

BRIEFING TO MR JOHN ASPINALL AND LADY SARAH ASPINALL

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ULUNDI : FRIDAY, 6 AUGUST 1993

Mr John Aspinall and Lady Sarah; Dr Player; ladies and gentlemen.
I am very honoured to welcome you once again to Ulundi. It is
amongst old and trusted friends that I can openly express my
concerns and expectations about the future of South Africa.

Let me say from the outset that I do not have many friends like you
in the whole world, nor do the Zulu people have many friends like
you. - In fact, the Zulus no longer regard you as just a friend, but
as their kith and kin. That is from His Majesty to the simplest of
our people.

I have in the past spoken to you at length on the pressing need to
transform South Africa from a society based on apartheid,
discrimination and privilege to one of democracy, equality and
respect for human rights. I have spoken to you about the diversity
of South Africa's plural society, and the need to find a political
solution that will adequately and justly address this diversity.

Just as the Western world has widely accepted federalism as a
practical feature of modern politics, so too does the IFP recognise
the merits of federalism for our emerging nation. We live in an
age of political problems in which federalism has been seen as the
solution. We would like to see this solution applied in this
country.

The IFP believes that for the voice of the people to be heard the
government must be situated at the heart of our regions. We are
convinced that a government works best when it is more answerable
and in closer proximity to the people it governs. If power is
devolved to the regions, more political actors are able to exercise
power over the country. Hence, regional interests will be better
represented, and at the same time more attention can be given to
the diverse array of ethnic and cultural differences.

The negotiation process has ignored all debate on federalism. The
ANC, together with the direct assistance and support of the South
African Government, has subtly and high-handedly entrenched the
notion of a unitary state with possible provincial and regional
characteristics, and the process of transition centred around the
empowerment of a Constituent Assembly, which is vested with the
powers to over-ride any assurances for regional empowerment agreed
to before the elections.

On June 15 the KwaZulu Government and the IFP's request to table a
federal model at the national Negotiating Council was rejected, and
the Council proceeded to set an election date before any agreement
was reached on form of state and on the purpose and finality of
such an election. We objected, and our objection was flagrantly
ignored, leaving us no alternative but to walk out.

This was not the end. On June 30 the Negotiating Council
instructed the Technical Committee on Constitutional Matters to
draft a constitution that excluded federalism and empowered a
Constituent Assembly. Our objections to this undemocratic proposal
were once again totally disregarded.

Fundamental decisions on South Africa's future were taken by the ANC/SACP alliance along with the South African Government/National Party, irrespective of whatever the other participants in the process asked for and irrespective of the true needs, wants and aspirations of the people of South Africa.

This has all been made possible by the application of the notion of 'sufficient consensus' which no longer reflects the original understanding which brought the participants together, and is blatantly misusing the agreed to deadlock breaking mechanisms to such a degree that all participants are relegated to a process which does nothing more than rubber-stamp the decisions taken by the ANC/SACP alliance and the South African Government/National Party.

It was, therefore, as a last resort that the KwaZulu Government was forced to file an action in the Transvaal Supreme Court to challenge the notion and the application of 'sufficient consensus' a move totally supported by the IFP. This action will seek to invalidate the decisions setting an election date before agreement is reached on the form of state. It will also aim at setting aside the instructions given to the Technical Committee on Constitutional Matters on the basis of which the highly unrepresentative and undemocratic draft interim constitution presently under consideration by the Negotiating Council was drafted.

Reaction from the South African Chamber of Commerce to the draft interim constitution clearly demonstrates that the concerns of the IFP are shared by the South African business sector. Our national Chamber of Business stated that there is an obvious deficiency in the proposals in their present form in that there is a lack of constitutional safeguards needed to assure the future roles of national and regional government, a lack of quality of administration and a lack of stability required to underpin business confidence in the short, medium and long term.

Because the IFP has remained determined to follow its own political course, and refuses to be dictated to by.- the current unrepresentative government or the ANC 'government-in-waiting', we have been wrongfully painted as bloody-minded and objectionist. But if it were not for the IFP's unswerving commitment to a democratic political settlement with federalism as the end result, we would never have gained the achievements and gathered the enormous support from the South African people and business sector to develop the federal aspects of South Africa's new constitution.

Federalism is now correctly seen as not an alternative option, but the only option for South Africa. Even our local media, which is shockingly biased against any person, organisation or government which does not tow the ANC line, has belatedly woken up to the real issues on the national agenda. :

In the latest Sunday papers I was nicely surprised to see avid anti-IFP reporters begrudgingly acknowledge the merits in our arguments for the entrenchment of constitutional guarantees before an election is to take place. How can they dispute our arguments, when constitutional experts, both locally and nationally, our business sector and the population at large have expressed concerns about the seeming emergence of another dictatorial future government.

