

SECOND INTERNATIONAL HUMAN RIGHTS CONFERENCE VILNIUS-LENINGRAD 1990

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The region South Africa from which I come, the KwaZulu/Natal region on the north-eastern seaboard of South Africa, was dominated by the Zulu Kingdom whose influence stretched far south into what is now South Africa's Cape Province and far north well into what is now Mocambique and Zimbabwe.

The Zulu Kingdom co-existed with the Kingdom of Lesotho and the Kingdom of Swaziland and all three Kingdoms had been established by great warrior Kings who conquered to incorporate and amalgamate. The whole process of forming ever-expanding Kingdoms rested on war and in the first quarter of the 19th Century, these wars laid great trails of devastation across the sub-continent.

Smaller clans and chiefdoms were annihilated and their men, women, cattle and goods were incorporated into an ever-greater growing whole.

The waves of warriors who swept the open terrain between centres of power lived off the land and destroyed what they could not eat when they passed so that life became impossible for those opposed to them.

Everywhere there were fleeing bands also attempting to live off the land and they too raided, ate and destroyed as they went. In the end there was great devastation over vast areas.

And then there was that period of great suffering for ordinary people which we today look back at as a time which we see as astonishing in its awesomeness. There was great starvation; there was great human suffering and there were no agencies of relief. We gave that period of human devastation the name of Mfecane or Difaqane and we as a people swore to ourselves that it would never happen again.

Out of our experience there emerged in our souls and in our minds a great yearning for humanism which we call Ubuntu-Botho. It is with that humanism that I am motivated and it is with a deep historic sense of the tragedy of violent human conflict that I am motivated.

For me the whole process of change in South Africa is taking place in a God-given golden moment of history. We now have the once in a country's history opportunity to write a new constitution and a Bill of Human Rights to go with it on a slate wiped clean by the Black South African struggle for liberation.

The enormity of the task that faces us almost batters one's sensibility. When I look across history I see other nations which were presented with the opportunities South Africa now has to re-order society, re-shape politics and re-write a constitution, squander the precious moment of history away.

I am intensely aware of how difficult it is going to be to avoid the kind of errors of judgement in order to avoid the duplication in South Africa of what happened in many other places after the day of political liberation.

I think of my brothers and sisters in Mocambique and Angola and how their day of liberation led to a strife-torn future in which brother beset brother and sister beset sister to produce the kind of devastation which we remember as Mfecane. Their lands were laid waste by warring factions eating and destroying as they went.

Everything in me cries out to my fellow countrymen calling on them to desist from anything that will lead to a similar and even more devastating period of civil war after liberation.

My constant message to my people and to other leaders in South Africa is that we cannot rediscover the wheels of democracy. There has been a great history which mankind has written down through the annals of time. There has been a great march in the human discovery of democracy. We know now what it is. We must grasp it and employ it.

If I had to write a guideline prescription for those who are going to be involved in re-ordering the South African society and re-writing South Africa's constitution, I would say that it would be to look at democracy where democracy really works and take the great moral statements mankind has made and marry them to produce that which works in South Africa.

When I look at the Universal Declaration of Human Rights, I see the preamble talks about inherent dignity and equal and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world. My heart sings at these words and I know the words that follow where it is stated "...disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind..." have been powerfully true for South Africa.

The flouting of human rights has produced apartheid and racism behind apartheid has devastated the land. Apartheid has created vast areas of human suffering. Millions of Black South Africans are crowded into vast sprawling shanty towns and ghettos in the slums in peri-urban areas around our larger cities.

They live there uncared for by the State. They have no local authority which is obliged to supply them with many of the essentials of life. They do not even have such things as sewerage systems or garbage removals and there is no potable water - just a vastness of human suffering.

And there is anger in that poverty which has to be employed constructively in the building of the new South Africa. Leaders in South Africa face the enormous responsibility of leading those who are perhaps most justifiably feeling that the world is a brutal place where only brutal action on their part can protect their interests. We somehow have to lead them into a future based on tolerance and forbearance.

The poverty problem in South Africa is enormous and unless we take proper cognisance of it, it will emerge to be the fatal enemy of democracy which real mass spreading poverty has proven to be across the length and breadth of Africa.

Faced with the enormity of the South African problem as I am, I become very aware how awesomely ugly failure at constitutional building will be in South Africa. It is time, I say, for us now to do the right thing the first time. We will not have another opportunity this side of a vast stretching time of suffering and strife if we fail.

We must, I insist, turn to the tried and the tested and we must avoid political adventurism and we must be steady and measured in applying the wisdom of the nations and the wisdom of the ages in the solution of our problems.

