

MEMORANDUM FOR PRESENTATION TO CZECH DELEGATION

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Dr Strasky and members of your delegation, it is my pleasure to welcome you to Ulundi. It is always for me an honour to host a delegation from the newly liberated countries of Eastern Europe.

I feel a close affinity to the people of eastern Europe. You, like us, the Blacks of South Africa, were for decades subjected to the tyranny of a minority. As the Communists tried to subjugate the Czech people from Moscow, so too did the apartheid regime attempt to impose their will on KwaZulu from Pretoria. Like you we remained resolute and unwavering. Like you we fought them until we are today at the brink of liberation.

Courageously you fought until you had rid yourself of Soviet-imposed communism with its one-party corruption, bullying of dissenters and bread queues. Courageously you have persevered against all odds to secure for yourselves a democracy. Today your struggle is to bring economic growth and prosperity to your fledgling nation. This is a long process - a process which, as you have already found out, will entail much hardship and sacrifice. We in South Africa fully support you in your endeavour. Now that we have embarked on our own road to democracy, we hope that we can help each other by strengthening ties between our two countries.

Communism brushed over the differences between people of different ethnic and cultural groups. It was therefore only to be expected that once you had rid yourself of Communist rule, that the desire for self-autonomy would become an unstoppable force.

We in South Africa find the same desire for self-determination amongst our different peoples. Unfortunately, our cause has been tainted by the deliberate attempt to equate the desire for self-determination with the desire to perpetuate apartheid. It is our view however that while apartheid might have accentuated differences between South Africans of different race and cultural groups, it did not create them. The Zulus have always been a proud nation who have gained strength from their own culture and traditions. The Kingdom of KwaZulu, too, was never a creation of apartheid. It existed long before the National Party came to power and long before the white man set foot on African soil in the Cape.

Now that we have embarked on a New South Africa we do not want to replace National Party domination with that of the ANC. We the people of KwaZulu/Natal want to rule ourselves under a federal system of government which will also allow other peoples to realise their desire for self-determination.

Today we have reached a crucial stage on our journey to democracy. The next few weeks are particularly vital and will determine whether South Africa will remain on the road to peace, democracy and prosperity, or whether we will slide into chaos.

We like you have undergone momentous changes. In February 1990 President de Klerk committed his National Party Government to the abolition of apartheid. This was a courageous decision which was wholeheartedly welcomed by the IFP. For the first time in South Africa's history justice and democracy was possible.

Three years down the line, the euphoria of that momentous day has changed to one of bitter disappointment for the IFP. In 1990 we regarded President de Klerk as our liberator, someone with integrity, someone we could trust. Today we look on in disbelief how he has shunned the IFP and joined forces with the ANC. We are stunned at how he has shunned our reasonable and pragmatic policies for an alliance with the ANC and their Communist Party allies.

When we confront the National Party on their alliance with the ANC they argue that the organisation is reformed and is serious about democracy. We beg to disagree. For us a leopard does not change its spots. Since the ANC's unbanning in 1990 our country has been plunged into a near civil war as their armed wing, uMkhonto weSizwe, has set about eliminating all Black opposition to their plans for a seizure power. In line with their Communist Party ally's strategy, the ANC are talking peace and reconciliation while their armed cadres have set about the ethnic cleansing of the Zulu people, killing policemen, attacking farmers to drive them off their land and rendering the country ungovernable through their mass action, their work stayaways, their strikes and boycotts.

The subterfuge with which the ANC conducts its business is exemplified by their stand at multi-party talks at the World Trade Centre. The basic stand of the ANC is that South Africa adopt a two-phase approach to writing up South Africa's first non-discriminatory constitution. As a starting point an interim constitution will be agreed to by parties taking part in multi-party talks. This interim constitution would empower Transitional Executive Councils which would level the playing fields for South Africa's first fully-inclusive election. The elections will be held for a Constituent Assembly which would write up a final constitution.

For the casual observer, this process seems fair enough. As feelings go, a Constituent Assembly, even if dominated by the ANC, will be constrained by an interim constitutional and constitutional principles agreed to in advance. The problem however is that the ANC is not sincere in its efforts to bring democracy to our country. We in the IFP believe that the real reason for this two-phased approach is the ANC's goal of securing absolute power for themselves in a centralised, unitary state. We believe that this process will compromise any possibility of South Africa achieving a federal dispensation.

