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Rev T J Mohapi
Convenor, Subcommittee on Zulu King and Traditional Leaders
Management Committee CODESA
P O Box 307
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Dear Rev Mohapi

Thank you for your letter dated 26 February 1992. My submission to your Subcommittee is attached, and I hope that it will be found helpful.

Sincerely

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PARTICIPATION BY THE ZULU KING
IN CODESA

March 1992

1. Implications of the Terms of Reference

1.1 The terms of reference of the subcommittee on the appropriate part in the negotiations process to be taken by (a) the King of the Zulu and (b) traditional leaders of other African peoples make mention of two points having special relevance. They are that "CODESA has been convened for the purposes of transforming South Africa into a real and true democracy" and "that all the people of South Africa ought to be accorded the right to contribute to the negotiating process of CODESA on a meaningful basis".

1.2 The goal of transforming the country into a real and true democracy must be pursued by democratic means. The rights of all South Africa's people to contribute meaningfully to the negotiation process, through their various representatives, will not be adequately realized if the mode of participation is imposed by others on any significant section of the population. At pre-

sent, if even only unwittingly, the dominant minority is in a position to impose its own preferred modes of participation and representation, of discussion and of debate, even to the language exclusively employed, on the rest of the population. Members of this majority can join the discussions and the debates only if they are familiar with what have already been established as the modes of discourse and the languages employed.

- 1.3 The disadvantages of unfamiliarity with such established modes of participation, and with "accepted" languages are compounded, for many potential indirect or direct participants, by lack of literacy and of affluence. Without special attention to the dangers of this compound imposition, participation by the less advantaged may be reduced effectively to insignificance - with ultimately the far greater danger of rejection by the majority of the population of the outcome of the negotiations.

2. The Inherent Rights of Historically Constituted Peoples

- 2.1 The peoples who before conquest inhabited what became South Africa are still in most cases in existence, with forms of traditional political organization, as well as economic arrangements and religious beliefs and practices, which are continuous with what their ancestors followed. In the rural areas especially, but by no means exclusively, daily life is regulated still by

forms of chieftaincy and kingship which operate according to long-established understandings as part of cultural identity.

2.2 Elsewhere in this continent the fully functioning survival of indigenous political institutions has been acknowledged and recognized when constitutions were being devised, especially prior to independence. Notable instances were the participation of the Kabaka of Buganda and other indigenous monarchs in the 1961 discussions leading to independence for Uganda, and the participation of the king of the Basotho in similar discussions before Lesotho's 1966 independence. In both cases there were active political parties which took a full and even decisive part in the process of negotiating the new constitution, yet it was deemed essential that the traditional leaders be independently present or else adequately represented. Thus it is unfortunate that, in spite of the many opportunities which people in public life have to be, or to become, aware of the continuing political significance, above all for numerous ordinary African folk, of their institutions of chieftaincy and kingship, there is a widespread failure in South Africa to see the right of participation or of adequate representation of incumbents of such positions as indisputable.

3. The Case of the Zulu Monarchy

3.1 The considerations urged above apply with special force to the King of the Zulu people. He heads and represents a large nation originally built by his ancestor Shaka between 1818 and 1828. It combined, and combines, in an enduring and ordered union, several formerly autonomous groupings of the kind commonly called chiefdoms or, especially by some Western-oriented writers, 'tribes'. Today it comprises two hundred substantial chiefdoms with a known and clear organizational structure of rights and responsibilities, under the leadership of the King. It is the extent and scope of these rights and responsibilities which makes the Zulu nation a major political entity.

3.2 The historical identity of the Zulu nation has not been destroyed or diminished by conquest or ensuing domination over more than 110 years. The attempts to dismember the kingdom, after the conquest in 1879, met continual resistance until they were given up, and the Zulu leadership thereafter steadfastly sought means to re-establish the nation, eventually within the wider framework of a South African union. This historical continuity of the Zulu people and its leadership, their determination over successive generations to retain their own identity and political institutions, gives them a distinctive claim to participate as of right, through the leaders they themselves recognize, in the central process of reconstruction of the

country. Their continuity as a people is reinforced by the continuity of the kingship, stretching from before the establishment of the rule of Shaka over the several chiefdoms already mentioned.

- 3.3 The incorporation of the Zulu into what became the South African union, at first by conquest but subsequently by general consent or acquiescence, has not caused them to disappear, nor do they show any inclination to renounce their historical identity as a nation. If traditional leaders generally have a right of participation in the negotiations, on behalf of those they lead, that should have been regarded as indisputable, the right of the Zulu nation to be represented by its King is doubly so.

4. Traditional Leaders of Other Peoples

- 4.1 Although other traditional leaders do not reign over nations in the same sense as does the Zulu King, and their history of continuity and resistance differs in various ways, the considerations previously urged apply as much to their peoples as to the Zulu. Like them lacking (in their majority) comparable familiarity with procedures and forms of language imposed by the dominant minority, and widely lacking literacy and affluence as well, they likewise need arrangements to facilitate their full participation in the negotiations which are to decide the

political future of all South Africa's peoples.

- 4.2 The precise nature of these arrangements will depend on the varying nature of the political organization of each people, and the means they find appropriate for their adequate representation at the national proceedings, given the multiplicity of chieftaincies and the variety of the interrelationships among them. This is a matter of enquiry and of consultation, certainly not of prescription by anyone.

5. The Need for Simultaneous Translation in Future Negotiations

- 5.1 The working arrangements for the future proceedings of CODESA will not adequately embody this kind of indigenous participation as long as they are conducted entirely in English. It is not automatically the case that a participant who is able in expressing the needs and interests of his or her people is fluent in English - and even if he or she does have a command of English, it may well be the case that such a participant prefers expression in the mother tongue, as indeed happens from time to time in various contexts with speakers of Afrikaans. Some compromise on this may be unavoidable in certain instances, but at least there should be one of the main Sotho languages and one of the Nguni in use, with simultaneous translation thus between four languages altogether, including Afrikaans and English.

5.2 The case that there is a need for adequate arrangements for the use of indigenous languages in future negotiations is reinforced if it is accepted that such negotiations will not provide adequate opportunities for all the people of South Africa to contribute meaningfully to future CODESA negotiations unless the chiefs and kings of the indigenous people are able to have their say - which cannot be guaranteed as long as what they say must be in English.

6. Final Note

This has been a brief outline of the main points which I think have special relevance to this matter. Supporting references for the statements made in the course of presenting these views can be provided as and when required, and if need be I can make myself personally available.

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Professor

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