

A15



JNGOONGOSHE WEZEMFILO

MINISTRY OF HEALTH

PRIVATE BAG X10
MUNDO
J030

OUR FAX NUMBER : 0358 - 202439

TO : MULTI-PARTY FORUM
 ATTENTION : THE SECRETARY, SUBCOMMITTEE-PLANNING
 FAX NUMBER : 011 3972211
 DATE : 1993-05-13
 FROM :

ANY ADDITIONAL MESSAGE OR INSTRUCTION TO BE TYPED HERE

DRAFT PROPOSAL KZG DELEGATION

NUMBER OF PAGES TRANSMITTED INCLUDING THIS ONE 9
 IF MESSAGE IS NOT CLEAR PLEASE PHONE (0358 - 202471/69)

060138

154

(2)

DRAFT STATEMENT BY THE KWAZULU DELEGATION**APRIL 1993**

Our presence at these proceedings represents much more than our first opportunity to state clearly, and without any intermediary, the Kwazulu standpoint. It also represents the first full opportunity that has arisen since 1910 for a directly African perspective on these matters to be discussed. We have the responsibility of conveying the views, not only of the Zulu people and their traditional rulers, long established - especially our King, but those also of other sections of the African people of this land and their own accepted rulers.

As is well known, the indigenous people of South Africa were excluded from the process of its emergence from colonial status 83 years ago. This exclusion was underlined by the 1913 legislation which entrenched existing restrictions on our access to land. The gates of the social prison constructed for us then were eventually locked by the post-1948 legislation formalising the system that came to be known as apartheid. For us especially it was far from an entirely new system - it was just more systematic! Now that it has been - equally formally - abolished, it is a matter of vital importance for us to ensure that we are not manoeuvred into another prison. If we miss this opportunity to make our own decisive mark on our future, how many generations will pass before we get another? Our racial oppression has brought us, these past three or four decades, the world's active sympathy and attention but if we are locked up again in a more subtle and cunning manner, it is likely that the world will shrug its collective shoulders and even forget about us.

The tragic irony of our present situation is that the greatest threat of such an eventuality comes not so much from the white supremacists, but from those who make the most vociferous claims to be our liberators. On the basis of such claims, strenuous attempts have

560139

155



been made to deny us full participation on equal terms in the present historic process. Their manoeuvrings excluded us from CODESA, which thereby took itself up a blind alley. Even now, we are linguistically shackled by having to express our profoundest aspirations in a foreign tongue. Our fellow Africans, who constitute the great majority in the country, are cut-off from the debate. Not only the language, but the names of the concepts evoked in these proceedings are foreign to them. Sadly, attempts to marry cultural idioms and bridge this gap have been minimal, if not to say non-existent.

Our present is essentially continuous with our past. Our culture, which we have retained and adapted to harsh circumstances, has been our strength. A people who lack firm confidence in the validity of their own traditions and practices will remain in perpetual dependence or even disappear, absorbed by people with more pride and self-confidence. The political and economic disasters for which our continent has become notorious in this generation stem not at all from any basic inability of Africans to cope with what is demanded by the modern world. Rather, they stem from this lack of self-confidence and the inability to resist effectively the control of events by contemptuous or patronising outsiders in alliance with a local elite which despises and rejects its own African heritage. We must resist this.

Hence, we have come here with a determination that we shall not again be shunted out of the way by those whose view of us is patronising and who repudiate their cultures of origin - the traditions from which they spring - as backward or belonging only to the past. This is not the coming together of the ignorant on one side and the wise on the other. We have not come here merely to learn from supposedly more advanced or sophisticated people how to set-up and run an acceptable political order, ourselves bowing before them in humble appreciation for them showing us the light. For Kwazulu, the process of consultation and consensual decision-making is not a new one - it is a path that we have

560140

156



trod for decades. We stand here on the bedrock of our African modes of organising society and ensuring everyone's adequate participation in the political process. We stand here after years of following the diplomatic course which began amidst the ashes of Mbarabatha, when it became clear that negotiation was the only option. Since then, from Dr Seme's bringing together of African peoples on the basis of a peaceful settlement under the banner of the African National Congress; through the decade of investigation and consultation by way of the Buthelezi Commission culminating in the Kwazulu/Natal Indaba; to our present constitutional proposals which seek to give voice to *all* South Africans not just the majority, Kwazulu has taken the lead in bringing together the people of this land to forge a common destiny.

