

CONFIDENTIAL

MEMORANDUM FOR DISCUSSION WITH MR GERRY WARNER CMG,
THE CABINET OFFICE, UNITED KINGDOM AND MR AA ROWELL,
COUNCILLOR BRITISH EMBASSY
BY MANGOSUTHU BUTHELEZI, CHIEF MINISTER OF KWAZULU
AND PRESIDENT INKATHA FREEDOM PART

ULUNDI. 2ND APRIL 1992

Mr Warner and Mr Rowell, I welcome you to Ulundi and look forward to sharing ideas with you regarding current developments in South Africa. Great Britain has always played a very important role in the development of its erstwhile colonies. Britain's influence in Africa, as well as in other parts of the world, has been considerable.

I have always expressed my hope that Britain's recognised role of honest broker in settling difficult regional issues will prove to have a similar value here that it has had elsewhere in the world. I can see difficulties ahead in South African negotiations for a new constitution. While I reject the need for the international community to become involved in the negotiation process, or in monitoring what is happening, it could well be that the good offices of Her Majesty's Government will be needed to present the difficulties we are going to experience here to the outside world.

The whole world is moving towards solutions of constitutional problems by consensus. I know that Britain is one of the world's most democratic unitary states, and this would in itself commend Britain as a sympathetic promoter of consensus politics in plural societies. I do not believe that it would be sensible to try and replicate Britain's unwritten constitution and duplicate the Westminster parliamentary model here in South Africa. Britain can see the consequences of having attempted to leave winner-takes-all political systems behind here in Africa and elsewhere in the world.

A future majority parliamentary party, commanding political power in South Africa, will have to be subjected to constitutional checks and restraints. We never again want to see any South African Government have the opportunity to acquire the kind of monolithic powers which successive National Party governments accumulated around themselves. We want more than agreements about delegated power to regional governments in the unitary system.

We need to establish the autonomy of Federal States as a prior step and then we need to go on to negotiate the composition and the powers of a Federal Government which autonomous regional states are prepared to concede to it. Anything short of this approach would leave the future in the hands of a majority parliamentary power which could rewrite constitutions and rig the judiciary to enable it to do so. Any delegated powers could be withdrawn by a future majoritarian government. The IFP very strongly favours one or another form of federalism or even a consensus system such as the Swiss canton system.

In addition to the issues related to the kind of Constitution we need there are issues relating to how we are going to move from the present into the future constitutional dispensation.

In this regard I am even more concerned here than I am about choosing between constitutional models. The ANC and the South African Government are now favouring the establishment of an elected parliamentary alternative to the present House of Assembly, which will govern during the interim period and which will act as a constitution-making body for South Africa.

There are no prospects whatsoever of holding a fair and free election now or in the near future. The levels of violence are still intolerably high and there are no indications that the violence can so be brought under control that intimidatory tactics in fierce, winner-takes-all battles, will not badly distort an election outcome.

Right now it is only the ANC which could hope to gain from holding elections in the present circumstances of violent disruptions of the normality of society on which free elections will depend. The ANC has refused to become a political party amongst other political parties and it has sought to develop the mystique of being a liberation movement in the final phases of saving South Africa from racism and White greed. The ANC is committed to winner-takes-all political battles and it remains committed to the use of mass action politics for developing its political power.

The ANC also insists on retaining its military wing Umkhonto weSizwe as a final backup which, it says, it will rely on if negotiations fail (and I add - or if the ANC chooses to make negotiations fail). The ANC is most equipped to pursue the politics of intimidation.

I have marked this document 'Confidential' because I want to back this statement by telling you, Mr Warner, of the dilemma we are now facing. A ranking officer of the South African Police informed the Transvaal Regional Dispute Committee that the SAP had information regarding a meeting held in the ANC's Shell House in Johannesburg, at which it was formally decided that Umkhonto would be used to attack IFP personnel and targets.

When it came to the next phase of dealing with this matter - the handing over of the information to Mr Justice Goldstone for investigation by the standing Commission of Inquiry regarding the Prevention of Public Violence and Intimidation - Mr Goldstone was told that the tabling of the source of information would result in exposing the means by which the SAP had infiltrated Umkhonto to get the information.

We know that the ANC is using Umkhonto to kill IFP personnel and to intimidate IFP followers. I have seen a video recording of Mr Chris Hani and Mr Harry Gwala, discussing the use of Umkhonto in the Greater Empangeni area. I have also had reports of an Umkhonto cadre or platoon having been moved into the Empangeni region and of it having been responsible for the killing of IFP office bearers in that area.

