

KWAZULU LEGISLATIVE ASSEMBLY

by

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It is hereby declared that this is my own work, both in conception and execution and that the opinions expressed or

conclusions reached are not to be regarded as reflecting the
views of the above-mentioned persons or institutions.

T R SABELA

JANUARY 1989

DEDICATION

To my late mother

Nokufa Gellinah

for her faith in education

despite great odds

CONTENTS

Acknowledgements	i
Dedication	iv
Table of contents	v
List of Tables	xii
List of Figures	xiii
Abbreviations	xiv
Summary	xv

CHAPTER 1

INTRODUCTION

A	LEGISLATURE	1
	(a) Definitions of legislatures	
	(b) Functionalism	3
	(c) The A Priori Approach	5
	(c) Conclusion	7
B	THE KWAZULU LEGISLATIVE ASSEMBLY AS A LEGISLATURE	9
	(a) Need for the study	9
	(b) Methodology	11
	(i) Existing literature on the topic	11
	(ii) Visits and interviews	12

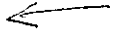
(c)	Definition of terms	12
(d)	Conclusions which will flow from study	14

CHAPTER 2

THE KWAZULU LEGISLATIVE ASSEMBLY

A	A BRIEF HISTORICAL OVERVIEW BEFORE AND AFTER UNION IN 1910	15
B	CONSTITUTIONAL DEVELOPMENT	18
	(a) National Party Policy <i>Authorities</i>	18
	(b) The Black Athorities Act, 1951 (Act 68 of 1951)	20
	(i) The Tribal Authority	22
	(ii) The Regional Authority	22
	(iii) The Territorial Authority	22
	(c) Creation of the KwaZulu Legislative Assembly	24
	(i) The capital of KwaZulu	29
	(d) The description of the KwaZulu Legislative Assembly and its mace	31
	(i) The KwaZulu Legislative Assembly	31
	(ii) The mace	32
	(e) His Majesty the King and his Representative	36
	(f) The members of the cabinet	36

(g)	Office bearers in the KwaZulu Legislative Assembly	37
(h)	The electoral divisions of the KwaZulu Legislative Assembly	38
(i)	The functions of the KwaZulu Legislative Assembly	40
(j)	The sitting hours	40
(k)	Voting	40
(l)	Business of the KwaZulu Legislative Assembly	41
(m)	Procedure in debates	41
	(i) The origin of the speakership	41
	(ii) The speaker and members	44
(n)	The Commissioner-General	44



(C) CONCLUSION 46

CHAPTER 3

REPRESENTATION AND POLITICAL PARTICIPATION

A	INTRODUCTION	47
	(a) The period before the 30th March 1972	48
	(b) The period from the 30th March 1972 to February 1977	49
	(c) The period after the 1st February 1977	40

B	POLITICAL PARTICIPATION	53
	(a) Public opinion and communication	55
C	KWAZULU POLITICS	57
	(a) The first KwaZulu election of 1978	60
	(i) Background	60
	(ii) Electoral framework	63
	(b) The party scene	65
	(i) The Zulu National Party	67
	(ii) Umkhonto kaShaka (Shaka's spear)	69
	(iii) The Inala Party	71
	(c) Interest groups	72
	(i) Inyanda Chamber of Commerce and Tripartnership Companies	73
	(ii) The Inyanda Chamber of Commerce and disinvestment	77

D Conclusion

CHAPTER 4

THE ROLE OF THE CHIEFS

A	INTRODUCTORY REMARKS	80
B	BACKGROUND	82
C	CHIEFS (AMAKHOSI) AND TRADITIONAL AUTHORITIES	89

D	STATUS QUO AND INTEREST ARTICULATION	93
E	THE CHIEFS AND THE INFLUENCE THEY EXERCISE THROUGH THE BASIC UNITS OF THE KWAZULU LEGISLATIVE ASSEMBLY	86
F	CONCLUSION	98

CHAPTER 5

THE ROLE OF THE KING

A	BACKGROUND	100
B	THE ESTABLISHMENT OF THE KWAZULU LEGISLATIVE ASSEMBLY AND ITS EFFECT ON THE POLITICAL ROLE OF THE KING	102
C	THE KING AS PART OF THE ASSEMBLY	104
D	UNIQUENESS OF THE ZULU KING WITHIN THE KWAZULU LEGISLATIVE ASSEMBLY	107
E	CONFLICT BETWEEN THE KING AND HIS CHIEF MINISTER	108
F	CONCLUSION	114

CHAPTER 6

THE ROLE OF THE CHIEF MINISTER

A	THE CHIEF MINISTER	116
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B	INKATHA	119
	(a) Definition and origin of Inkatha	119
	(b) Inkatha and KwaZulu Legislative Assembly	122
	(c) The political machine	125
C	CONCLUSION	128

CHAPTER 7

A	CONCLUSION	132
	(a) Political achievement	132
	(b) Social achievement	133
	(c) The evolution of the KwaZulu Legislative Assembly approach	136
	(d) Remarks on selective chapters	138
	(i) The constitutional development	138
	(ii) The role of chiefs	139
	(iii) The role of the monarchy	140
	(iv) The Chief Minister and Inkatha	141
	(e) The KwaZulu Legislative Assembly and its Clientele	144

BIBLIOGRAPHY

A	Published Books	145
B	Unpublished Material	153
C	Journals	154
D	Periodicals	154

E	Newspapers	155
F	Verbatim Reports	156
G	Policy Speeches	157
H	Miscellaneous Documents	158

APPENDICES

A	The Zulu Dynasty	160
B	The Basic Black Political Alignment	161
C	The Structure of Inkatha	162
D	The Structure of ANC	163
E	The KwaZulu Elections: Candidate's Manifesto	164
F	The Government of the Republic of South Africa and ^{Another} another V. Government of KwaZulu and ^{Another} another 1983 1983(1) SA 164 (AD)). powers of the State President	168
G	The Main Report of the Buthelezi Commission	169
H	The Commission, Working Methods and Report	177

LIST OF TABLES

TABLE	PAGE
7.1 Department of Education and Culture, KwaZulu, Distribution of Schools during the years 1981, 1983 and 1985	134
7.2 Department of Education and Culture, KwaZulu, Distribution of Pupils and Students during the years, 1981, 1983 and 1985	135

LIST OF FIGURES

FIGURE

2.1	Floor area of the KwaZulu Legislative Assembly	31
2.2	Mace of the KwaZulu Legislative Assembly	32
2.3	The electoral divisions of the KwaZulu Legislative Assembly	38

ANC	-	African National Congress
COSATU	-	Congress of South Africa Trade Unions
CUSA	-	Council of Unions of South Africa
FOSATU	-	Federation of South Africa Trade Union
KLA	-	KwaZulu Legislative Assembly
NAFCOC	-	National African Federation Chamber of Commerce
PAC	-	Pan African Congress
RSA	-	Republic of South Africa
TANU	-	Tanganyika African National Union
UDF	-	United Democratic Front
UNIP	-	United National Independence Party (Zambia)
UWUSA	-	United Workers Union of South Africa
ZTA	-	Zulu Territorial Authority

ANC
UDF

ANC *UDF* *UNIP*

SUMMARY

This study deals with the controversy ranging about legislatures and legislative assemblies and the enormous range of possible roles of the KLA in development as well as the constitutional development of KwaZulu.

This study reveals the following:-

- KwaZulu Legislative Assembly has been a success for the past 16 years. The central government had created an institution for articulate opposition.
- The KLA has made equally significant strides in its social policy, for example, its Department of Education and Culture.
- The collective thinking of the KLA crystallised when the assembly voted for the Buthelezi Commission.
- The KLA has not coasted on a gentle tide of consensus within the KLA and Inkatha. It has confronted recurrent crises both before the establishment of the KLA when certain members of the Royal Family wanted an executive king and when it was riven by dissension on issues of "policy" and "action." While there were changes of

emphasis over time, the central fabric of the KLA has endured, and it has maintained its basic factual approach.

The study also highlights the multi-purpose roles of chiefs in KwaZulu. The chiefs have been integrated in the new political order through tribal and regional authorities. The chief is a legislator, administrator, and party politician. This study also highlighted that, the chief is constrained by bureaucratic rules and regulations governing his office.

The study further reveals that it is desirable to separate the political and ceremonial aspects of public life. With a separate ceremonial head of state, the political leader has more time to devote to his political responsibilities. It further highlighted that the monarch is a more personalized and attractive symbol of national unity than the vague concepts of state. The monarch in KLA still serves and remains a symbol of national identity and focal point of national loyalty.

The study indicates that dynamic and innovating leadership is concentrated in the Chief Minister. This raises the question of what would happen in KLA when the Chief Minister leaves the scene. The answers were found to be not clear in terms of a post Buthelezi era.

The KLA has improved African moral and political consciousness but it had not been entirely successful in the mobilization of the urban African.

This study also highlights that the birth pangs accompanying its establishment are reflected directly in its performance and role. It has the capacity to raise expectations both material and political, without capacity to fulfil those expectations. The KLA must still acquire a rich tradition on which to draw, in justifying both its present and future activities.

CHAPTER 1

INTRODUCTION

A. LEGISLATURES

(a) Definitions of Legislatures

'Parliaments and congresses and other similar assemblies are commonly called legislatures.'¹ The word "parliament," originally meant a talk. In its Latin form it is applied by monastic statutes of the thirteenth century to the talk held by monks in their cloisters after dinner, talk which the statutes condemn as unedifying. A little later on the term was used to describe solemn conferences such as that held in 1234 between Louis IX of France and Pope Innocent IV. When Henry III summoned a council or conference of great men to discuss grievances, he was said by a contemporary chronicler to hold a parliament.² The question arises as to what political institutions should be included in a general analysis of

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1. Wheare, K C, Legislatures, 2nd ed, London, Oxford University Press, New York Toronto, 1968, p. 1.
 2. Ilbert, C, Parliament: Its history, constitution and practice, London, William and Norgate, 1971, p. 7.

of legislatures, and what institutions should be excluded since, "the structure has variously been called parliament, congress, legislature, diet, chamber of deputies, representative assembly and numerous other terms."³ It is reasonable to begin by precisely defining the institution that we are interested in discussing.

