

LUNCHEON IN HONOUR OF THE HONOURABLE MR BISMARCK MYRICK SENIOR,
AMERICAN CONSUL-GENERAL
AT THE END OF HIS TERM OF OFFICE IN DURBAN
ACCOMPANIED BY HIS TWO CHILDREN, MR BISMARCK MYRICK JNR
AND MISS ALLISON MYRICK

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

ULUNDI : WEDNESDAY, 4 AUGUST, 1993

Mr Bismark Myrick, it gives me great pleasure to welcome you once again to Ulundi. It is with a feeling of sadness that I note that this is to be your last visit to Ulundi. It is indeed unfortunate that you are leaving our country just when we have reached such a crucial moment in our history. Your period of tenure at the United States Consulate in Durban has been one during which our country has undergone intense moments of turbulence and violence. On the positive side, though, it has also been one of renewed hope where South Africans have, against great adversity, consciously strived to overcome the divisions of the past to forge out a new South Africa â\200\224 a South Africa of peace, justice and prosperity.

I am very often at a loss for words when I have to Â«convey a straight hard message to a foreign government through a diplomat. There are ways of saying things strongly by couching them in the nicest of language. There are some things however which lose their meaning when they are wrapped around with nice words.

Having conveyed my difficulty with you, Mr Consul-General, I want to go on to say that the United States Government and President Clinton, and because of them the Presidentâ\200\231s most excellent Ambassador, Mr Princeton Lyman, are so interfering in South Africaâ\200\231s domestic affairs of producing a democracy that the United States will be held accountable for a civil war which could break out as a result of the ANC succeeding in intimidating the Government and riding rough-shod over everybody else in its forward drive to acquire/seize power at any cost.

I get thÃ© impression that the United States is actually backing a Mandela victory because the US wants a settlement tomorrow, and it is a case of wanting any settlement at any price.

The proposals at the World Trade Centre that Ambassador Lyman wants me to accept are proposals that will thrust this county into civil war. While I take all the risks doing everything possible to avoid a civil war, I am castigated for not running along after the ANC to help the Government, to carry their bags.

There shall not be a unitary state. There shall not be a Constituent Assembly to write a new constitution de novo. There will not be an elected Constituent Assembly which dictates powers, structures and functions for regions after an election. There shall be the finalisation of regional powers, boundaries and structures before elections. There shall be a final determination of the form of state and where we are going to be - constitutionally speaking, before an election.

I make these statements for the sake of democracy and not for the sake of South Africa. I make them because I am a democrat and I make them as truly reflecting the opinion of both the Black masses and White society.

It will be disastrous for us to have an election campaign on who is going to write the country's constitution. We will not allow that, and that is what a Constituent Assembly election will be all about.

Mr Consul General, if I could have said what I have just been saying differently I would have done so. I had to speak my mind so that there would be no doubt about what message I would ask you to take back to the United States. I am certain that having been the Representative of your great country in this part of the world for so long, that you will be inundated with questions about this fellow Buthelezi, who has become the veritable fly in the ointment, as the media so maligns him.

Last week on Monday, the first draft constitution for our country was submitted by the Technical Committee on Constitutional Matters to the Negotiating Council for its approval. This should have been a momentous occasion - a moment which those of us who have long fought apartheid should have welcomed and relished. Instead, we are left with the feeling that our country's negotiators have failed dismally in their task of coming up with a constitution which will provide a basis for peace, justice and democracy.

The roots of the failure to come up with an acceptable constitution go back further though. Three weeks ago, the IFP walked out of negotiations taking place at the World Trade Centre. Our delegations walked out in protest at the manner in which decision-making was being made. Our decision was not some crude attempt at grandstanding, as it has been labelled by the media. Nor was it taken on the spur of the moment. Rather it reflected our disquiet at how fundamental decisions were being made against our wishes - decisions which adversely impacted on our well known desire for a federal system of government for our country.

In accordance with the principle of sufficient consensus the election date for South Africa's first fully-inclusive democratic election was set. We were not opposed to the setting of the election date per se, but were vehemently opposed to the setting of an election date before agreements were made on the form of state

South Africa is to take. Contrary to the rantings of our detractors, this position is not in opposition to democracy but is consistent with creating a true democracy in our country. How, in

God's name can we set an election date, when we do not know what we are going to those elections for?

As ludicrous as this decision was, it was not the only time the principle of sufficient consensus was used to circumvent reaching agreement on crucial issues. In accordance with the principle of sufficient consensus - and again against the wishes of the IFP, the Negotiating Forum instructed the Technical Committee on Constitutional Matters to write up the present draft constitution for our country. Again we objected to this decision since the intention was to draw up a draft constitution which excluded federalism and empowered a constituent assembly. What was more, it was our belief that the instructions made to the Technical Committee in no way reflected the gains and agreements made in bilateral discussions with the South African Government.

In bilateral talks with the Government, President de Klerk gave me his personal assurance that no fundamental decisions would be made without the IFP's agreement, just as there could be no agreement without the ANC/SACP or the South African Government. This was no crude attempt at collusion between our two parties but represented the view that since the IFP was one of the important role players, there should be no agreement made that does not reflect our wishes.