I know that the ANC really only face the IFP as a viable Black opposition to an ANC takeover of politics. The ANC is, I am convinced, continuing its more than a decade long attempt to destroy me politically and to annihilate the IFP as a political force.

The South African Government has thus far failed to dislodge the ANC from its adamant position that it will not disband Umkhonto. It presents Umkhonto as a recognised liberation army under the Geneva Convention and presents it as a noble force which should be part of the ANC's takeover of power in South Africa.

In all reality we know that Umkhonto weSizwe is, of all revolutionary armies, the least adorned with recognition for having achieved anything of any significance. It has never actually engaged the South African Army or the South African Police in revolutionary warfare and out of all the acts of violence which it has committed in South Africa, the majority of them are acts of violence by Blacks against Blacks and not against apartheid. It is intolerable that Umkhonto has been elevated to the position of a noble liberation army. Right now our people are dying from attacks by Umkhonto weSizwe.

We now have the ugly situation in Alexandra during the last few days, where killing has been taking place and is still taking place. People have not been able to go to work in the last few days and people have left their homes on account of this violence. While warnings were received by our members that attacks on the hostels would take place, these were disregarded by the Goldstone Commission for lack of evidence. What is now taking place bears testimony to the authenticity of the warning that the IFP received.

I hold the Members of the International Commission of Jurists responsible for having now contributed to the escalation of violence in Alexandra. Their statement that I alone have a responsibility for the violence as well as their statement that the hostels are barracks for the IFP, has fanned the flames of this violence.

Since one of them is a prominent British Barrister, I feel that I should draw your attention to the damage they cause when they visit outfits such as the Human Rights Lawyers and the Legal Resources Centre, which are no more than fronts for the ANC/SACP/COSATU alliance. The ANC propaganda against the IFP and myself, which is feed to them, does not contribute towards any achievement of peace in this country. It is tragic that they should in this way contribute towards the escalation of violence, rather than to its diffusion. The violence has now reached unacceptable levels.

We simply cannot accept an election now or in the foreseeable future. In any event, we say there is no need for an election. The IFP has tabled very feasible proposals for a transitional process which relies on modifications to the present government's structures and the continued existence of a modified parliament.

Moreover, our objections to the Government's transitional proposals are over-riding objections on other grounds. Any transitional arrangements which amount to taking the first step towards establishing a unitary state must be rejected. The only way in which we can move from the present to the future, through neutral negotiations, is to follow the kind of proposals the IFP has tabled in the CODESA Work Group III. I attach a copy of this document for your perusal.

We see real danger of deadlocks being reached because the kind of objections that we are raising to ANC and Government proposals are not being considered and instead, the Government and the ANC are taking advantage of the under-representation in CODESA to steam-roller their proposals through its decision-making process.

Right from the proceedings of CODESA I, I have argued that CODESA'S Declaration of Intent was flawed and that representation in CODESA was too narrow and could not be addressed because of the flawed Declaration. I have had a number of discussions with Dr Treurnicht and others and I am campaigning for the inclusion of the PAC and AZAPO from the left, and the CP and AWB from the right to ensure that CODESA is sufficiently represented to support the far reaching constitutional negotiations taking place in it.

We have also, prior to the holding of the Preparatory Committee in November, followed by CODESA I in December, have insisted on the right of the KwaZulu Government and His Majesty the King of the Zulus, to be fully represented in CODESA. Our point is that KwaZulu was not created by apartheid; it had sovereign independent existence before the Act of Union which demands its historic recognition as a constituted part of South Africa and which must be consulted before constitutional changes can be introduced.

We urge CODESA to take note that the negotiations which set up the independence of places like Ghana, Nigeria, Uganda and others, had any existing monarchy represented at the talks. It is a fundamental democratic principle that any people or any historically constituted group have the right to participate in deliberations which could affect their very existence or even their vested interests or boundaries.

KwaZulu will not be automatically bound by the decisions of CODESA and should any attempt be made to force conformity to CODESA decisions upon us, we will resort to Supreme Court action on the same kind of grounds on which we disputed (and won) the Supreme Court case when the South African Government attempted to alter KwaZulu's boundaries to join portions of KwaZulu to Swaziland.

We are going to have rounds of discussions in which the issues I have raised today are going to be tabled. I certainly hope that we will be able to succeed in diverting CODESA away from a crisis.

My request, Mr Warner and Mr Rowell, is that your Honourable Prime Minister and the British Government be alerted to the fact that attempts could well be made to punish me and the KwaZulu Government for pursuing federal objectives and refusing to corrupt the negotiation process into a process in which power could be seized by negotiating parties prior to final consensus being arrived at regarding the definitive new Constitution for South Africa.

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Attach. - Work Group III Document