The definitional problem has become more complex as our knowledge about legislatures has become more sophisticated. Sometime ago definitions were easy to come by. "A legislature was a body elected by the people at relatively frequent intervals and it made laws."⁴ Nowadays large parts of the time of a legislative assembly is not devoted to law-making at all. They debate great issues of public concern and they act as what John Stuart Mill called "a committee of grievances" and "a congress of opinion."⁵

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3. Loewenberg, G, Modern Parliaments, Change or Decline, Aldine Atherton, Chicago, New York, 1971, p. 3.
 4. Mezey, M L, Comparative Legislatures, Duke University Press, Durham, North Carolina, 1979, 1979, p. 3.
 5. Wheare, K C, Ibid., p. 1.

It has been discovered that several countries including KwaZulu have institutions that are called legislatures but which even by the most generous standards, could not be considered law-making bodies. Modern research on Western European parliaments has demonstrated quite conclusively that the law-making functions of these established legislatures had long since passed to the executive that controlled disciplined parliamentary majorities, and that legislators in these systems had little or no role in making laws.

Scholars were confronted with a clear choice; either law-making had to be abandoned as a functionary requirement for an institution called a legislature or retained. Law-making was dropped as a necessary characteristic of a legislature and it is therefore important to rethink what is meant when discussing the KLA.

(b) Functionalism

People have argued that law-making should never have been considered as the sole function of a legislature. They suggested that throughout history legislatures had seldom been dominant law-making forces. They argued that the legislature was a functionally adaptable institution that could do a variety of things in a political system. This is true also of the KLA.

Studies have appeared indicating that legislatures acted as agencies of political recruitment; that legislatures could represent the views of the people to non-legislative elites in the executive and bureaucracy; legislators could educate and inform the public on major political issues, that the legislator could oversee the activities of the bureaucracy, that legislators were effective instrument for nation building and national integration, and that legislatures could have the effect of mobilizing public support for a regime and thereby legitimizing the political system.

"Clearly, most of these functions could be performed by other political institutions, most notably political parties, ut also interest groups, the press, and executive leaders. Strong political parties, for example, could recruit elites, represent citizens, educate and inform the public, mobilize regime support, and serve the function of promoting national integration. But just as military juntas that made laws did not qualify as legislatures by virtue of performing that function, political parties did not become legislatures because they performed several of the functions that a legislature could perform. Thus

6. Mezey, M L, Ibid., p.4.

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functionalism widened our legislative horizons but did little to help us define the legislative animal and to separate it from the other beasts in the institutional jungle."⁷

(c) The A Priori Approach

The a priori approach define those characteristics that an institution must have in order to qualify that institution as a legislature. A legislature is an assembly whose members meet, deliberate and act collectively as formal equals. They are distinguished by their standing as official rather than private bodies and their formal enactments are officially binding on a population to which they are accountable and from whom their legitimacy emanates."⁸

The only way to demonstrate the validity of these defining characteristics is to see whether or not it fits those institutions that we are accustomed to call legislatures or if it includes institutions which we are unaccustomed to thinking of as legislatures.

7. Ibid., p.5.

8. Ibid.

"I think of a legislature as a predominantly elected body of people that acts collegially and that has at least the formal but not necessarily the exclusive power to enact laws binding on all members of a specific geopolitical entity." ⁹ The members are formally equal to one another in status, distinguishing parliaments from hierarchically ordered organizations, and the authority of their members depends on their claim to representing the rest of the ¹⁰ community.

Elected people are people who hold their positions as a result of an election in which all adults are allowed to participate except, for example, those who are insane, imprisoned or who do not meet residence requirements. The elections need not be competitive, but ballots must be cast in secret.

A legislature is after all only an assembly of men which like any other body must be directed by some authority. This authority can be traced back to the very origin of parliament. Since 1376 the British House of Commons had felt the need to designate one of their members to speak

9. Mezey, M L, Ibid., p. 6.

10. Loewenberg, G, Ibid., p.3.

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(d) Conclusion

N Charton, draws our attention to the fact that it is often noted that, "political institutions in the new states normally lack the sanctity of history and tradition..., these institutions have been grafted on, as it were, from the top down. There is a diversity of tradition, and little if any consensus with regard to religion, or norms and values in general. And new political systems are often notoriously short of capability. They have the capacity to raise expectations both material and political, without the capacity to fulfil the expectations...

What has the new legislature to do in order to acquire legitimacy? Time is all important. Legislatures need a long gestation period. Legislators need to learn their trade; constituents need to learn how to manipulate and control the legislators; the institution must develop its

11. Ameller, M, Parliaments. A comparative study on the structure and functioning of representative institutions in fifty-five countries, Cassell, London, 1966, p. 77. cf. For more details on origin of speakership, See Chapter 3.

own ethos in the crises and experiences to which it is subjected and ultimately legislators will conform to its ethos. New legislatures need time then to develop autonomy, power and influence. When the norms of representative government are sanctified by religious and moral values within the community, the legislature will be strengthened. When a political leader emerges who enhances the image of the legislature, the legitimacy of the leader will impart itself to the legislature."¹²

Smith and Musolf agree, when they state that, "... the roles of legislatures can be influenced by the circumstances of their origin and their age. Since so many countries are new states, the birth pangs accompanying the establishment of their legislatures are reflected directly in their performance and roles. Older legislatures, ...have rich tradition on which to draw, in justifying both their present activities and legitimacy."¹³

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12. Charton, N, Ciskei, Economics and politics of dependence in a South African Homeland, London, 1980, pp. 160-161.
 13. Smith, J, & Musolf, L D, Legislatures in Development Dynamics of change in new and old states, Duke University Press, Durham, North Carolina, 1979, p. 5.

B. THE KWAZULU LEGISLATIVE ASSEMBLY AS A LEGISLATURE

(a) Need for the study

There are various reasons why the researcher decided to investigate the KLA:

- (i) The KLA celebrated its 16th anniversary in 1987 and the subject is now deemed most suitable for academic treatment.
- (ii) This study is of significance in that it is one of the pioneer studies on the KLA. Up to the present moment most studies have been conducted on KwaZulu in general.
- (iii) The people of KwaZulu have for a long time been governed by hierarchical administrators controlled by whites and assisted by traditional authorities, whose powers of initiative and opposition were extremely limited. Recent developments have created modern political roles and executive bodies that make no pretence of being traditional. Limited though the powers and resources of the KLA are, it has to some extent demonstrated that it is

not merely part of a hierarchy down which orders can be transmitted. For example, any particular step in constitutional development, including the granting of independence, has to be taken at the request of the KLA concerned. The KLA is thus able to influence important decisions of the RSA government.

(iv) The creation of the KLA has given the people of KwaZulu an institutional base and a legitimated platform. KwaZulu has used this platform to articulate the grievances of the black masses, not merely those of the ethnic group that it officially represents. The KLA has access both to the populations of the homeland as well as other areas in the RSA. It has an access enshrined in official policy and one of which the KLA is taking advantage to organize the urban black populations, ultimately a far greater political resource than the population of the homeland.

(v) Deliberations and decisions of the KLA are frequently quoted in the press. It is free to criticize, even to embarrass the RSA government. This public assertiveness by KwaZulu is

significant, for example, the Buthelezi
¹⁴ Commission and the Ingwavuma case. ¹⁵

(vi) This study will also look at the internal operations of the KLA, inter alia, at that of the role of the chiefs, the king and Inkatha.

(b) Methodology

In preparing this study the following was used as sources of information:

(i) Existing literature on the topic.

An extensive study of the existing literature, proclamations, government publications, press cuttings and pamphlets was made. Government publications, KwaZulu Verbatim Reports, and Inkatha News constituted the primary sources of information.

A problem that was encountered in this project is

14. See Appendices G and H.

15. See Appendix F.

the absence of literature about the KLA which resulted in use being made of other literature dealing with this topic and adapting it to the peculiarities of KwaZulu.

(ii) Visits and Interviews

Visits to the KLA and to Africana Libraries were undertaken and interviews were conducted with relevant officials.

(c) Definition of terms

(i) "Administration Act," means the Black Administration Act 1927, (Act 38 of 1927).

(ii) "Bayede" or "Bayete," means the royal salute for the Zulu King.

(iii) "Natives," "Bantu," "Africans," or "Blacks," means people whose origin is indigenous to Africa. These concepts have been used interchangeable in this study and where relevant.

(iv) "Chief" or "Inkosi," means a person duly appointed or recognized as a chief under section 2 (7) of the Administrative Act and includes any person

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appointed under sub-section (8) of that section to act temporarily in the place of such a chief or inkosi. These concepts have been used interchangeable in this study and where relevant.

- (v) "Councillor," means any person who is a member of a tribal council.
- (vi) "Executive Councillor," means a member of the KLA Executive Council.
- (vii) "Headman," means any person appointed as a headman in terms of section 2 (8) of the Administration Act and includes any person appointed to act temporarily as a headman in terms of that sub-section.
- (viii) "Induna," means a chief deputy as defined in the Code and registered as such at the office of the district magistrate.
- (ix) "KwaZulu," means the area for which the KLA has been established.
- (x) "Magistrate," means any magistrate appointed in terms of the Magistrate's Court Act, 1944 (Act 32 of 1944), read with section 21 and item 12 of

Schedule 1 to the Black Homelands Constitution Act, (Act 21 of 1971).

- (xi) "Non-white," means people who are referred to as Blacks, Indians, and Coloureds in RSA.
 - (xii) "Paramount Chief," "Ingonyama" or "Isilo," means the king of the Zulus.
 - (xiii) "Secretary," means the administrative head of any department of the government of KwaZulu.
 - (xiv) "Whites," means people who identify as members of the Caucasian race.
- (b) Conclusions which will flow from the study

The study will be divided into seven chapters. Chapter two deals with both an historical synopsis of the KLA constitutional development and the assembly as it exists today. Representation and political participation is the subject of chapter three. Chapter four deals with the triple role of the chiefs. The Zulu king as part of the KLA is discussed in chapter five. Attention is also given in this chapter to the KLA as a source of conflict between the chief minister and the king. Chapter six outlines the roles of both the KwaZulu chief minister and Inkatha in the KLA. Chapter seven concludes the study.

