

**MEETING BETWEEN LEADERS OF THE FREEDOM ALLIANCE AND
HIS EXCELLENCY MR FW DE KLERK,
STATE PRESIDENT OF SOUTH AFRICA**

MEMORANDUM FOR DISCUSSION

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

**PRESIDENT LUCAS MANGOPE
BRIGADIER OUPA GQOZO
GENERAL CONSTAND VILJOEN
DR FERDI HARTZENBERG**

**PRESIDENT OF BOPHUTHATSWANA
CHAIRMAN OF THE MILITARY COUNCIL, CISKEI
VOLKSFRONT
LEADER OF THE CONSERVATIVE PARTY**

CAPE TOWN : OCTOBER 11, 1993

Mr President, when we last met of September 16, I presented a Memorandum to you detailing my political concerns about the political process and which also explained why very central and very salient features of the draft constitution made it totally unacceptable to the KwaZulu Government. Discussion was dominantly about constitutional issues and we drew up a list of constitutional issues which had to be addressed by our negotiating teams. Our teams met and while they were still busy trying to define the areas of commonality between the South African Government and the KwaZulu Government you went ahead, Mr President, to take the Transitional Executive Council Bill through Parliament and it is now law. You and Mr Mandela then proceeded overseas to present a picture of a major breakthrough having been made.

You did so knowing that at no time had the idea of the TEC's been discussed with me and my Government. These were discussed at the World Trade Centre in our absence and we were therefore not party to its adoption at any stage. Spokespersons of the ANC/SACP alliance have urged you to apply the TEC legislation in KwaZulu even though we were never consulted about them at any stage.

My constituencies demand that I have to respond to that situation you created Sir, when you proceeded as though there was no credible challenge to what you and Mr Mandela were saying overseas.

I was also informed that it was the intention of the Negotiating Council to finalise the draft constitution by the end of this week and to hold a Plenary Meeting by the end of the month. That means that the TEC will come into operation by the end of November. Then on top of this driving forward without us, Mr Mandela made his statements in Lisbon in which he indicated that there would be no further concessions on the part of the ANC on the question of regionalism.

The report in 'The Citizen' of the 7th October 1993 reads as follows:

MANDELA : NO MORE REGION CONCESSIONS.

LISBON: The African National Congress was not prepared to make any further concessions on regionalism, particularly to the Inkatha Freedom Party, ANC President Nelson Mandela said in Lisbon yesterday.

The ANC had already made "far reaching" concessions on the issue of regions and their powers under a new constitution, Mr Mandela told a meeting of the Socialist International in the Portuguese capital. "We cannot accept the IFP's insistence that the powers of the Constitution-making body be compromised by arriving at a substantial constitutional arrangement even before the elections (due on April 27) to that body have been held," he said.

"We have come out very clearly for a strong central government, a strong regional government [and] a strong local government."

In particular, the ANC had proposed that each region should have the power to control matters such as taxation, health, environment, housing, electricity and transport, Mr Mandela said.

"We are not prepared to go beyond this, because this is all that is required for a region to run its own affairs within its boundaries," he said.

"It is generally accepted that the broad constitutional principles agreed to in the multi-party negotiation forum contain elements of federalism.

"The ANC has set in motion a range of initiatives to address the fears expressed by the IFP and its allies regarding the over-centralisation of power in a future democratic constitution" Mr Mandela added, without elaborating.

These statements made by Mr Mandela in Lisbon came as no surprise to me. I think I shared with you, Mr President, and your Ministers on the 29th of July in Durban that Mr Mandela said exactly the same thing to me on the 23rd of June during the talks that we had which were presided over by Archbishop Desmond Tutu and the Presiding Bishop of the Methodist Church, Dr Stanley Mogoba. He said this in the presence of an ANC delegation and in the presence of my colleagues who comprised my delegation during these talks.

I repeated this to the Minister of Foreign Affairs, Mr RF Botha, on the 30th of August 1993 at Jan Smuts Airport, as I was on my way to Europe. When we met with the State President on the 16th of September, Mr Botha told me that he had mentioned what I told him to Mr Mandela. Mr Botha told me that Mr Mandela denied it and Mr Botha in fact told me that Mr Mandela actually called it "a lie."