We must, I say, turn to such documents as the Universal Declaration of Human Rights for guidance. We face a human problem in South Africa which is fundamentally important - as important as the constitutional and economic problems we face. South Africa is a society torn apart by racism and apartheid. It is a deeply polarised society. It is a society in which fear reigns supreme in hearts and drives people to desperate politics. An ultra right-wing backlash against change is emerging because some racist Whites are terrified of living under a Black majority. There is the threat of Black left-wing harshness demanding that society be ruled and driven by stark principles and centralised power in a one-Party State because they fear that any government with less than the maximum centralised power at its disposal will not be able to contain the White threat to democracy.

There is between these two groups a vast throng of uncertain people daring to hope and daring to believe but afraid that they might be wrong and democracy will not work. And in all this there is the racism that racism has bred.

I thank God, however, that there is a majority - silent though it be at times - saying that we must put the past aside and we must join hands in the building of the future.

One of my greatest concerns is that Black leaders in particular insufficiently realise the extent to which we must develop a sense of national purpose and we must as leaders produce the circumstances in which a national will arises and so to abolish apartheid that we are left with a democracy. Unless we develop this national will in the process of finally dismantling apartheid and establishing a democracy we will face devastation after democracy.

The world must stop looking at South Africa as though the Zimbabwean, Angolan and Mocambican models of liberation are directly applicable to South Africa.

We stand at this golden moment of time in our history precisely because there are as yet no vanquished and there is as yet no one suing for peace. South Africa, thank God, is turning away from the disaster of waiting until the devastation becomes nationally totally devastating. Mr. F.W. de Klerk is turning before he reaches Mr. Ian Smith's point of no return into a lost war.

It looks as if the African National Congress and the Pan-Africanist Congress might well be turning away from a final insistence on running into a military battle which none can win. There is hope and there is opportunity. The vast throng of decent people that there are in South Africa must now put their act together.

If, however, we become doctrinaire, ideological or stringently and inhumanly political in our approach to solving South Africa's problems, all will be lost. Failure to accommodate the human factor in our constitution-making will produce a devastation not known elsewhere in Africa.

I come back again and again to the need for the tried and the tested. Article 1 of the Universal Declaration of Human Rights calls for the spirit of brotherhood. Article 2 demands that there shall be no discrimination in any one person's enjoyment of all the rights and freedoms set forth in the Declaration. The Declaration calls for the right to life, liberty and security of person. It calls for a humanism in which there shall be no slavery and there shall be no inhuman or degrading treatment or punishment. It calls for equality before the law. It calls for freedom from arbitrary arrest and fair hearings and the right to be presumed innocent until proven guilty.

The Declaration talks about the sanctity of the family and very importantly for South Africans, the freedom of movement, the right to a nationality, the right of ownership of property and also very importantly the right to freedom of thought, conscience and religion.

With these rights there are the rights to hold opinions, form Parties and to take part in the government of the country and of course fundamentally important, the Universal Declaration of Human Rights says: "The will of the people shall be the basis of the authority of the government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held in secret vote or by equivalent free voting procedures."

There is probably no document in the world which is more valuable for South Africans as a document of immensely important political content. I am quite sure that if we as leaders dedicated all our political Parties in South Africa to put the good of the State before the good of the Party, and to use the Universal Declaration of Human Rights as a central policy document in every political Party, a process of public education and mobilisation for a new democracy would be greatly facilitated.

Given our polarised society and given the levels of fear that exist, the search for the idiom of human relationships and political associations contained in the Universal Declaration of Human Rights must I believe lead South Africans to abandon winner-takes-all politics. I think the African National Congress errs in demanding as it does in the Harare Declaration that the South African Government hands over power to an interim Constituent Assembly to play midwife to a new constitution. It is not strong politics that will heal the rifts and lead to the evolution of a national will to produce a democracy.

The African National Congress not only demands what effectively is the abdication of power by the State before we can actually tackle the building of a new constitution, but it remains committed to a one-man-one-vote system of Government in a unitary State in such a way that it will be in winner-takes-all politics that it will seek all-or-nothing victories. That is the very stuff that human terror is made out of in South Africa.

As a Black South African I have always cherished the Westminster-type model which was introduced into South Africa in 1910. The only thing wrong with the 1910 constitution was the withholding of franchise rights from Blacks. It is, however, now not 1910 and it is now time to compromise and it is now time to deal with fear. I, just like the ANC, want a one-man-one-vote system of government in a unitary State. But I am prepared to add that we know that there will have to be give and take, and there will have to be giving and taking of things that really matter.

It is now time to give where the giving does not destroy the principles of democracy. There are alternatives to winner-takes-all politics. There are ranges of consensus politics in workable constitutions around the world which we should be looking at.

There are federal systems in the world in which regional divisions of power and the devolution of power accompanied with the checks and balances which prevent any group being dominated by any other group, should be looked at.

My own sense of humanism demands compassion for those who are desperately afraid. We will be wrong I believe as human beings to simply say that racists who fear the majoritarian principle in government must be spurned simply because they are racist. Let us I say take the Universal Declaration of Human Rights and use it as a guideline to decide what is right and what is wrong.