CHAPTER 2

THE KWAZULU LEGISLATIVE ASSEMBLY

A. A BRIEF HISTORICAL OVERVIEW, BEFORE AND AFTER UNION IN 1910

Since 1910, Blacks throughout the Union of South Africa have suffered the imposition of constraints without the extension of many new rights. The "Natives" in the Cape exercised the franchise subject to qualifications of literacy and of property.¹ In 1905, about forty years after the franchise had been granted to the "Natives," there were only three "Natives" in Natal and Zululand who were allowed to vote.² Provision was made for granting the franchise to the "Natives" in 1865 but under stricter conditions than applied to the exemption certificates issued under "Native" Law. A "Native" who wanted to vote had to possess an exemption certificate. He had to be able to read and write. He must have had one wife only or

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1. Butler, J, et al., The Black Homelands of South Africa, The political, and Economical development of Bophuthatswana and KwaZulu, Berkerley, Los Angeles, London, 1978, p. 21.
 2. Van Jaarsveld, F A, From Van Riebeck to Vorster 1652-1974, Perskor Publishers, Johannesburg, 1975, p. 147.

at least one wife and must have lived in Natal for twelve years. He was supposed to submit a testimonial to the Governor signed by three enfranchised whites and certified by a magistrate.³

The Cape "Natives" lost the right to membership in the House of Assembly in 1910 and their votes were not counted in the allocation of seats between the provinces in the constitution of the Union.⁴ In 1930 and 1931, their vote was further devalued when the property and income qualification for voting were removed for whites only.

In 1936, the Cape "Natives" lost the right to vote on the common voter's roll and in exchange were given three parliamentary seats to be filled by whites.⁵

The impact of these changes on the Zulu was different. The Zulus in Natal before the Union had the right to vote, but the conditions were so stringent that in 1909 only six "Natives" were on the voter's roll.⁶ The South Africa Act of 1909 affected the law rather than the practice in Natal.

3. Ibid., p. 147.

4. Ibid.

5. Butler, et al., Ibid., p. 20.

6. Van Jaarsveld, F A, Ibid., pp. 146-147.

The Zulu traditional government had been broken up in the immediate aftermath of the 1897 Zulu War and the Bhambatha Rebellion of 1906. King Dinuzulu Zulu was exiled to the Transvaal. No major change followed; consequently constitutional developments after 1910 notably worsened the position of the Zulu.⁷

In 1936 a Native Representative Council was set up to represent Natives throughout the Union. This was a concession to satisfy "Natives" that the new settlement gave them a recognized place in the political system. The council consisted of six white chief native commissioners and twelve elected and four nominated "Natives." The "Natives" used it as a forum for "Native" opinion. It was the first and last official body that recognized that "Natives" had interests in common.⁸ The fundamental weakness in the Native Representative Council was that it was purely an advisory body. It had no executive functions of any kind. It developed into a talking shop which led to a sense of frustration and bitterness among the members and loss of confidence among the "Natives."⁹

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7. Butler, et al., *Ibid.*, p. 22.
 8. *Ibid.*, p. 27.
 9. Wilson, M, Freedom for my People, The autobiography of ZK Matthews: Southern Africa 1901 to 1968, Cape Town, Johannesburg, David Phillip, 1981, p. 142.

When the National Party came to power in 1948 it was able to build upon a long and cumulative tradition of segregation in South African politics and decision-making. This institutionalized ethnicity, not of their own making, presented the homeland leaders with certain opportunities. When the logic of apartheid gave them an opportunity to do so, the Zulu leaders with traditional and modern credentials attempted to use an imposed system to increase the power of their people.

B. CONSTITUTIONAL DEVELOPMENT

(a) National Party policy

In 1948, the National Party embarked upon the formulation of a uniform policy concerning the government of the Black peoples in South Africa. "The ultimate achievement of equality was always anathema to a majority of the white South Africa population. The exclusionists were never prepared to agree that the achievement of equality in a common society was either possible or desirable. Still adhering to notions of territorial integrity, this group saw the preservation of its power and the maintenance of

10. Butler, et al., Ibid., pp. 22-23.

its identity in the erection of impermeable barriers. Thus the preservation of racial purity and the extension of discrimination in certain key areas was essential... Until 1948 the refining of the definitions of racial and ethnic differences was unimportant.¹¹"

The National Party policy envisaged the emancipation according to a fixed pattern which would prepare the black peoples for complete self-determination. This policy known as the policy of separate development was given expression in terms of various acts of the South African Parliament. These acts were the following:

- (i) Black Authorities Act, 1951 (Act 68 of 1951)
- (ii) Promotion of Black Self-Government Act, 1959 (Act 46 of 1959)
- (iii) The Transkei Constitution Act, 1971 (Act 48 of 1963)
- (iv) National States Constitution Act, 1971 (Act 21 of 1971)

11. Butler, et al., Ibid., pp. 24-25.

(b) The Black Authorities Act, 1951 (Act 68 of 1951)

Local councils were first established in Black rural areas of the Cape from 1894 on, and were granted certain powers of local self-government. The councils in the Transkei came together in 1903 to establish the Transkeian Territorial General Council. In 1920 the Native Affairs Act provided for the extension of this scheme in areas where the Africans so wished: in the event it was not widely adopted. The executive of the councils were usually white. The Black Authorities Act of 1951 was designed to replace this system by one that offered more authority to Africans themselves.¹²

This act recognised the black man's traditional form of government. It provided for, tribal, regional and territorial authorities. The act also provided for the manner in which each undermentioned authority would be constituted; its powers, duties and functions as well as other related matters.

The Zulus were divided in their views as to the merits or demerits of the Black Authorities Act system. A number of tribal and regional authorities were set up, but in many

12. Horrel, M, The African Homelands of South Africa, South African Institute of Race Relations, Johannesburg, 1973, p. 41.

13

areas their establishment was vehemently opposed.

In 1968, the KwaZulu Chief Minister argued that the Black Authorities Act was passed without the consent of the black people. They were therefore, under no obligation to express either acceptance of or objection to the proclamation of bodies provided for in the Black Authorities Act.¹⁴

Throughout the 1960s the Zulus remained essentially antagonistic to the government's pattern of institutional devolution. The first Zulu Regional Authorities were gazetted in 1959 but resistance to their establishment in Natal and Zululand persisted.¹⁵ King Cyprian Zulu summoned a meeting of chiefs to Nongoma to promote acceptance of regional authorities. In that meeting it was asserted that such a momentous decision could only be made after the Zulus both in rural and urban areas had been consulted. The chiefs should support this tactical maneuver.¹⁶

13. Ibid., p. 32.

14. Ibid.

15. Hill, C R, Bantustans, The Fragmentation of South Africa, London, Institute of Race relations, Oxford University Press, 1964, p. 68.

16. Drum, October 1968, pp. 7-8.

"The majority of the Zulu would remain on record as having been consistently opposed to authorities as long as they could do so."¹⁷

(i) The Tribal Authority

A tribal authority consists of the chief and councillors recognized by the tribe. Community authorities may be set up in respect of areas that have no recognized chiefs, in which case they are composed of traditional councillors of the constituent tribes. In areas where no tribal structure exists, all the members may be elected by adult males. The functions of the tribal authority are to maintain law and order and to ensure the enforcement of regulations such as those relating to the holding of assemblies.¹⁸

(ii) The Regional Authority

A regional authority consists of the heads of

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17. Survey of race Relations, 1965, pp. 133-134.
18. No. R74, 1972, Regulations for Tribal Community and Community Authorities in the Area of the KwaZulu Legislative Assembly. cf. Horrel, M, The Homelands of South Africa, South African Institute of Race Relations, Johannesburg, June, 1973, p. 68.

tribal or community authorities in the region concerned. Further members of tribal or community authorities may be included by the decision of the regional authority. Each regional authority has an executive, headed by a senior chief, and composed of members appointed by the authority itself.¹⁹

Regional authorities were originally given specified functions and powers, but their duties were changed subsequently. They now act as agents of the KwaZulu government in administration of matters under the control of the latter body.²⁰

(iii) The Territorial Authority

The territorial authority is the third step in the administrative development of a black state and it administers the entire ethnic group. Its constitution was revised in 1968 and in the years that followed. It consists of all the members of regional authorities, elected a chief executive

19. Ibid.

20. Ibid.

21

councillor and other executive councillors.

(c) Creation of the KwaZulu Legislative Assembly

After discussions with the members of the KwaZulu Territorial Authority's Executive Council, a South African Government legal team drew up a draft constitution for a KwaZulu Legislative Assembly. This was discussed with the executive and was later debated by the territorial authority. Strong objections were raised to a clause in the draft which would have required members of the KwaZulu Legislative Assembly to swear that they would honour and respect the South African Government and the king of the ²² Zulus.

There was also considerable discussion as to the constitutional position of the king who was a member of the existing authority. The draft constitution retained this arrangement. It was decided that the king should hold himself aloof from party politics and should thus not be a member although his personal representative would be

21. Ibid.

22. Horrel, M, Ibid., pp. 53-54.

included.²³ The authority also agreed that the king should participate only in ceremonial proceedings of the new assembly and should have no executive powers.²⁴

A further change was made to the draft constitution which provided that the Chief Executive Councillor should have a considerable voice in the election of other executive councillors.²⁵

The constitution as finally approved by the authority and the South African government, ~~and~~ was gazetted as Proclamation R69 of 30 March 1972. It created a Legislative Assembly, consisting of members of the existing territorial authority. Dr M G Buthelezi remained the Chief Executive Officer.²⁶

A new assembly would come into being as from a date determined by the minister after a request for its establishment was made by the executive council. Its members were:

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23. Ibid., p. 54.
 24. Butler, et al., Ibid., p. 40.
 25. Ibid., p. 40.
 26. Horrel, M, Ibid., p. 54.

- (i) The personal representative of the king
- (ii) Three chiefs or chairmen of community authorities
- (iii) The chief of each tribal authority or the chairman of each community authority which had been deemed to be a regional authority
- (iv) 55 members elected by voters of KwaZulu.