This two-phased process will allow the ANC to fight our first non-discriminatory election on the issue of who would be writing the final constitution for the country, instead of their ability to liberate our people from the starvation and poverty that they have driven them into.

We in the IFP know only too well that this process is designed to give credence to the myth that the ANC, as conqueror over the evil forces of apartheid, would be entitled to write up South Africa's first non-racial constitution.

Going hand in hand with their self-styled liberator status, it can be expected that their quest for power will incorporate their view that all means necessary must be used for liberation. This will include the use of violence and intimidation against political opponents. Already this is happening. Just last week IFP supporters were killed when they attempted to set up a branch in a township near Durban. The very same day the Democratic Party was driven out of another township by ANC youths. If this is a harbinger to what is to follow, then God help us.

It was our very wish to pre-empt violence from erupting in the run-up to elections that we proposed a one-stage process to democracy which would have constitutional experts write a final constitution, which would then be forwarded to the people for their acceptance or rejection. Conversely, it was this very need to minimise violence and intimidation which has driven us to oppose the route that the ANC and the Government are taking us in constitutional negotiations. It was this motivation which has made us protest against the decision to draw up a draft constitution which would be the first phase of the ANC's two-stage process. While we believe that this route is a recipe for chaos, our protests have been ignored with the result that we were left with no choice but to withdraw from negotiations.

The IFP's vision for a democratic and stable future is for the speedy agreement on a central constitution which acknowledges the right of self-determination for our ethnically diverse regions, and the right of those regions to draw up their own constitutions. We in the KwaZulu government have already drawn up our own constitution for the region of KwaZulu/Natal. It is a constitution which incorporates the need for political and economic pluralism - political pluralism which embodies multi-party democracy and the respect for civil society, and economic pluralism which is guaranteed through a free market economy, the protection of private enterprise and property and an extensive programme of privatisation.

Whether the ANC and the government are prepared to accommodate our wishes will be determined by their acceptance of our position at multi-party talks. So far the results have not been promising. Two weeks ago the first draft constitution for our country was unveiled at multi-party talks taking place at the World Trade Centre. Last week a second draft was tabled. Unfortunately the IFP was not present to witness either of these events. Last month we walked out of the negotiating process. We withdrew from negotiations because we wanted to protest at the manner in which decision-making was being made. At the root of our decision was our dissatisfaction 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.

At the very beginning of the negotiation process, it was unanimously agreed that in terms of forging out a new constitution, decision-making would be made by consensus. What this meant was that there would be no head-counting of votes in any rush to find agreement on

critical issues. However, in order to stop any insignificant or obstructionist party from holding negotiations to ransom, it was also decided to incorporate the principle of 'sufficient consensus' to the decision-making process. Simply put, sufficient consensus meant that negotiations could go ahead despite the fact that one or more parties might be in disagreement with any decision.

As with any ad hoc principle, this was a principle which demanded a spirit of tolerance and give and take. If we were to succeed we would need to try and find common ground. Yet this is not what has happened. In their greed for power the ANC have abused this principle. They have used this vague principle to override our legitimate objections to undemocratic decision-making.

In accordance with the principle of 'sufficient consensus' the Negotiating Council instructed the Technical Committee on Constitutional Matters to draw up a draft constitution. We were against this decision because we felt that these instructions were premature and would lead to a constitution which excluded federalism. Worse still, we felt that it would lead to a process which left the shaping of South Africa's constitution to a Constituent Assembly.

We were not wrong in our assumption. The more we advance in negotiations, the more it becomes clear that our initial perceptions were absolutely correct.

The instruction to the Technical Committee on Constitutional Matters to draw up a draft constitution was not the only time the principle of sufficient consensus was used to get around the IFP's objections to farcical decision-making. In accordance with this principle, the date for South Africa's first fully-inclusive democratic election was set. Again we objected to this decision - and rightly so. We in the IFP were opposed to the setting of an election date before the Negotiating Council had agreed on the form of state that South Africa was to take. It was our reasonable belief that the issue of the form of state should be settled first. This we believed could not be done by the Technical Committee which was committed only to produce a way forward to suit the two-phase approach adopted by the Government and the ANC.

But yet again our reasonable objections were ignored. Again we in the IFP and the KwaZulu Government were so incensed that we felt that we were obliged to take the strongest democratic form of protest possible by walking out of the negotiation process.

