . . . up democracy building processes conducted in the regions.

Only after a successful popular referendum would elections be held for a future democratic government.

This process eliminates the need for a period of transition and an interim government, which at the same time effectively eliminates all possible loopholes for political manipulation and abuse during the unstable period of transition. And, just as importantly, this process could be successfully completed by as soon as September next year. Time is of the essence, because the sooner this country can democratically elect the final future government, the sooner this country can settle down to normality and peace.

On the other hand, all that the South African Government and the ANC are offering is interim regions with interim powers under an interim constitution which a Constituent Assembly is charged with the task of re-drafting. These interim regional powers are not highly politically charged, and would be exercised under the control of the Central Government. The genuine power will be vested in an interim constitution-making body which will have the legitimacy to perform the task of giving precise form and content to the new state.

If such a Constituent Assembly or Constitution-Making Body became dominated by the ANC there is no hope for regional autonomy in this country.. No guarantees have been provided for the recognition of pluralism and territorial and personal autonomy. And once in power, the ANC would never dilute the power they command at the centre.

Under the World Trade Centre proposals the post-apartheid constitution instead of being above party politics, risks being the main source of party-political struggle and racial and civil strife. There is a vast array of organisations and governments who would refuse to participate in a - transition process constituted on these grounds, without their key demands being met.

This process pushed through by the South African Government and the ANC has gone much further than constitutional debate. They have gone on to add deed to word by establishing the Transitional Executive Council (TEC) which is now law, in our absence and without discussing this Bill at any stage. The TEC establishes the foundations of a unitary state which is much more centralised than the unitary state under which self-governing territories and provincial administrations have operated up to now. The sub-councils of the TECs have been given the power to take away negotiated gains or guarantees concerning regional autonomy. In effect the TECs could effectively preclude the successful exercise of our right of self-determination and could challenge the integrity of our nation.

In much the same way the South African Government and the ANC intend to legislate the draft interim constitution into place next month. The State President himself has announced an ultimatum of 4 weeks for the interim constitution to become law.

In short, gentlemen, we have reached a crisis in negotiations. If this crisis cannot be solved now, the opposition against these unilateral moves by the government could plunge this country into civil war. The time has come for all representative parties who oppose the current political processes to prove, through our own political action, that the ANC/SACP alliance and the South African Government do not have the moral right and the political muscle to go it alone, and that any type of solution to the South African dilemma must be all-inclusive and take into account the needs of the people in the regions.

This explains the urgency of the IFP's moves to disband the loose association of the members of the Concerned South African Group (COSAG) to form the Freedom Alliance. The Freedom Alliance is a political alliance of various political groups and governments committed to joint action to oppose the Government's intentions to introduce a two-phase transition. It is a political force which will oppose the ANC/SACP alliance coming into power as a centrist ruling political party which will, inter alia, disband Kwazulu, and not only reject federalism but bury it once and for all. Hence, with the creation of the Freedom Alliance, we firmly believe that we are providing the vehicle through which millions of South Africans will finally be able to give expression to their political aspirations:

Now is the time for action and that action can no longer wait. Our action is going to be within the parameters of our traditions and will be characterised by non-violence, reasonableness and defence of our rights. We will not destroy, intimidate or resort to disruptive mass action, for the protection of law and order is of too great a value to us. However, we shall be absolutely intransigent and determined in our action to establish a new South Africa where the voice of all the people can be heard.

_____ A et