27

The king and other chiefs retained their traditional powers and functions and, in regard to ceremonial and tribal matters, the King takes precedence over executive councillors except in respect of matters of the Legislative Assembly. The king was to be furnished with a copy of the agenda of each meeting of the executive council, and might request councillors to meet him to discuss items. His personal representatives was precluded from serving on the executive council as were representatives of other chiefs who might attend meetings of the assembly on their chief's behalf.

28

Electoral divisions for the election of 55 members was to be areas of regional authorities. The member to be

27. Ibid.

28. Ibid.

elected from each was to be in proportion to the estimated
²⁹
 total number of citizens resident there.

The voters were to be all the citizens of KwaZulu over the
 age of 18 years, normally domiciled in any electoral
 division, or whose districts of origin or those of their
 antecedents were in such areas. Each voter was to cast
 as many votes as there were members to be elected in the
 electoral division concerned, but might not cast more than
³⁰
 one vote in respect of any one candidate.

Those standing for election were to be citizen's of at
 least 21 years of age, who had not been convicted of any
 offence involving imprisonment without the option of a
 fine or any illegal practise under the laws governing
³¹
 elections.

The life of the Legislative Assembly was to be five years,
 with at least one ordinary session held annually. The
 commissioner general for the Zulu might attend meetings

29. Ibid.

30. Ibid.

31. Ibid.

and address the assembly. There was to be freedom of speech and meetings were to be open to public. Each member had to take an oath swearing that he was to honour and respect the State President and the Zulu king. He was to be loyal and faithful to the Legislative Assembly and its administration and all laws applicable in the area.³²

The chief executive was to, or might, be removed from office by resolution of the Legislative Assembly. Other councillors were to or might be removed from office by resolution of the assembly on recommendation of the chief executive councillor.³³

Immediately after the election of the executive council, a chairman and a deputy chairman of the assembly were to be elected. Proclamations R71, 72, 74, 75 and 76 of the same date, set out the procedure of the Legislative Assembly. It set out the conduct of the election of members and salaries and allowances of members of the Legislative Assembly and of regional authorities.

32. Ibid., p. 55.

33. Ibid.

It should be noted that KwaZulu gained the status of being a territorial authority in 1970 after Act 46 of 1957 had been passed. In 1971, the South African parliament passed an act known as the National States Constitution Act, 1971 (Act 21 of 1971). This act made it possible for the promotion of all territorial authorities to self-governing status, similar to the Transkei which attained self-governing status in 1963. During 1972 the KwaZulu Legislative Assembly was created to replace the existing Zulu Territorial Authority. The assembly was responsible, as territorial authorities had been for departments of Authority Affairs (Chief Minister Department) and Finance, Community Affairs (Department of Interior), Works, Agriculture and Forestry, Education and Culture and Justice.³⁴

(i) The capital

The capital of KwaZulu is Ulundi, situated in the Mahlabathini district on the banks of the White Umfolozi river. This area is rich in Zulu history. The impressive new buildings of the KwaZulu Legislative Assembly were

34. Ibid., p. 53.

35. A visitors guide to KwaZulu Legislative Assembly 2.

officially opened on 2 April 1984. The assembly met in these buildings for the first time on 25 October 1983. Prior to that date the assembly operated in temporary premises at Nongoma.

The KwaZulu Legislative Assembly consists of 141 members. Of this number 76 are chiefs (amakhosi) who are elected by their respective regional authorities. The 65 elective members are elected by the 26 constituencies on a proportionate basis of registered voters. The assembly can accommodate 199 members so as to be able to absorb a possible future increase in the membership of the assembly.

36

(d) The Description of KLA and its Mace

(i) The KwaZulu Legislative Assembly

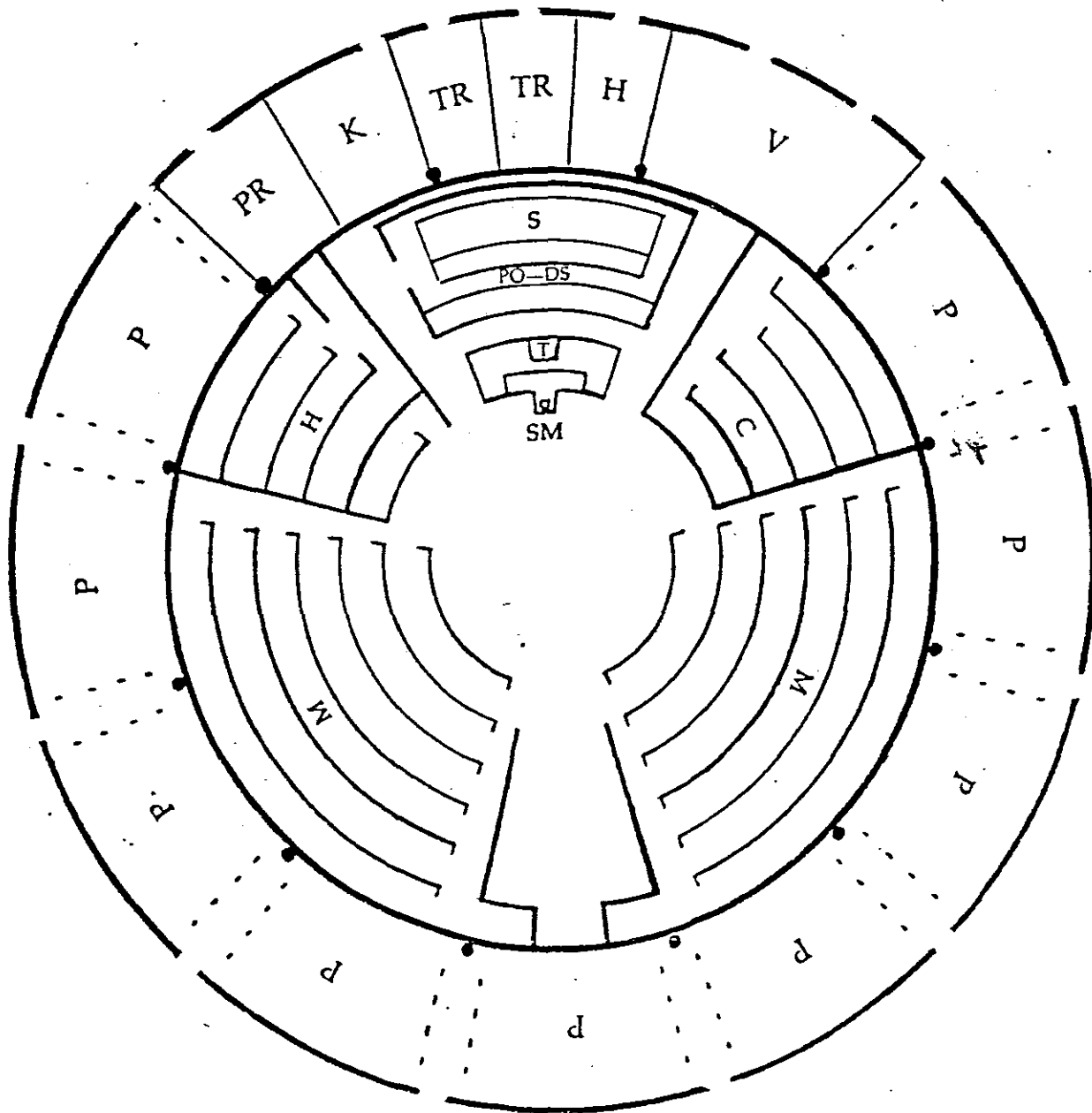


Figure 2.1

M	-	Members' Seats	P	-	Public gallery
PR	-	Press gallery	K	-	King's gallery
TR	-	Translators cubicle	H	-	Hansard recorders
V	-	VIP gallery	S	-	Speaker of Legislative Assembly
PO-DS	-	Principal officer, his Assistants and deputy Speaker and Chairman of Committees	T	-	Table of the house
C	-	Commissioner General's Bay	H	-	Departmental Heads Bay
			SM	-	Socket for the Mace

Source: A Visitors Guide to the KwaZulu Legislative Assembly, p. 10

(ii) The Mace

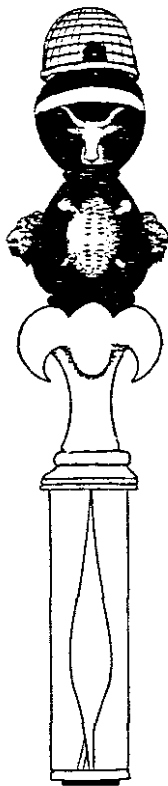


Figure 2.2

Sources: A Visitors Guide to KwaZulu Legislative Assembly;
KwaZulu Government Diary, 1985.

1. This is a typical ZULU HUT called in Zulu "INDLU." It symbolises the birthplace of Zulu culture and customs and is also symbolical of the close-knit Zulu family on which the whole Zulu social structure is built.

2. The MYSTICAL COIL on which the hut stands is called "INKATHA." The grass in this mystical coil was plucked from the thatch of the doorways of all Zulu chiefs' huts and is known to the Zulus as "Inkatha yokusonga isizwe."

This is to symbolize the coil's deep power to unite and keep firm all the different tribes of the Zulu people. Each of the 285 strands around the coil represents one of the tribes composing the Zulu Nation.

3. Below the mystical coil is a black BEER POT called in Zulu "UKHAMBABA." It is adorned with the head of a white beast from the Zulu herd. This is to symbolize the traditional generosity and hospitality of both Zulu chief and commoner.

4. Below the beer-pot is a traditional grain basket called in Zulu "Isilulu," a battle axe - "Isizenze" and a knob-stick called "Iwisa." This is to symbolize the Zulu's origin from the North and reminder to its rulers of their duty to see that the basket be kept full so that the Nation will be fed, and the shield warns that the Nation will be protected.

5. Below the grain basket is the black polished head-ring called in Zulu "Isicoco." It was worn by Zulu dignitaries. This is to symbolize the Zulu elders' and councillors wisdom and maturity, their inherent dignity, impeccable manners and respect for authority.

6. All these symbols stand upon four OSTRICH FEATHERS worn by the Zulu warriors of old.

7. Below the feathers the staff is square in shape. On two opposite sides of the square is the BROADBLADED STABBING ASSEGAI

called in Zulu "IKLWA" which was used by the armies of Shaka. This is to symbolise the discipline and strength of the Zulu nation.