As you can see from this report, Mr Mandela also again advanced the view that the Constituent Assembly should not be restricted by binding agreements reached prior to elections. That statement alone would have been sufficient to halt us in our tracks and for us to say no further. The whole World Trade Centre process has run out of hand, and what is wrong with the process can not be remedied by the process itself.

When we met in Durban on the 29th of July you asked me whether I would be prepared to attend a meeting of South African leaders, and I answered in the affirmative. The last time

we met I urged you, Mr President, to call for such a meeting. You did not do so. Instead you went abroad and there helped Mr Mandela proclaim the success of the negotiation process. You did not say to the world that you have an untenable situation on your hands in which you and Mr Mandela find yourselves being vehemently opposed by political leaders in the country who have large constituencies such as those around this table here. You do not have the basis for the political settlement that you, Mr President, proclaimed overseas.

Let me get one or two things off my chest. I have stated in the past and I wish to re-state now, that the Zulu Nation which was a sovereign independent nation was conquered by the British on the 4th of July, 1879, at the Battle of Ulundi. This happened after a war that my maternal great grandfather, King Cetshwayo and the Zulus did not want. He sent emissaries to the imperial authorities before the war saying just that, but all his pleas were ignored. KwaZulu was then invaded and the Zulus had to defend their country willy-nilly.

After our conquest, we were a Colony of Britain with Lesotho, Swaziland and Botswana. We were later dragged into the Union of South Africa, without being asked whether we wanted this or not.

There is just no moral basis for regarding us as part of the Union of South Africa as if we were part of it of our own volition. We were not asked in 1961, whether we wanted to be part of the Republic of South Africa. When you, Mr President, announced your intention to abolish apartheid on the 2nd of February, 1990, we thought that you really wanted to put right that which was wrong. We thought that you meant that all South Africans - even those like ourselves who had been subjected to White oppression for generations - would for the first time be free to have a say in how we wanted our self-determination expressed in a new South Africa.

To be quite frank, I do not think that either you, Mr President, or Mr Mandela, have a right to deny my people their right to self-determination. Everyone is talking about 'concessions' that you and Mr Mandela have already made to us. But why must our human rights and our right to self-determination be something that we get as 'concessions' - either from you or from Mr Mandela? What right has Mr Mandela to say that we can only have as much as he concedes to us as the Zulu Nation?

I did not agree to the balkanisation of the country under your policy of apartheid in the past because I believed that history had made us South Africans, even though it was a willy-nilly situation. By saying so, I was not abandoning my people's right to self-determination. I have repeatedly said that I feel that we can continue to be South African citizens under a federal formula.

The KwaZulu Legislative Assembly adopted a KwaZulu/Natal Federal State Constitution in December last year. This has been ignored by the Multi-Party Negotiation Council at Kempton Park. It has also been ignored by you, Sir, and your government.

This kind of treatment is something we have come to expect from the National Party government after our dealings with them over the past 45 years. All our initiatives - from the Buthelezi Commission right up to the KwaZulu/Natal Indaba - were swept under the carpet, and no initiative from us was ever acceptable to the National Party government.

There was only the KwaZulu/Natal Joint Executive Authority and the Joint Services Boards which your government allowed us to set up by law. Your government now ignores the existence of all of these forums, which were set up by legislation that the South African Government and the KwaZulu Government agreed to, and which were passed by Parliament.

Let us look at what is happening at the World Trade Centre. The Negotiating Council must be now put in its proper perspective. There is now the Government and the ANC with everyone in the Negotiating Council rallying after one or the other of you. In the whole of the Negotiating Council there are only two parties which can be held accountable, the Government and the ANC. I add the statement that that means that is only you and Mr Mandela who are accountable. You, Sir, appointed Mr Meyer as Minister of Constitutional Development and you appointed him to be your chief negotiator. What he does is done in your name. He is not accountable to South Africa. You are.