It is Kwazulu's belief that the Federal Principle, which incorporates the notion of subsidiarity (i.e. taking decisions at the lowest possible level), offers the greatest opportunity for those who have so far been excluded from the political process to participate in shaping a new South Africa. You will already be aware that we advocate federalism as a means of empowering the people by limiting the power of government, bringing decision-making closer to them and increasing the opportunities they have to participate in the political process. Yet it will not be enough for a federal system to simply be the outcome of the deliberations of political leaders and an often seemingly distant and remote negotiating process. In order to give true expression to the federal principle, it will be essential for that principle to inform the very process itself by establishing an effective mechanism for grassroots participation. Such bottom-up, democracy building strategies will play a vital role in the legitimisation of the process - and its eventual outcome - in the eyes of the excluded. However, top-down transitional models incorporating notions of regionalism where powers lying essentially with the central body are then devolved, to varying degrees, to the regions negate the subsidiarity principle and are likely to result in

660141
157



feelings of alienation from the process by the people on the ground and hence a delegitimation of the process.

Therefore, we should not be tempted by considerations of urgency, however valid they may be in themselves, into disastrous omissions. We should endeavour to *discover together* by what means we can succeed in sharing the resources and opportunities of this land, and ordering our common life in peace, freedom and mutual respect. We cannot be directed in this by slogans and rhetoric. We must make understood our own definition of who and what we are, and what values we bring to the task of endeavouring to define and shape our common future. Our insistence on the vital necessity of the full incorporation of African people in all respects, is not because we lack appreciation of the urgency of our task, but because we know only too well what we and our children can lose.

000142
158

⑥

Draft Kwazulu Government Proposal: Explanatory note

The attached graphic describes a process whereby the first step is for the Negotiating Forum to determine the form of state and entrench federalism as a constitutional principle. With this done, a Technical Committee will, in consultation with regional representatives (as they presently stand) and relevant experts, delineate boundaries and start planning for regional elections.

Meanwhile, the MPNF decides on the parameters required to manage the transition. Whilst this proposal rejects the establishment of an Interim Government, there will have to be some levelling of the playing field (a New electoral Law, the establishment of an Independent SAC and a media watchdog, Joint Control of the Security Forces and the disbandment of private armies, etc.) for Free and Fair Elections to take place. What the graphic proposes is the establishment of transitional structures which will prevent the manipulation of the process by the government (and other unscrupulous parties and interests) whilst avoiding leaving the actual realization of the agreed constitutional principles to the mercy of an (unitary) Interim Government of National Unity and Constituent Assembly. Thus, the transitional bodies envisaged above will operate under the umbrella of MPNF.

Once the transitional structures are in place, elections for regional constituent assemblies can take place. The regional constituent assemblies then formulate their own constitutional proposals for the regions and choose representatives to negotiate these proposals at the negotiating forum. It is proposed that the regional representatives do not simply slot into the main negotiating body but constitute a distinct Federal Council whereby all proposals concerning regions/federal states cannot be passed without the full endorsement of the Federal Council.

In essence therefore, what would be created would be a bicameral National Negotiating Forum consisting of representatives from directly elected regional forums (the Federal Council) and a non-elected but comprehensive forum of political parties, organizations and structures (the MPNF). The presence of these regional representatives would not only be a realization of a ground-up democracy building process, but would also help counter arguments that the present negotiating forum is not representative (thus resulting in the need for national elections and an elected Constituent Assembly). Elections, however, even on a PR basis, inevitably leave out some of the smaller parties and constituencies who will therefore feel a limited allegiance to a constitution they had no hand in forging, making it of vital importance that the negotiating forum be as inclusive as possible to build consensus and effect a lasting dispensation for South Africa. The process suggested here would bring the best of both worlds.

Moreover, regional elections in March/April 1994 would satisfy calls for haste based on the need for the restless grassroots to feel and see tangible progress by participating in such a Rubicon as an election without submitting to the ANC/SAG process proposals. Furthermore, elections at a regional level would effectively act as a "dummy-run"

560143

159



which would not only test the feasibility of elections within that time frame but, if there were to be serious irregularities and contraventions of the Code of Conduct resulting in the contestation of the result, such occurrences would not be as serious at regional level as they would be at national level.

The National Negotiating Forum will be the main arena for the contestation of the various constitutional proposals put forward. This forum will then put forward a set of final proposals to a Constitution Making body chosen from its ranks. Meanwhile, a group of experts will have been working on a draft of the new constitution on the basis of the constitutional principles. This panel of 'wise men' will then interface with the CMB to produce a draft constitution. This constitution is presented to the larger Negotiating Forum for approval in its entirety. If approved, it is then presented to the people for approval via a referendum. A "Yes" vote is then followed by federal elections under the new constitution in September 1994 for the Lower House, while the regional representatives which constituted the Federal Council now continue to serve in the Upper House or Senate until regional governments and structures are fully established. Once these structures are in place, each region/state will hold elections for state assemblies etc. under its own constitution.

WHAT IF THE PEOPLE VOTE "NO"?