8. On the other two opposite sides of the square is portrayed the historical EVERLASTING SPEAR OF THE ZULUS kept by the Zulu king. This is to symbolize the close association the royal house of the Zulus has with this governing body; and the nation's continued existence.
9. On the scroll around the haft appear the WORDS OF PRAISE AND RESPECT, symbolizing the KwaZulu government body's affirmation of loyalty and union with the Zulu king and the Royal House - "WENA ^{NI} ENDLOVU [^] BAYETE!
10. The mace is made of the inner heart wood of the russet willow (*Combretum apicalatum*). This tree is known to the Zulus as "MBONDWEMNYAMA." In the time of the Zulu Kings, Shaka and Dingane, the keepers of order (and executioners) were armed with heavy knobsticks of this dark wood.

The redwood of which the spears are made is the heart wood of the tree *Thammas Zeyheri*, known to the Zulus as "MNINI" or "MCAKA." This wood is the "royal" wood of
 37
 the Zulus.

The position in the Legislative Assembly is as follows:

(e) His Majesty the King and his representatives

The king personifies the unity of the Zulu nation and he
 38
 is aloof from party politics. The king has a personal representative nominated by him from members of the Zulu royal family.

(f) The members of the cabinet

The executive consists of the following departments:

- (1) Department of the Chief Minister;

37. KwaZulu Government Diary, 1985, p. 31.

38. Establishment of KwaZulu Legislative Assembly, No. R70, 1972, Powers, Functions and Status of Paramount Chiefs and Status of other Chiefs, p. 11.

- (2) Department of the Interior;
- (3) Department of Works;
- (4) Department of Education and Culture;
- (5) Department of Agriculture and Forestry;
- (6) Department of Justice;
- (7) Department of Health;
- (8) Department of Welfare and Pensions;
- (9) Department of Welfare and Pensions;
- (10) Department of Finance; and
- (11) Department of Economic Affairs.

(g) Office bearers in the KLA

The office bearers are the speakers of the KLA, the deputy speaker, chairman of committees, the chief whip and the assistant whip.

(h) The electoral divisions of the KLA

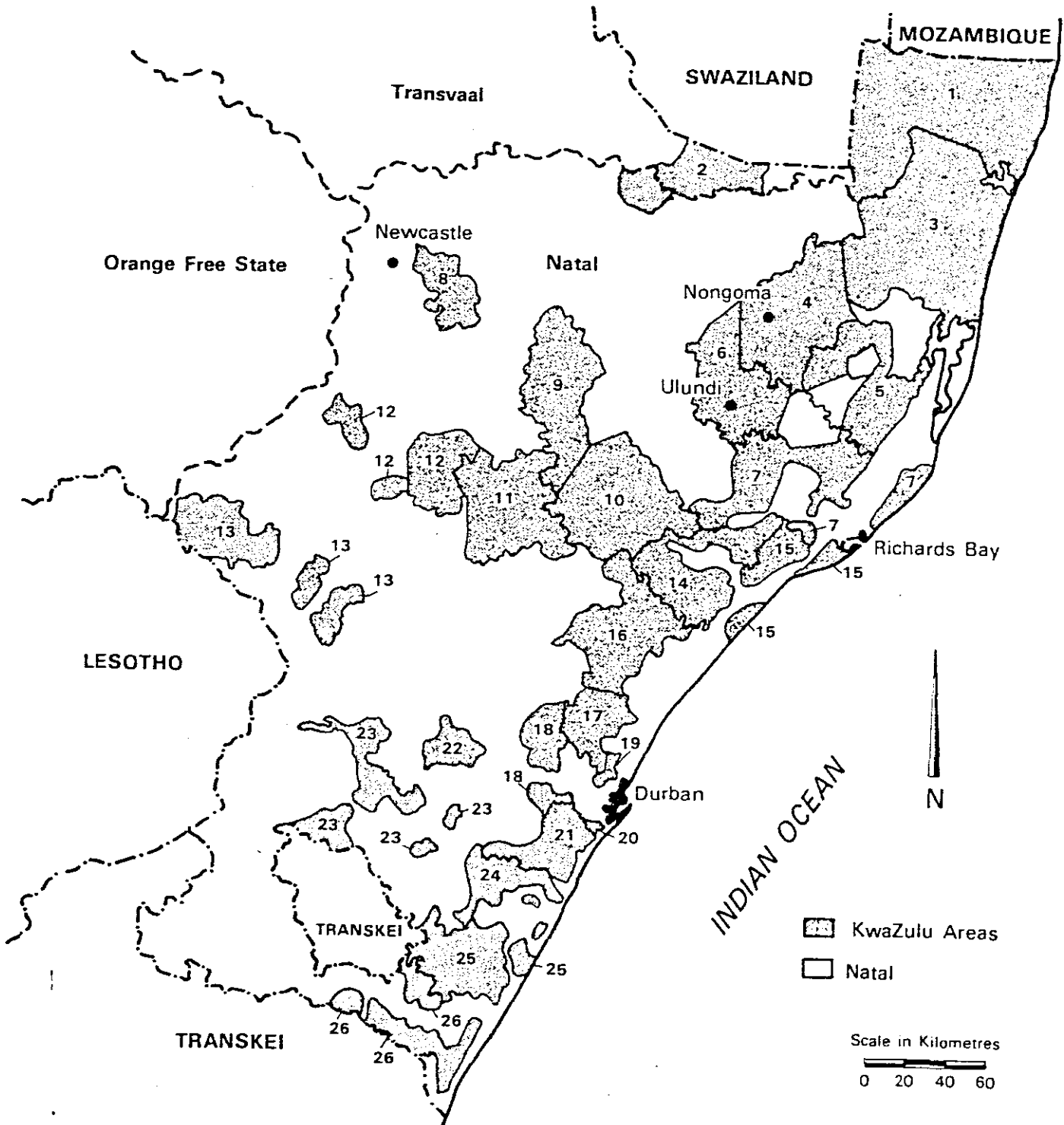


Figure 2.3

- (1) The Ingwavuma electoral division with five members;
- (2) The Simdlangentsha electoral division with five members;
- (3) The Ubombo electoral division with four members;
- (4) The Nongoma electoral division with six members;
- (5) The Hlabisa electoral division with five members;
- (6) The Mahlabathini electoral division with five members;
- (7) The Enseleni electoral division with six members;
- (8) The Madadeni electoral division with six members;
- (9) The Nqutu electoral division with six members;
- (10) The Nkandla electoral division with five members;
- (11) The Msinga electoral division with six members;
- (12) The Emnambithi electoral division with six members;
- (13) The Okhahlamba electoral division with nine members;
- (14) The Inkanyezi electoral division with five members;
- (15) The Ongoye electoral division with five members;
- (16) The Maphumulo electoral division with six members;
- (17) The Ndwedwe electoral division with five members;
- (18) The Mpumalanga electoral division with six members;
- (19) The Ntuzuma electoral division with one member;
- (20) The Umlazi electoral division with four members;
- (21) The Umbumbulu electoral division with six members;
- (22) The Vulindlela electoral division with six members;
- (23) The Hlanganani electoral division with five members;
- (24) The Vulamehlo electoral division with five members;
- (25) The Umzumbe electoral division with six members;

(26) The Izingolweni electoral division with five members.

(i) The functions of the KLA

The three main function of the Legislative Assembly are to control the executive, that is, the government, to pass legislation and to vote the money required for the services of the self-governing region of KwaZulu, and to provide by taxation and other means the funds required for ⁴⁰ ~~the~~ this purpose.

(j) The sitting hours

The sessions of the assembly are usually held over a period of two to three months from April to June. The house meets from 10h00 to 17h00 from Mondays to Thursdays and meet at 09h00 to 15h00 on Fridays. The house may on a ⁴¹ motion, sit for a longer or a shorter period.

(k) Voting

All questions are decided by a majority of the votes of

39. KwaZulu Annual Report, 1985, pp. 3-11.

40. A visitors guide to the KwaZulu Legislative Assembly, p.11.

41. Ibid.

members present. Should a member not be satisfied with the decision of Mr Speaker, he/she may demand a ballot, whereupon a ballot shall take place without debate. In case of an equality of votes Mr Speaker has the prerogative of a casting vote.⁴²

(1) Business of the KLA

The KwaZulu Legislative Assembly business of the house for each sitting day is set out on the order paper. The business of the government such as government sponsored draft laws takes precedence on all sitting days except on Thursdays from 11h00 on and after the 8th sitting day, when private members business takes precedence. On Wednesdays the caucus takes precedence over other business. On a motion the house resolves itself into a caucus in which matters of domestic nature are discussed.⁴³

(m) Procedure in debates

(1) The origin of the speakership

It is known that originally the British House of

42. Ibid.

43. Ibid.

Lords and the House of Commons sat together in the same chamber.⁴⁴ During the thirteenth and fourteenth centuries, the House of Commons took to deliberating separately and they chose a man to record the sense of their discussions and to be their spokesman to make known their views to the king.

It was therefore, necessary for the commons to obtain the king's approval of the speaker they chose and the king saw to it that they chose a man who would serve his ends. In 1642, Speaker Lenthall⁴⁵ threw in his lot with the house. In that year the struggle between the Royal prerogative and the privileges of the people reached its climax when Charles I, entered the house bodily and wanted the chair in which Speaker Lenthall was sitting in order to arrest five of its members. When the king asked whether there were any of those people in the house, Lenthall fell on his knees and made that famous historic reply.

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4. Kiplin, R, Parliamentary Procedures, A short guide to the rules and practices of the House of Assembly of the Union of South Africa, Juta & Co, 1949, p. 155.
 5. Ibid., p. 156.

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44. Kiplin, R, Parliamentary Procedures, A short guide to the rules and practices of the House of Assembly of the Union of South Africa, Juta & Co, 1949, p. 155.

45. Ibid., p. 156.

"May it please you Majesty, I have neither eyes to see nor tongue to speak in this place, but as the house is pleased to direct me, whose servant am here."⁴⁶ After that dramatic historic incident the Commons successfully maintained that the Speaker must be of their own free and independent choice. The KwaZulu Legislative Assembly's Speaker is also chosen along those lines.