Even foreign diplomats from the Soviet bloc, once the beneficiaries and mentors of the ANC in exile, have warned against the current process at the World Trade Centre. The President of the Russian . Fund for Constitutional Reforms, and Russian Member of Parliament, Mr Oleg Rummyantsev, was quoted two weeks ago as stating that constitutional principles for South Africa should be tested in a referendum before an election and entrenched so that these principles could not be changed without the consent of all communities. He warned South African negotiators not to rush the transition, but rather to make sure all parties agreed on the principles of the transition.

Mr Rummyantsev correctly pointed out that any constitution could be changed as the decision-making body changed, therefore constitutional principles had to be entrenched and all racial and cultural groups had to agree to changes in constitutional principles. He stated that Russia had made major mistakes during their own transition which South Africa should avoid. I can only hope the ANC/SACP alliance took note of the wisdom that their older partner-in-arms had to say.

In this case the decision-making or constitution-making body proposed is the Constituent Assembly. In line with the ANC's demands, the election date set for April 27 is to institute such a constitution-making body in place. A report, attached to the draft interim constitution tabled last week, stated very clearly that the elected constitution-making body 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 is dominated by the ANC there is no hope for regional autonomy in this country. Once in power, the ANC would never dilute the power they command at the centre.

The post-apartheid constitution, instead of being above party politics, thus 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 Transitional Executive Council constituted on these grounds, without their key demands being met.

The boundaries, powers and functions of the regions have yet to be decided upon. 'If we had to go along with the draft interim constitution, these issues are to be dealt with by a Commission on Regions after the elections. Whilst the interim constitution has magnanimously made provision for regional representation on this Commission, the final say will rest with the Cabinet and the Constituent Assembly.

Those arguing for the Constituent Assembly route refer repeatedly to certain constitutional principles agreed to already at the Negotiating Council, which purports to guarantee regional autonomy. I am reported to be 'ill-advised' because I am not convinced of these assurances. Do you blame me?

In their justification they fail to detail how these powers will be shared with the centre, and every constitutional principle cited is vague and open to interpretation. One thing is very clear though, and that is how central deadlock-breaking mechanisms can over-rule any regional constitutional guarantee agreed to before elections. The draft interim constitution makes explicit provision for a 51 percent majority agreement in the Constituent Assembly, if a deadlock on agreement is reached, and the deadlock breaking mechanisms have run their course.

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In simple terms this means that a 51 percent majority of voters in the elected Constituent Assembly would basically be allowed to do anything they please, irrespective of the consequences their decisions have for the future of South Africa. Regions would merely be left to being mere conveyor belt mechanisms for carrying out central government policy.

For political and economic stability to prevail, democracy must succeed, and democracy cannot emanate from a government structure with all the power concentrated at the top. At all costs, the IFP wants to avoid a future government structured along the lines of the past apartheid regime, with a vast proportion of the population opposed to the country's constitution. If we want to: build a government of national unity we need to get to grips with what a democratic constitution is all about.

A constitution of a country is an instrument for categorising priorities and tasks for the government. It is a basic document that must be accepted by every citizen as- the main source of cohesion and authority; it is the guiding manuscript for the actors in power, limiting this power to prevent state abuse. The root of the violence and dissension evident in our society today is a direct result of the social engineering of the apartheid government - a government which ruthlessly succeeded in imposing oppressive and inhumane legislation against the people.

The IFP's opposition to the April 27 election date is not against the election of a democratic government. On the contrary, we are directly opposed to the ANC alliance's attempt to do worse social engineering than even apartheid did. By replacing a White Afrikaner dictatorship with a predominantly Black ANC dictatorship, does not detract from the tyranny of a dictatorship. The only difference is that after an election for a Black dictatorship in South Africa, such a dictatorship will be almost impossible to remove without the beginning of a civil war, because the Black people in this country are the majority in number.

And this is not a threat on my part that I intend rallying my supporters together for a civil war. This is a realistic appraisal of what will happen if we allow a one party, dictatorial rule in South Africa. We have the history of Africa to guide us, if the alarming tally of deaths in our townships is not convincing enough to those who are bent on grabbing power at any cost.

There are identities that have to be carried forward to contribute to the richness of a future South African state. However, to make that possible you must have an institutional framework that facilitates - it. The IFP believes that to guarantee democracy in this country, it has to be constitutionally entrenched before the elections, allowing for as many centres of power with real autonomy as possible. For the constitution to be acceptable to the widest possible spectrum of players, it will have to offer the widest possible participation in future government.

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