Although we have withdrawn from multi-party talks we are nevertheless continuing with bilateral meetings with the Government and the ANC in order to thrash out our grievances. Our ongoing talks are aimed not at trying to upstage the talks but at paving our return to multi-party talks. This is of course not how the press sees it. They argue that our actions are unreasonable and that the ANC and Government have bent over backwards to accommodate us. They argue that we have prised significant and substantial concessions from the Government and the ANC and that we have succeed in making the interim constitution a fairly permanent one.

We beg to disagree. It is our view that the ANC can make as many concessions as they like, but until they drop their insistence that a Constituent Assembly will have the final say on the writing of our final constitution, we will not budge. By allowing the Constituent Assembly

to write our final constitution, we will in effect allow it to take back all the concessions that the ANC and the Government have granted us.

While this might be seen as a stubborn and unyielding position to take, we are unrepentant. Our constitution is meant to be a crucial document and one which will ensure democracy and justice and which is meant to last a long time, if not forever. By allowing the ANC or any other party - the IFP included - to write up our constitution, we believe we will not end up with a constitution which will stand the test of time. Political parties represent merely sectional interests, they do not represent all of society. By allowing political parties to write our constitution we believe we will be institutionalising sectional interests. We will not be providing a document which carefully balances out the conflicting requirements of liberty and equity.

With this as our position, we therefore take strong exception to the image being created of us as spoilers. It is only because we want to secure for ourselves and our children a democratic and prosperous future that we have taken this stand. The same however cannot be said for the National Party and the ANC. The National Party has been the same party which has enforced the inhuman and evil policy of apartheid on Black South Africans. While they might be recent converts to democracy, they still know that their days of ruling are over. They are therefore only interested in securing for themselves a few more years with their hands on the power by cosy-ing up to the ANC. Unfortunately the rest of South Africa will be left to endure an authoritarian ANC government ruling in terms of a constitution which guarantees centralised domination.

We in the IFP are however doing our best to prevent this from happening. We are fighting tooth and nail to reverse the decision to allow a two-phased transitional process and the decision to allow a Constituent Assembly to write our constitution. Unless we can make the ANC re-think on their position, we will not rejoin negotiations. We are not prepared to accept responsibility for the civil war which is certain to follow.

In addition to our rejection of the two phased process, we demand that South Africa's final constitution embody the following. We hold the view that state or regional governments and legislatures must be established under a final federal constitutional dispensation. The powers of these states or regions must derive immediately from the constitution and their legislatures must be able to implement those powers through their own legislation. It is our view that there is a need for the immediate vesting of powers to the regions so as to ensure that we are not going to face a two-year hiatus while the ANC's two-stage process runs its course.

It is our firm view that the list of powers vested in the hands of the regions must be such that real political power can be wielded at the regional level. This must include residual powers and all the powers which are highly politically charged. Only those powers which can not be adequately and properly performed at state level should be devolved to the Federal Government.

Of critical importance to us is that the exercise of powers must be autonomous. What this means is that they can not be subjected to the over-riding or concurrent powers of the central government. It is our view that our regions will not be able to exercise any true political autonomy if the constitution allows the central government to override any decision of the

regions. If we are to maintain the autonomy of the regions, this arrangement will need to be entrenched and written assurances be given that any future constitutional development cannot wipe out the powers of the regions.

If our constitution is to succeed in providing a framework in which justice is possible, then constitutional legality and the justiciability of the constitution must be guaranteed by a fully independent, fully jurisdictional and easily accessible Constitutional Court.

We totally and utterly reject the notion of any deadlock-breaking mechanism, as built into the draft constitution. According to this mechanism South Africa's new constitution can ultimately be adopted by a 51 per cent majority. This mechanism renders totally useless the guaranteed built-in requirement of a 60 per cent majority which is needed at a referendum to pass the constitution. By including this mechanism in our constitution, all we will have is a mechanism which allows the government of the day to generate deadlocks in order to relieve itself of the restraints of constitutional principles and the limitations on the power of the central government.

It would indeed be no exaggeration to say that the next few weeks are the most crucial in South Africa's history. It is during this time that South Africa will decide whether we are to rejoin the community of civilised nations or plunge ourselves into civil war and chaos. At the crux of the matter is whether we can reach agreement on a federal dispensation for our country or not. Without a federal dispensation we in the IFP believe our hopes for peace and democracy will once again be stillborn.

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