The late Dr A H Zulu and the present Speaker of the KwaZulu Legislative Assembly, meet most of all qualities required for wise management in the House of Assembly. They have an imperturbable good temper, tact, patience and urbanity. Their former respective careers show absence of bitter partisanship. Dr Zulu possessed innate gentlemanly feelings which involuntarily commanded respect and deference and there was personal dignity in his voice and manner. He coped very well with awkward⁴⁷ situations.

46. Ibid.

47. Kiplin, Ibid., p. 156-157.

(ii) The Speaker and members

Members are called to speak by Mr Speaker or, if the House is in the committee stage, by the chairman. The member begins his speech by addressing Mr Speaker or the chairman and he refers to other members as "the Honourable member of ... (constituency) Inkosi/Mr... (name)."⁴⁸

When a member enters or leaves the debating chamber or moves to another part he/she should bow to the chair as an expression of courtesy. No member may pass between the chair and a member addressing the house.⁴⁹

(n) The Commissioner-general

When a bill has been passed by the Legislative Assembly, it is, after being printed and signed by Mr Speaker, forwarded to the KwaZulu Commissioner-General. The commissioner to the office of the State President for assent through the Department of Development Aid. The

48. A visitors guide to the KwaZulu Legislative Assembly, p. 12.

49. Ibid.

bill is then returned to the secretary of the KwaZulu Legislative Assembly and to the Department concerned and is published in a government gazette. A signed copy of each KwaZulu Act is kept in the Supreme Court in Pietermaritzburg.

The commissioner-general is the official representative from the Republic of South Africa, created by the Promotion of Black Self-Government Act of 1959. This official is meant to furnish guidance, advice and to promote the development of KwaZulu. His mandate is complex and he is frequently placed in an awkward position because in practice he is not always the channel of contact between KwaZulu and the central government. KwaZulu, at times deals directly with the South African government, consequently the commissioner's position is as ^{anomalous} ~~amonalous~~ as that of the urban representative. 1?

The commissioner-general is usually a loyal politician of the second rank, who grew up in a particular area and thus he must have a command of a Black language. His mandate requires him not to become involved in the politics of the KwaZulu people. In 1973, the late former KwaZulu Commissioner, Mr P H Torlage was criticized by the KwaZulu Chief Minister for working closely with the king of the

50
Zulus.

The commissioner has no legislative role, except to transmit measures passed by KwaZulu Legislative Assembly to the relevant Republican ministers.

Summary or Conclusion?

CHAPTER 3

REPRESENTATION AND POLITICAL PARTICIPATION

A. INTRODUCTION

In chapter II the main events in the constitutional development of the KwaZulu Legislative Assembly was traced. Certain contemporary developments within the context of a fast changing KwaZulu are discussed in this chapter. South Africa is in a state of ferment and our task is to keep pace with the changes that are taking place. A distinct impact of the KwaZulu Legislative Assembly on South Africa was made when the assembly voted for the establishment of the Buthelezi Commission in its resolution of 29 May 1980 as set out on page 867 of the Verbatim Report of the Third KwaZulu Legislative Assembly.¹

A convenient point of departure in examining representation and political participation in KwaZulu is first to isolate and discuss briefly the following three periods.

1. See Appendix H.

(a) The period before the 30th March 1972

During this period the ordinary law of the land applied in the area comprising KwaZulu. The Regional Authorities were empowered to make by-laws in terms of section 5 (2) of the Black Authorities Act No. 68 of 1951. All by-laws had to be approved by the State President before they were made known by notice in the Gazette. The Regional Authority could make by-laws in connection with, inter alia, the advancement of scholastic and other education, the construction and maintenance of roads, and all such matters as in the opinion of the State President were within the sphere of regional administration.

The Territorial Authorities were empowered in terms of section 7 (2) of the Black Authorities Act to make enactments in connection with, inter alia, the convening of conferences of the population within its area. These have to be approved by the State President and made by notice in the Gazette.

(b) The period from the 30th March 1972 to February 1977

During this period apart from the powers of the regional authorities to make by-laws, the legislative assembly had such powers as set out in section 3 of the Black States Constitution Act 21 of 1971 being the following, inter alia,

- I. Any Legislative Assembly may-
 - (a) for the area for which it has been established make laws, not inconsistent with this act;
 - (b) provide in any such law for amendment or repeal of any law (other than an Act of Parliament in so far as it relates to any such matter);
 - (c) with the prior ~~of~~ approval of the State President first had ^{and} obtained, provide in any such law for the enforcement thereof in respect of citizens who are or reside outside that area but within the republic, and may make different laws for different regions or places and different categories or groups of persons.

2 any law made in terms of sub-section (1) had first to be approved by the State President before it could have any force. The State President may before approving any law, refer it back to the Legislative Assembly concerned for consideration.

The South African legislation on the topics where KwaZulu had legislative powers was frozen as at 30th March 1972 but continued to apply till amended or replaced by KwaZulu.

A Legislative Assembly, even of a self-governing territory may not make any laws in relation to any subject falling within classes of matters, inter alia, operation of a military unit, the establishment and control of factories for manufacture of arms as defined in the Explosives Act, 1956 (Act 26 of 1956), ~~ratification of connections, postal, railways and currency.~~

(c) The period after the 1st February 1977

From this period KwaZulu became a self-governing territory. Section 30 provides as follows:

- (1) Subject to the provisions of this act, the Legislative of a self-governing territory shall have power-
- (a) to make laws not inconsistent with this Act with regard to all matters referred to in Schedule 1; and
- (b) to provide in any such law for the amendment or repeal of any law, including any Act of Parliament, in so far as it relates to any such matter and applies in the area or to any citizen of the area; whether such citizen is resident within or outside the area; and may make different laws for different regions or places and different categories or groups of persons.
- (2) Where in terms of the said Schedule a Legislative Assembly is empowered to make laws applicable in any area outside the area for which it has been established or in relation to citizens of the last-mentioned area but within the republic, any such law shall have effect and may

contain provisions for the due enforcement thereof on any such citizen in any place within the Republic whenever such citizen may be or may be resident.

- (3) Nothing in this Act contained shall affect the powers vested in the State President in terms of Section 25 of the Black Administration Act, 1927 (Act 38 of 1927), to repeal, amend or make laws by proclamation in the gazette in connection with those matters in respect of which legislative powers are not vested in a Legislative Assembly by virtue of this section.

As far as [^]continuation of existing laws is concerned, section 18 of the abovementioned Act provides that: "subject to the provisions of this act, all laws which immediately prior to the continuation of the First Executive Council for an area in terms of section (5) were in force in that area or in any portion thereof, shall continue in force until repealed or amended by the competent authority."



B. POLITICAL PARTICIPATION

Sophisticated analysis of political participation in Western political system³ cannot readily be applied to Third World countries. Tessler, mentions four characteristics of these countries and KwaZulu has some of these characteristics:

- (i) political participation is not entirely voluntary;
- (ii) opportunities for citizen participation are limited;
- (iii) political participation is sometimes affected by an individual's ascribed position within the traditional social hierarchy; and
- (iv) participation has little effect on the decisional outputs of government, but is rather a function of national integration or development.²

The KwaZulu political system is illustrative of all these characteristics of participation. The third argument is a feature of predominant traditional societies where parochial values are cherished. According to Dr Dennis Worrall two trends have characterised the relationship of

2. Tessler, M A, The Application of Western Theories and Measures of Political Participation to a Single-Party North African State, Comparative Political Studies. Vol. 5 No. 2, 1972.

blacks to the dominant South African political system, that is, increasing exclusion from participation in the input function and increasing separation within the output functions of the system.³

Opportunities for political participation in KwaZulu are limited. The viable development of a KwaZulu political system in the form of an independent state is slim. The KwaZulu Legislative Assembly has repeatedly stated that it will not strive for self-determination. KwaZulu regards itself as an interim platform advocating full political rights for all Blacks. The development of KwaZulu as a political system is still in phase two of homeland development as outlined in Chapter II of Act 21 of 1972.

The establishment of a one party system has proved more viable. The main reason for this development is that KwaZulu regards the establishment of an organized opposition inappropriate.

"...my views on the founding of political parties, are well known, namely that I personally, am not against it;

3. Worrall, D, South Africa : Government and Politics, Pretoria, Van Schaik, 1975, p. 220.

provided it is not artificially brought about by people other than the Zulus themselves, as has happened to date.

...I would like to remind the house that we of KwaZulu are also part of Africa. While I myself do not necessarily support the party system in East Africa for example as in Kenya, Tanzania and Zambia, I think that it is just as good that the house be in the know that this system has already been tested in Africa and that some of the developing countries have come to the conclusion that ~~they~~⁴ do not in fact need more than one party."

(a) Public opinion and communication

Politics is impossible without communicating, persuading, convincing and bargaining with people, and, mass democratic politics is impossible without mass communication.⁵ Today the main media of mass communication are the written word and

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4. M G Buthelezi, Verbatim Report of the Second Session of the First KwaZulu Legislative Assembly, 3-17 May, 1974, Vol. 4, p. 60.
 5. Switzer, L Politics and Communication in the Ciskei, An Arican Homeland in South Africa, Occasional paper No. 23, Institute of Social and Economic Research, Rhodes University, Grahamstown, 1979, p. 5.

broadcasting, and of these the press, radio and television are the most important.

The lack of media for communication for the processing of public opinion also inhibits political participation in KwaZulu.⁶ KwaZulu's request for a radio station for KwaZulu was turned down by the central government, although funds were promised abroad.⁷ Until April 1978 KwaZulu has had no newspaper and has been relying for information on Durban based newspapers which focus on South African and world affairs and pay secondary attention to KwaZulu affairs. This development is also attributable to the fact that KwaZulu has^a high percentage of illiteracy. Because of the high percentage of illiteracy, KwaZulu views are still exchanged, or information given, mainly on a face to face basis though the urban groups do have access to the news media. The relationship in KwaZulu's remote areas depends largely upon physical contact.

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6. Van Wyk J J, Student Participation in KwaZulu Politics South African Journal of African Affairs, No. 2, 1978, p. 137.
7. Ibid.

Communication represents an essential element in the battle between group and group and between interest and interest in KwaZulu. It appears that Inkatha has carefully chosen to purchase the Zulu newspaper, ILANGA, in 1987, to assist their cause. Ilanga has a great potential to provide a very effective medium for KwaZulu politicians to put across their personalities to the public in order to win the loyalty and confidence of the people.