What this boils down to is that there could be no sufficient consensus, especially on crucial issues, if the IFP was not in agreement, or any of the other important role players were not part of the consensus reached.

The fact that the ANC is prepared to press ahead without the IFP agreement was always to be expected. The fact that the decision-making process allows them to do so is totally unacceptable. This was, of course, not meant to be so. At the very beginning of the negotiation process, it was decided that, in terms of forging out a new, just and lasting constitution, all decision-making would be made by consensus. Negotiations were therefore to be conducted under the rule that there would be no head counting of votes in any rush to find agreement on critical issues. This, we believed, would go a long way to forging unity and bringing in those who still had reservations about negotiations. We in this Region had experienced this in the decisions that were taken in the KwaZulu/Natal Indaba.

However, it was also agreed that in order to prevent any insignificant or obstructionist party from holding negotiations to ransom, the principle of 'sufficient consensus' could be incorporated into the decision-making process. What was meant by

"sufficient consensus" was that negotiations could go ahead in spite of the fact that one or more parties might be in disagreement to any decision.

But in agreeing to this concept the IFP failed to see how it would be so blatantly abused by the ANC to get around our fundamental objections to undemocratic decision-making. For this we are undoubtedly to blame. Yet our only crime was that we accepted the bona fides of our negotiating partners and believed that negotiations would be undertaken in a spirit of give and take. Along with other parties present, we acknowledged the need to put aside our own narrow party political interests and make decisions in the best interests of our country. But little did we know that the ANC and the National Party would join forces in an unholy alliance to manipulate the process so as to get what they needed out of a negotiated settlement.

Going right back to the Record of Understanding and the 5 year plan, we have seen how the ANC and the Government have connived together, how they have bulldozed all other parties into toeing their line and how they have blatantly tried to hijack the entire negotiations process.

If we look for the reasons for this pact, we find that both are under pressure to deliver on the extravagant promises that they made to their followers during the 20 years of conflict. Both had

falsely raised the expectations of their supporters and both have drummed home a bottom line which could not be dropped without losing face. So it was only to be expected that these two elites would join forces to get themselves out of the corner that they have painted themselves into.

The ANC needed the Nationalists' agreement on their proposals for a Constituent Assembly, and the Nationalists needed an agreement with the ANC to share power, albeit as a junior partner in a new government, in order to prove to their electorate that they were not selling them down the river.

Whatever their reasons, both the National Party government and the ANC/SACP alliance elites were acting without the consent of their followers. Certainly, the deal that the Government has struck with the ANC flies in the face of the mandate which was given to it by its electorate in the Referendum of last year. In that Referendum, the Government was given the go ahead from white South Africa to embark on a process of negotiations which would lead to the constitutional entrenchment of power-sharing with the black majority. In the Referendum literature eight minimum requirements were set out, including amongst others, built in guarantees and mechanisms which would make domination by the black majority impossible.

Today those guarantees are not worth the campaign literature they are written on. In a total about face, the Government agreed with the ANC to a 5 year plan which would include a two-stage transition process which will empower a popularly elected Constituent Assembly to draft the final constitution.

According to this two-phased approach, the first phase would see the establishment of a Transitional Executive Council and various sub-councils which would then prepare for elections. The elections would bring into power a Constituent Assembly which would rule the country and which would write South Africa's final constitution. After that a second general election would be held.

The idea that a Constituent Assembly would write South Africa's constitution has long been rejected by the IFP and, not so long ago, by the Government. The ANC's proposal that a Constituent Assembly write South Africa's constitution was embodied in the Harare Declaration. That Declaration reflected the hard-line, winner-takes-all ethos of an ANC at war with the National party. At that time there was, according to the ANC, no room for compromise and the only thing that needed negotiating was the handing over of power. The Constituent Assembly was therefore the instrument which the Harare Declaration provided for the handing over of power to the people - for 'people' read 'ANC/SACP alliance'.

That was the politics of the apartheid era. It was a period of hard-liners and bottom lines. There was no room for powersharing. You had either to conquer or be conquered. Today, reconciliation demands a different attitude from all. We in the IFP believe that if we are to secure for ourselves long lasting peace and reconciliation, there can be no room for the winner takes all mentality as embodied in the Constituent Assembly route to majority rule.

By our negotiators agreeing that a Constituent Assembly write our constitution, we in the IFP also believe that South Africa is throwing away its chances of securing a federal system of government for our country. Given the chance, we believe that an ANC/SACP government once in power would entrench centralised power in South Africa's first full constitution, leaving the regions powerless as has been the case since Union in 1910.

This is not merely a suspicion, it is borne out of international experience. Nowhere in the world has a sovereign parliament elected on a unitary basis produced a genuine federation. Such a body has always reserved sufficient powers for itself, enabling it to over-rule the demands of regional state legislatures.

Despite this fact, there is the view held by the experts who drew up the draft constitution, that we have nothing to fear from a Constituent Assembly writing our final constitution since it will be bound by principles agreed to in advance. To back up their argument they list an impressive array of areas where regions will have some power. Health, education, housing, local taxation and local policing are to name a few. We in the IFP are not convinced.