You know, Mr President, that in constituency terms the delegations at the World Trade Centre are dominated numerically by those who have virtually no constituencies. I grant you that only an election will be a final ratification of that reality. But that reality is already there to be stated by future election results. NIC and TIC are there as a delegation. What constituency support have they got? What constituency support has the South African Communist Party got and what support has the Labour Party got? Who in terms of constituency support is Pravin Gordhan? What constituency ranking has Mr Launders got?

Yet the Planning Committee, with these people in and around it, orchestrates the whole process. You are proclaiming a breakthrough to the world which is supported by these kind of constituencies, or leaders without constituencies. The whole process is utterly farcical. You must now, Mr President, even at this late hour, halt what you are doing and call for a meeting of South African leaders.

I want, Mr President, to say in carefully chosen words that if the two-phase constitution is finalised this week, and a Plenary takes place at the end of the month, and the Transitional Executive Council is established by the beginning of November, I sense that awesome consequences will follow. We have already set the scene for the total polarisation of South Africa, Mr President. The forcing of the TEC on us and the formal calling for an election on the 27th of April under a constitution which establishes a Constituent Assembly charged with the re-writing of a constitution, will go down in history as the final cause of the irreparable cleavage in the South African body politic which destroyed hope of a peaceful settlement of the South African question.

I urge you, Mr President, now to call for what really will be a crisis meeting of the leaders of the country's major political groupings. I reject the notion that political leaders today have no legitimacy and that a settlement between them will have no legitimacy.

The dominant leaders in the country have been fashioned by the struggle for liberation. We are the product of a heroic struggle for decency and justice. I have defied death in creating one of the largest political parties that this country has ever seen. I have defied vilification and I have defied every possible force - hostile governments under Dr Verwoerd, Mr Vorster and Mr PW Botha and the worst they could do to discredit me politically. I, more than any leader, defeated the Government's homeland policy. More than any other leader I halted

constitutional developments in this country until Mr Mandela and others had been released from jail and black politics had been normalised.

Year after year I have been returned unopposed from my constituency and for one term after another I was democratically elected to the position of Chief Minister.

I stomped across the country side rallying people against apartheid. The ANC was far away in exile with its make-believe politics of putting the armed struggle first and refusing to be drawn into democratic opposition to apartheid here on the ground where the real battle was being fought.

In that rallying around South Africa I formed Inkatha. It rapidly became the largest mass constituency that any single leader had mobilised at any time in the country's history. I was democratically elected as President by successive Annual General Conferences. Every year I have reported to the IFP's Annual General Conferences, and every year I have stood before the KwaZulu Legislative Assembly presenting presidential addresses and policy statements as Chief Minister. Every year when I have done these things I have stood to be judged.

The Negotiating Council just does not represent widely enough based constituency support to justify it authoring the future of this country. But the statement that we have to have an election first before legitimacy can be produced for the constitution-making process, is utter nonsense.

I can not sufficiently suggest, Mr President, that it is leaders who are accountable to constituencies who should be involved in establishing immediate consensus for the way forward in constitutional-making.

Nowhere in Africa, other than in Namibia, has the Constituent Assembly-route ever been used to produce a constitution. Everywhere in Africa it was the dominant leaders themselves who negotiated terms of a political settlement and who came together to fashion a new constitution.

I also want today, Mr President, for the record, to reject with contempt the assertion by Mr Roelf Meyer that KwaZulu broke away from bilateral negotiations with him on the very verge of making break-through agreements. I have not moved out of negotiations, but Mr Meyer can not dictate to me how I should negotiate. My teams moved out of the Negotiation Council and the Negotiation Forum because they could not get the real issues negotiated in them. They were dictated to by sufficient consensus decisions which were totally unjustified. They continued negotiating with the South African Government and the National Party. They continued negotiating with the ANC. They continued negotiating with other parties.

Instead of the sterility of a situation in which Mr Roelf Meyer was the common denominator in separate bilateral negotiations with the IFP, the KwaZulu Government, Ciskei, Bophuthatswana, the Volksfront, the Conservative Party and others, he will now become a negotiator amongst other negotiators in a single dynamic process in which all those parties and governments come together representing a single negotiating team. Mr Roelf Meyer will now have the opportunity of tabling what he would regard as the advances that were achieved by all the many and separate bilateral negotiations he has been involved in.