C. KWAZULU POLITICS

In so far as its mandates permit, the KwaZulu Legislative Assembly makes the law for KwaZulu. The nature of its scope is obvious from an examination of debates of the three periods briefly discussed above. The assembly tends to ratify legislation without extensive informed discussion.⁸

In format and procedure, the KwaZulu assembly is western, with a sergeant-at-arms and maces. Its proceedings are formal, the members arriving dressed as for the stiffest state occasion.

8. Butler et al, The Black Homelands of South Africa
The Political and Economic Development of Bophuthatswana and
KwaZulu, Berkeley Los Angeles, London, 1978, p. 60.

The KwaZulu assembly functioned originally in a matter-of-fact manner. The proceedings were extremely time-consuming, because of the need for frequent translations. The proceedings were dignified and formalized, and until the dispute between KwaZulu Chief Minister M G Buthelezi and the late Mr B I Dladla, there was little real debate. Indeed motions were piled on motions in a bewildering sequence. The chief minister rarely missed a parliamentary opportunity to make known his disdain for white guidance. He dominated the whole, having demonstrated his political skills in 1972 by guiding the long and detailed KwaZulu draft constitution through the assembly. The recommendations and amendments, even those seriously limiting the role of the king, were approved without arousing traditional opposition.

Major differences arose over how to and who should respond to the official policy initiatives, whether any progress is possible by co-operating with the authorities, and what role traditional groups particularly the king and those around him, should play.

"In the newspapers it was mentioned that the Zulu nation

9. Butler, et al, Ibid, cf. Temkin, B, Gatsha Buthelezi, Zulu Statesman, Cape Town, Purnell, 1976.

is forced to choose, whether to be ruled by a monarch or by the KwaZulu Legislative Assembly, I do not know what all this mean. Perhaps you people might be able to give some clarification because you are perhaps better informed than I am."¹⁰

The KwaZulu Legislative Assembly claimed that conflicts were being immensely complicated by the central government's unwillingness to remain aloof from KwaZulu politics. In 1971, Mr M C Botha, the former Minister of Bantu Administration and Education, at King Goodwill's installation, spoke of the dangers of undermining the status and the position of the Zulu king.

"No member of your government should consider his own position to be more important and more exalted than that of the paramount chief."¹¹

The Chief Minister called the minister "presumptuous" and "patronizing." He replied that he wanted to assure the minister that the Zulu people were satisfied with the constitutional monarch, and they would see to it that the

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10. King Goodwill: Verbatim Report of a Special Session of the First KwaZulu legislative Assembly, 1973, Vol. 2, p. 39.
11. Botha, M C quoted in The Star, 3 December 1971, Sunday Times, 5 December 1971.

king serves the interests of his people. He also complained that there was too much interference in Zulu politics by outsiders.

The KwaZulu chief minister's combination of traditional and modern claims to legitimacy and his own political skills enabled him to outwit the maneuverings of the traditionalists and their backers throughout.¹²

(a) The First KwaZulu election of 1978

(i) Background

The first KwaZulu elections were delayed because KwaZulu leadership refused to permit reference books to be used as identifying documents for voters. The refusal by KwaZulu to use reference books made progress to a stage of autonomy very slow. The KwaZulu chief minister first insisted that only Zulus who took out KwaZulu citizenship¹³ would be allowed to vote in an election.

12. Butler, et al, Ibid, p. 57.
13. Verbatim Report of a Special Session of the First KwaZulu Legislative Assembly, 17th January 1973, Vol. 2, pp. 46-53; cf Verbatim Report of the Third Session, 21st April 30th April 1975, of the First KwaZulu Legislative Assembly, Vol. 6 pp. 143-150.

The opponents of Dr Buthelezi claimed that he was using the issue as an excuse for not holding an election. They insisted that he does not enjoy the support he claims and that the truth can only be ascertained by his fighting a general¹⁴ election.

In 1974 the KwaZulu Legislative Assembly demonstrated that it was not prepared to wait. The assembly proposed to request the central government of the Republic to move KwaZulu¹⁴ to stage two without elections. The Department of Bantu Administration and Development (The Department of Development Aid) continued to insist on an election. Dr Buthelezi announced that he would seek an amendment to the constitution in May 1976, to permit the use of reference books for the registration of voters.

"I would propose this so that identity books be used by those Zulus who have not taken out their citizen certificates, in order to be able to vote.

14. Natal Mercury, 25 March 1976.

You all know how much I am opposed to the use of identity books but if the Zulus will not take out citizenship certificates, what alternatives have we." ¹⁵

On 6 February 1976, The Star reported that Buthelezi was bowing to the pressure from his critics. The paper further stated that for the first time a Zulu leader would be able to test his strength with the rank and file of the nation. There was no doubt, however, that his chances of returning as chief minister were assured because of a majority of chiefs were on his side, so also ordinary citizens, especially members of his organization. Other factors in his favour which were cited by The Star was that in terms of the new constitution the legislative assembly has more chiefs than commoners and the Zulu is usually a traditionalist with a strong belief in the Zulu royal house of which Dr Buthelezi is a prominent member.

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15. Buthelezi, M G: Verbatim Report of the Second Session of the First KwaZulu Legislative Assembly, 3-17 May 1974, Vol. 4, p. 142.

(ii) Electoral framework

During the first KwaZulu election, Inkatha was used to institutionalize Dr Buthelezi's appeal to the KwaZulu people and to mobilize votes. In the 1978 elections 294398 votes were cast. The constitution of KwaZulu does not allow for subdivision of constituencies into individual seats. Thus, for example, 5 candidates had to be voted for in Maphumulo and 4 in Umlazi and the whole constituency voted for that number of candidates in each case. The Inkatha election manifesto was common to all candidates.¹⁶ The main platform was the rejection of independence for KwaZulu. Inkatha nominated candidates in all electoral divisions. Candidates were often chosen on the basis of involvement in community work. Inkatha played a significant role in the education functions prior to polling day. Its members stimulated enthusiasm for the elections.¹⁷

16. See Appendix E.

17. Schmahmann, B, KwaZulu in Contemporary South Africa: A case study in the implementation of the policy of separate development. An unpublished Ph.D Thesis, submitted to the University of Natal, Pietermaritzburg, 1978, pp. 287-306.

All candidates who stood as independents were labelled to be against Dr Buthelezi. It was alleged that they were legitimizing the system by turning the elections into a legitimate parliamentary campaign. It was further alleged that one of the candidates who stood as an independent was singled out by Inkatha members and labelled as a Pretoria spy and it became extremely difficult for that candidate to find people prepared to support him overtly. That candidate realized that the election was to demonstrate solidarity with Dr Buthelezi and Inkatha. He¹⁸ eventually withdrew.

Inkatha candidates were returned without organized opposition in 12 of the 26 constituencies. Four independents withdrew. In the 14 contested seats Inkatha candidates made a clean sweep. Among Inkatha candidates returned were three medical practitioners, a university lecturer and a¹⁹ bishop.

During the 1978 election some features were predominant which promoted the development of a

18. Ibid.

19. Ibid.

one party dominant system, inter alia, (i) the strangeness of the concept of opposition which is not institutionalised in traditional structures and (ii) the importance of solidarity in Zulu eyes at the level of family, clan and tribe.

(b) The party scene

Nowadays political scientists pay a great deal of attention to party organizations, the activities of parties in and outside parliament, the role of pressure groups and the influence of general elections. In the KwaZulu situation it is necessary to deal with the KwaZulu Legislative Assembly's view on organized opposition. It shall be further pointed out that the situation here relates to the fact that a number of African countries do not tolerate organized opposition.

"I want to reiterate that there will never be any clamp down on the opposition in the Transkei. We would not like to end up with a one-party parliament, but if the reduction in the opposition numbers continues they will become too small to act effectively and influence parliament. This might well result in a more healthy situation. If

the Transkei ends up as a one-party State, it will be for different reasons from those which have produced most of the one-party states in Africa."²⁰ *This was the point of view of Mr. K.D. Matanzima.*

President Sebe of the Ciskei also does not believe in organized opposition. He once argued that a one party state is the most suitable thing for Blacks. He reiterated that the Westminster system was something forced upon them by whites. President Mangope of Bophuthatswana, also argued that he will tolerate them although he believed that political parties should not necessarily exist. The KwaZulu Chief Minister has often spoken about organized opposition as a luxury they could not afford. He has spoken of the inappropriateness of an organized opposition within the KwaZulu political system, arguing that traditional politics were consensus politics and that in particular the people of KwaZulu should remain loyal to their past.²²

At the moment there are no political parties in

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20. Matanzima, K D, Independence My Way, 1976, p. 66.
21. Bekker, J C, Rewriting the Textbooks: A Re-evaluation of some traditional constitutional law assumptions, Inaugural address, No. 32 University of Zululand, 1978, p. 7.
22. Ibid.

the KwaZulu Legislative Assembly, but the political development of the Zulu people is inextricably wound up with the Inkatha movement which is discussed in chapter six.

The following parties discussed briefly below were severely criticised in the KwaZulu Legislative assembly. In 1974, a motion prohibiting political parties before attainment of independence was introduced by the honourable member for Umsinga in the KwaZulu assembly.

(i) The Zulu National Party

This party was led by the late Llyod Ndaba. He was once the editor of the newspaper called, Africa South. This paper attacked the KwaZulu chief minister on several occasions.²³

The party recognized the traditional supremacy of the Zulu king. It stood for a democratic government under the leadership of the Zulu king. The party pledged to honour all Zulu traditional

23. Verbatim Report of the Second Session of the First KwaZulu Legislative Assembly, 3-17 May, 1974, Vol. 4, p. 44.

political institutions and to protect and promote rights and privileges of chiefs at all times. In a pamphlet which surfaced in 1972, the party wrote that it wanted land known as KwaZulu to be governed like Swaziland. It wanted the Zulu king to be respected and treated like King Sobhuza II and the party did not want to see their king chased all over the veld by the KwaZulu chief²⁴ minister.