Let us use this yardstick and measure each party political policy and each Party political strategy with the measuring rod of whether or not it will produce a human reaction in which the great provisions of the Universal Declaration of Human Rights will be marred. Whether they are marred rightly or wrongly is irrelevant to me.

It is wrong for racists to fear justice and democracy but if their fear of justice and democracy is such that the consequences would be devastating for the principles of the Universal Declaration of Human Rights, then their wrongness is less relevant than the threat that the wrongness has in it.

I argue I believe correctly, and I believe very cogently, that the process of change in South Africa must be a growth in humanism turned into political programmes. Stark principle - no matter how correct in theory - would be wrong in practise in South Africa if it ends up actually being destructive of democracy.

There will be no overnight big-bang, all-or-nothing solutions to South Africa's problems. There will be no final one-off Lancaster House-type Conference. A forced pace of change grinding everything through political formulae which are defensible in their own right, will avail us nothing.

Change in South Africa will just have to be made a process in which Black and White embark on a voyage of discovery of how each can live with the other and how urgent it is that they do so. The process of change must I say be one in which together Black and White seek to discover the things of greatest value in South African society and seek to preserve that which is valuable, while we identify that which must be jettisoned.

The foundations for justice and for peace and for prosperity are already laid in South Africa. It is just that Blacks have been precluded from building on those foundations with Whites. The foundations are, however, there.

South Africa has a fundamentally sound judicial system. It has a fundamentally sound monetary system and fiscal control procedures. It has a fundamentally sound civil service. It has a very strong and resilient economic infrastructure.

It has a vast and efficient road transportation system and systems of electricity and water supply. It has a sound industrial base. It has a highly developed technological capacity in mining, commerce and industry.

There is a great deal to preserve and a great deal to employ for the benefit of all in the pursuit of a common society in which all will be equal before the law and the constitution.

It is not political adventurism and it is not stark ideology, and it is not powerful politics that we need. We need the humanism that will link South African to South African and enable South Africans to bridge race groups and to de-polarise our country.

The Universal Declaration of Human Rights must be made more central to the whole political process in South Africa. If we implement the earlier Articles of the Declaration and then move to Articles 23 to 29, we should I believe in South Africa see them as the fruits of the earlier Articles. If we obey the dictates of the earlier Articles and if we have a commitment to bring about a democracy by emphasising the need for humanism and tolerance which they contain, we will then enjoy the right to work, the right to education, the right to improving living standards, the right to cultural life and the right to be cared for by the State which are enshrined in the wording in the latter part of the Declaration.

I and Inkatha Freedom Party are committed to produce a multi-Party democracy in South Africa which shall be race free and which shall rest on the human respect which we as South Africans have one for the other. We are committed to establishing this democracy through the politics of negotiation and through the employment of non-violent means of bringing about change.

For us, as I said at the outset, we have known the devastation of Mfecane. We never want our land laid bare again in any attempt we make to gain political power.

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UNIVERSAL DECLARATION OF HUMAN RIGHTS

Final Authorized Text

UNITED NATIONS,
DEPARTMENT OF PUBLIC INFORMATION.

PREAMBLE

WHEREAS recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

WHEREAS disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

WHEREAS it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

WHEREAS it is essential to promote the development of friendly relations between nations,

WHEREAS the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

WHEREAS Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

WHEREAS a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, Therefore,

THE GENERAL ASSEMBLY

proclaims

THIS UNIVERSAL DECLARATION OF HUMAN RIGHTS as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1. All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2. Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3. Everyone has the right to life, liberty and security of person.

Article 4. No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6. Everyone has the right to recognition everywhere as a person before the law.

Article 7. All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8. Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9. No one shall be subjected to arbitrary arrest, detention or exile.

Article 10. Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11. (1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

(2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12. No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13. (1) Everyone has the right to freedom of movement and residence within the borders of each state.

(2) Everyone has the right to leave any country, including his own, and to return to his country.

Article 14. (1) Everyone has the right to seek and to enjoy in other countries asylum from persecution.

(2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15. (1) Everyone has the right to a nationality.

(2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16. (1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

(2) Marriage shall be entered into only with the free and full consent of the intending spouses.

(3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17. (1) Everyone has the right to own property alone as well as in association with others.

(2) No one shall be arbitrarily deprived of his property.

Article 18. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with

others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19. Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20. (1) Everyone has the right to freedom of peaceful assembly and association.

(2) No one may be compelled to belong to an association.

Article 21. (1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

(2) Everyone has the right of equal access to public service in his country.

(3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22. Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23. (1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

(2) Everyone, without any discrimination, has the right to equal pay for equal work.

(3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

(4) Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24. Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25. (1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event

of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

(2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26. (1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

(2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

(3) Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27. (1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

(2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28. Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29. (1) Everyone has duties to the community in which alone the free and full development of his personality is possible.

(2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

(3) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30. Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.