At the founding meeting of the Freedom Alliance it was decided that it was a deep commitment to the negotiating process that could now be adequately served by establishing one single negotiating team.

Mr President, consensus about the future constitutional process of South Africa can not be achieved by counting heads. I state very clearly when I say that the only time a referendum should ever be used in constitution-making is to test the acceptability of a consensus proposal achieved in widely based and representative multi-party negotiation processes.

Mr President, the formation of the Freedom Alliance was an historic event. It is the first nationally based multi-party alliance committed to democratic government and to the drawing up of a non-racist democratic constitution for the future. Its emergence, Mr President, should be a God-sent help to you. We have combined across all our party political differences to say no to the very process you have proclaimed to the world as being a process that has produced a breakthrough.

You and Mr Mandela can now face the world and say that the fastest way forward to a new democracy is to pause now, and to attend to the cracks in the consensus foundations for a new constitution, which are rapidly widening and turning into chasms. You and Mr Mandela must now be democratic enough to recognise that the two of you can not go on ahead without us, unless of course you want to be two partners in a new oligarchy in which you want to ram down our throats your agreements in the Record of Understanding.

We each have our own political style, Mr President, and it has always been my style to call a spade a spade, and to have the courage to state truths which make me very unpopular at times. Mr President, everybody knows that the National Party is shedding support on a massive scale, and the prospects of gaining the kind of share of the votes that you were looking forward to when you signed the Record of Understanding with Mr Mandela, is now reduced to wishful thinking. You, Mr President, must understand that you have moved out of the mandate that the White people of South Africa gave you. And if you interpret not having done so, then I do not know what there is to say to you about the current situation.

There is a rapidly declining faith that you can pull the constitutional chestnut out of the ANC fire. There is widespread recognition that Government is now very weak and is already sharing governmental as well as executive power with the ANC. The total absurdity of the proposed incorporation of uMkhonto weSizwe into the SADF, and the handing over of so much executive authority to the TEC, is undermining your credibility.

You are my President, Mr President. You are the *de facto* and *de jure* Head of State. I have the democratic right to say that I do not like what you are doing. I have a right to say that South Africa does not like what you are doing. You can go, if you like, to seek the support of the ANC support base to attempt to legitimise what you are doing, but the whole negotiation process has rammed you into a corner.

As far as my own attitudes are concerned, Mr President, I come as a member of this delegation to offer you the hand of friendship and to say that if you do not want to walk the ANC route to a Constituent assembly, you will find us invaluable allies in producing a just democracy. The highest responsibility of the constitution is to protect the liberty of every

individual in this country and to make the rights of groups and nations comparable with a Bill of Rights which can be internationally acclaimed.

I conclude my own remarks, Mr President, with some specific statements about KwaZulu and I lay before you today the absolute necessity for you to recognise the right of self-determination of the Zulu people. We were a people before even the republics of the Transvaal or the Free State. As I have already stated, the Zulu people existed in a sovereign Kingdom when they were conquered by the British in 1879. We claim the self-determination that all people who were conquered, and subjugated, and oppressed, have the right to claim. We were a nation-state in ways which cannot be compared with most self-governing territories.

There will not be a settlement of South Africa's constitutional affairs which equates KwaZulu with the various weak regions, provinces, or states which seek accommodation in the kind of regionalism that satisfies the ANC. I proclaim to you today, Sir, the right of KwaZulu to seek an agreement for all the people domiciled in what was the earlier KwaZulu Kingdom, which is now very similar to the KwaZulu/Natal region.

Mr Mandela's statement must now be dealt with as a prior issue. Other leaders can speak for themselves, and the Freedom Alliance will in due course speak for itself. We will not make statements for it as individual leaders here today. We will not make ex-cathedra statements which will become binding on the Freedom Alliance. We have a meeting tomorrow which was called to outline just this.

Speaking as Chief Minister of KwaZulu I say today that nothing will stop us from claiming our historic right of self-determination, and we shall proceed with negotiations about that right as a matter of immediate urgency.

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