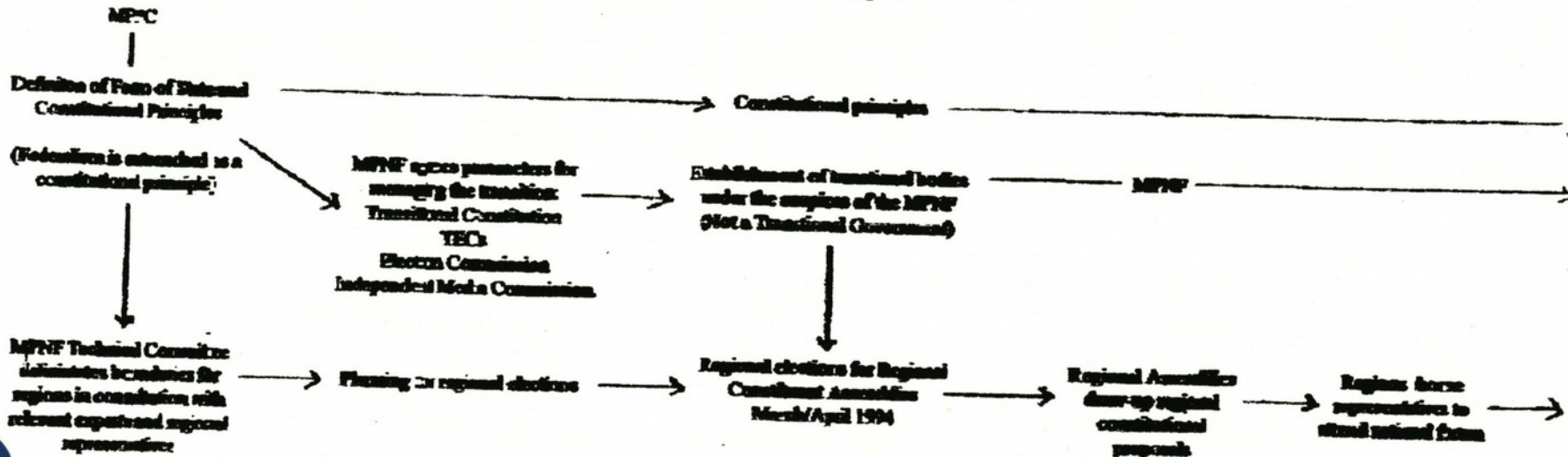
The problem with referendums is that they do not allow for complexity. In the event of a "No" vote, it would be difficult to simply amend the constitution accordingly since the section of the electorate which voted "No" is likely to have done so for a myriad of different and perhaps conflicting reasons, based as much on perception as reality. Even if one were able to accurately establish the various reasons why some people voted in the negative, (and that is a big 'if'), amending the constitution could run the risk of alienating those who voted "Yes" the first time round. In this sense, a referendum could prove a real stumbling block to progress.

Having said that, the National Negotiating Forum as proposed above is in a very strong position to effect a positive result because it includes regional representatives who together have been specifically mandated by the people of South Africa to negotiate on their behalf. These representatives will be key players in marketing the final constitution to their constituents and, in the event of a "No Vote" and the negotiation of a second draft, will be vital interlocutors between the people on the ground and the negotiating forum.

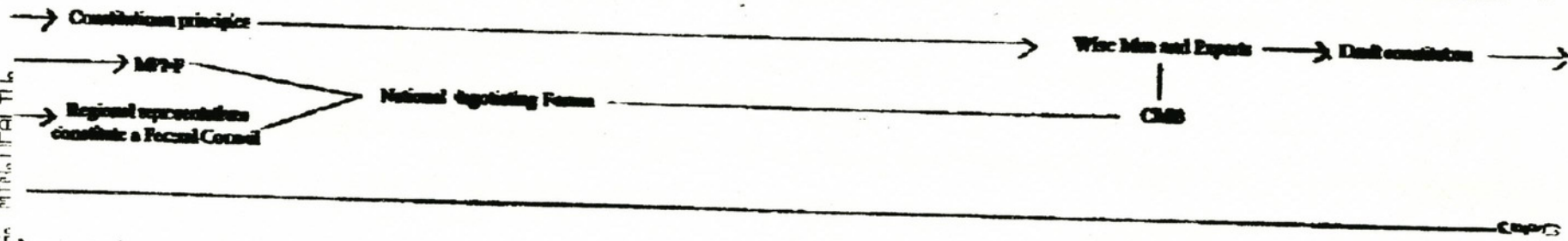
560144

160

Draft Kuvshin Government Proposal



(4)



50 01 15 10150

004 T00

960145

161

MAY 17 1994 4:17:16 PM 16.7.96 MTR:JFB/TLL