Nowhere is it clear of how these powers will be shared with the centre. We also believe that placing the responsibility of writing a constitution in the hands of a ruling party which would be expected to observe constitutional principles is altogether unacceptable. It is our view that these principles are vague and open to interpretation. Of particular disquiet to us is that these principles themselves will not be justiciable. This will mean that there would be no check on an elected Constituent Assembly interpreting the "binding" principles any way it chose.

While we in the IFP reject the draft constitution we are keenly aware that a workable constitution will not be achieved overnight. We understand that Constitution making is a process which takes time to get right. Yet we do not believe that the draft was, as the Democratic Party put it: '"a good basis for further talks"'. Nor do we believe that it can be seen as a vast improvement on our previous apartheid constitution as the editor of a local newspaper argued. For us in the IFP the draft constitution cannot be improved upon. It is incorrigible.

Although the draft spelt out only two Chapters of an interim Constitution â\200\224 the one related to the legislative and constitution-making functions and the other to the powers and functions, there is enough to suggest that it has fallen far short of what we have demanded. The draft constitution does not only embody the Constituent Assembly route to democracy, nowhere is it stated how the executive of the Constituent Assembly is to be constituted, how it is to exercise its powers and precisely what powers the provincial assemblies will have. Given our unfortunate history of central domination, we believe this is inexcusable.

Not only do we want the powers of the regions to be clearly spelt out, we also insist that all residual powers, or those not specifically listed in the constitution, have to reside with the regions and not central government. So far the list of powers to be entrenched in the regions amounts to 20 whereas the present self-governing states already have 38 powers. By accepting the ANC and National Partyâ\200\231s proposals, we would be accepting less powers than under the present system - the same system which has concentrated power and authority at the centre and has led to the marginalisation of the regions.

For us in the IFP, the first draft constitution for the new South Africa was meant to be a milestone in our quest for true democracy. Instead, we are no further from achieving a democratic constitution than when we started our tortuous journey in February 1990.

Considering our unfortunate past it was only to be expected that our negotiators would agree on a draft which totally broke from the domination of the past. One which prevented the centralised rule of the past; and one which provided a framework in which decision-making reflected the needs and aspirations of our people on the ground. Instead we have received a draft interim constitution which is fundamentally flawed. One which has kept intact the mind-set of yesteryear. One which therefore is unacceptable and which cannot be reformed.

Yet our negotiator's attempt is altogether not surprising since it reflects the process that has gone before. As I have already said, our negotiating process which we have been subjected to, was a process which has been plagued by connivance, attempts to sideline the IFP and other key parties and the bulldozing of decision-making which suits only the ANC/SACP alliance. Under such circumstances, we could never have expected a draft constitution which was a good basis for discussion and refinement. Instead of Monday the 26th of July being noted down in the history books as the landmark day in our quest for genuine democracy, it will go down as yet another instance where democracy is still-born in our violence-ravaged land. We were waiting for the birth of a Constitution but we have instead watched an abortion of a Constitution.

This is not our view alone. The South African Chamber of Business, whose opinions are usually a good barometer of what is good for our country, viewed the proposals in their present form as lacking the constitutional safeguards needed to assure the future roles of national and regional government, quality of administration and the stability required to restore and underpin business confidence in the short, medium and longer terms. For an organisation which is keenly aware of the conditions needed for political stability and economic growth, their comments are indeed an indictment.

It is SACOB's considered opinion which goes some way to vindicating the stand we have taken all along. We in the IFP have long had it as our standpoint that if we are going to achieve peace and prosperity in our country, then a constitution which satisfies the fundamental needs of all of our people must be agreed upon. No amount of conniving between elites will give us a constitution which will have the confidence of the people. Instead we can expect the polarisation which may drive our country to chaos and destruction. At the moment the choice of rectifying their mistakes still rests with our negotiators. Let us not in our stubbornness leave it up to the disillusioned mobs.

Mr Consul-General, I thank you for the invaluable contribution which you have made to the democratisation process which, while faltering, is nevertheless underway in our country. I and my party, the Inkatha Freedom Party, are appreciative of the open and accommodating manner in which you have listened to us and viewed our proposals for a just and democratic South Africa. Let us hope that our efforts to create a new peaceful and prosperous South Africa are not in vain.

You were the first African American to represent the United States in this Region. As I look back over the time you have held the post of American Consul-General in Durban, I am - as an African, quite proud of your record of service to all the people of this Region, regardless of political affiliation. You are leaving many friends here amongst us.

We will always remember you as a brother and a friend. It was wonderful also to meet your two children. They are a credit to you and we shall never forget Bismarck Jnr and Allison. We hope that now that they have been to their Mother Continent with you, that they will always visit home. We wish you, Sir, everything of the best in your new post wherever you will be posted. We do hope that you will one day return to Africa, having been in Africa for so many years, even prior to your having been posted to South Africa. As we Zulus always say, we wish today to say to you and your children:

"HAMBANI KAHLE"

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