Their constitution further stated that the party recognised undivided loyalty and dedication to the king and therefore to KwaZulu. Mutual trust, common aims and the unity of the citizens of KwaZulu, were the essential pre-requisites for development. It wanted to achieve that with the motto "Usuthu! Zulu first."²⁵

Other persons which the party wanted to recruit into its ranks was the KwaZulu Chief Minister Dr M G Buthelezi and Prince Clement Zulu. Both²⁶ declined the invitation.

24. Ibid.

25. Ibid.

26. Verbatim Report of the Second Session of the First KwaZulu Legislative Assembly, 3-17 May, 1974, Vol. 4 p. 44.

The Zulu National Party counted among its backers, Prince Israel, Prince Patrick, Prince Clement, E B Tshabalala a Soweto tycoon and the late A W G
²⁷
 Champion

(ii) Umkhonto kaShaka (Shaka's spear)

Umkhonto kaShaka was the second opposition party
²⁸
 organised late in 1973 to oppose Dr Buthelezi.

The party was pro-separate development and against Dr Buthelezi's notion of African solidarity. The party wanted to expell all Indians employed in
²⁹
 KwaZulu. The party was led by Prince David Zulu, Chief C B Hlengwa, Mr A Mhlongo, Llyod Ndaba and others associated with the Zulu
³⁰
 National Party.

This is the only party which proceeded as far as the assembly chamber. It appears that fear prevented Chief C B Hlengwa from passing a motion of no confidence in the KwaZulu government.

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27. Butler et al, Ibid, p. 57.
 28. Ibid, p. 57.
 29. Natal Mercury, 15 April 1974.
 30. Butler, et al, Ibid, p. 57.

"THE CHAIRMAN: I shall request the Hon Chief Hlengwa to table his motion of no confidence.

CHIEF C B HLENGWA (Umbumbulu): Hon Mr Chairman, His Majesty the King, and Hon members of the house. The motion now is automatically withdrawn in view of what have been said here.

THE CHIEF EXECUTIVE COUNCILLOR: Hear! Hear! Motion accordingly withdrawn.

THE CHAIRMAN: The assembly now adjourns until tommorrow at...

THE CHIEF EXECUTIVE COUNCILLOR: Mr Chairman, I think the fact is that he is afraid, I think that the Hon member from Umbumbulu wanted to move a vote of no confidence in this government originally.
31

This party wanted KwaZulu to be divided into two entities. The border separating the two entities

31. KwaZulu Verbatim Report of the Second Session of the First KwaZulu Legislative Assembly, 3-17 May 1974, p. 40.

was to be the Tugela river (uThukela). The Zulu king was to rule the area north of the Tugela river and chief Charles Hlengwa was to be the leader of the area situated south of the Tugela. ³²

(ii) The Inala Party

The Inala Party was first formed at Nongoma and not Richmond as many people believe. ³³ The party only surfaced in 1975 at Richmond. The Richmond meeting was attended by Chief S H Gumede, Mr E S Sithebe, the Zulu king, Chief Mbhele and some members of the Zulu royal family. ³⁴

The party pledges to honour all Zulu traditional political institutions and to protect the rights of chiefs at all times. The party wanted the king to have executive powers. ³⁵ The party was mauled and severely criticised by the KwaZulu Legislative Assembly while it was still in its formative stage. 7

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32. Interview with Mr W Sabelo, early in 1978. Hon member for Umlazi constituency and central committee member for Inkatha.
33. Interview with Chief Mhlabunzima Joseph Maphumulo, the Honourable member for Mpumalanga constituency, early in 1987. Chief M J Maphumulo is regarded as the leader and co-founder of the party.
34. Ibid.
35. Ibid.

(c) Interest groups

Any survey of political behaviour in KwaZulu ought to include a consideration of the role of pressure groups or interest groups. Once an interest group analysis has been made, it becomes possible to judge the party system and finally the reaction of governmental authority to the various pressures. This study, is however, less interested in the history of the groups but rather more interested in their impact on the KwaZulu Legislative Assembly. It is therefore, worth defining interest groups in general terms.

An interest can be defined as a desire for or concern over, either an abstract or material political object.³⁶ Interest groups exhibit all absolute fanatic qualities of doctrinal political parties. In a free society these groups can emerge into the political arena to advocate a variety of interests. It is because of these activities that these organizations are referred

36. Harries, P. B. Interest Groups in South African Politics Monographs in Political Science, No. 1, University College of Rhodesia, Salisbury, 1968, p. 58.

37

to as pressure groups. When consensus does not exist over the acquisition of a political good (object) conflict and acquisition of that good becomes an issue.

38

- (i) Inyanda Chamber of Commerce and Tripartnership Companies

39

The introduction of tripartnership companies by the KwaZulu Legislative Assembly in KwaZulu became an issue and opposition was organized through Inyanda. The KwaZulu legislative assembly escalated the conflict and acquisition of that good to include issues of benefit to masses and support for the KwaZulu Assembly and Inkatha. When Inyanda attempted political organization, they found that they had lost the fight and had to rally round previously, defeated and discredited

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37. Dragnich, A N and Wahlke, J C, Government and Politics, p. 44.
38. Castles, F G, Pressure Groups and Political Culture, 1967, p. 27.
39. A Tripartnership company is a company where the white entrepreneur is allowed a maximum of 50% of shares in a company that is formed. The rest of shares are available to KwaZulu citizens. Shares which are not taken up, are taken by KwaZulu Finances and Investment Corporation, hence the name Tripartnership. An agreement is entered into whereby the white entrepreneur undertakes to train blacks in order to take over the concern once the whites have been phased out. cf The KwaZulu Cabinet Resolution No. 160/81 of 6 July 1981.

political figures, for example, Mr B I Dladla,
⁴⁰
 Councillor for Community Affairs.

In 1974 the South African Prime Minister announced that homelands governments can decide for themselves on the terms under which white capital would be allowed into the areas under their control. That statement was welcomed by the Afrikaanse Handels Instituut and the Bantu Investment Corporation Limited (BIC).

Initially, it transpired that blacks had taken the initiative after this invitation and decided on the most satisfactory way in which capital was to be admitted into the homelands. It was further reported that the Greatermans Group would be operating in KwaZulu as Checkers, if the support of the KwaZulu Assembly and Inyanda could be
⁴²
 obtained. It was also reported that the tripartnership idea had originated from the National African Federated Chamber of Commerce
⁴³
 (NAFCOC).

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40. Butler et al, Ibid, p. 57.
 41. Natal Mercury, 4 October 1974.
 42. Natal Mercury, 4 October 1974.
 43. Temkin, B, Ibid, p. 336.

In 1975, the battlelines had been clearly drawn. On June 1975, KwaZulu Chief Minister issued a warning to Inyanda not to create a split between the KwaZulu government and Black traders. Inyanda had rejected the tripartnership move in 1974, and its president was accused of leading the opposition to tripartnership companies. The Madadeni Town Council rejected the KwaZulu move on June 1975.

Dr Buthelezi made the conflict over these companies an issue that affected the KwaZulu Legislative Assembly, the Zulu masses and Inkatha.⁴⁴ Inyanda fought it as an economic issue. At the end of June 1975, attempts were made to resolve the KwaZulu legislative assembly - Inyanda split. No resolution was reached, but both parties pledged to work in the interest of the entire Zulu nation.

In August 1975, it was reported that the tripartnership scheme was part of the KwaZulu development policy and also found acceptance with Inkatha at its conference in Nongoma.⁴⁵ In the same month, Inyanda rejected the idea. Eleven days later KwaZulu accepted the Greatermans

44. Sunday Times, 18 July 1976.

45. Natal Mercury, 6 August 1975.

proposals. A few days later NAFCOC rejected the KwaZulu decision. The Inyanda President denied that the tripartnership proposal had originated from NAFCOC. He claimed that the concept was infused into the minds of the homelands by the BIC.

In December 1975, Dr Buthelezi moved the conflict into the party political arena once more. He claimed that he was testing public opinion through Inkatha meetings. He further revealed that opposition was being waged through the Inala Party. Inyanda was supported by Mr B I Dladla.⁴⁶

In May 1976 Dladla came under attack in the KwaZulu assembly for having introduced an Inyanda motion opposing tripartnership. That dispute was settled when Inyanda gave its blessing to the building of an international hotel which in its opinion was peripheral to the real issue involved. Inyanda maintained that the dispute was survival of black traders in areas of KwaZulu. A hotel at Ulundi filled a gap that no trader was going to move into. Their main concern was drastic losses from their businesses.⁴⁷

46. Natal Mercury, 20 December 1975.

47. Daily News, 20 November 1977.

It must be noted that Inyanda operated in a clearly defined and limited field. It tried to exert an influence on the KwaZulu legislative assembly in order to guide them in a direction favourable to its interests. Its support for Mr B I Dladla was a tactic in their goal seeking activity.

(ii) The Inyanda Chamber of Commerce and disinvestment

Inyanda has acted as a group which is set up to protect shared sectional interests. On the other hand it has also acted as an attitude group set up to achieve a specifically delimited objective or cause and which is defined not in terms of the common interests of its members but in relation to their shared attitudes. This move was demonstrated by Inyanda when it voted on disinvestment at a NAFCOC meeting in 1986.

There are three main views on disinvestment:

The first view encourages investment. This view says that foreign firms help South Africa to grow, so they should be encouraged to invest here freely. This view is supported by State President P W Botha and the government, by businessmen like

Harry Oppenheimer, by Chief Mangosuthu Buthelezi and Inkatha, and other homeland leaders.

- The second view wants to limit or restrict investment. This view says that foreign firms should not be allowed to invest here unless they actively pressure the government to end apartheid, and recognize the trade unions chosen by workers. This view is supported by Bishop Tutu, by the trade unions in FOSATU and CASU and by the South African Council of Churches.

Sec p xiv

- The third view wants no investment. This view says that foreign firms only help to keep apartheid alive and exploit blacks, so foreign firms should not be allowed to remain here at all. This view is supported by the ANC and the PAC, AZAPO, many members of the UDF and some trade unions.

When Inyanda voted at a NAFCOC meeting it supported the second view which was totally

48. Orkin, M, The Struggle and the Future - What black South African's really think, Ravan Press, Johannesburg, 1968, p. 8. cf Sunday Tribune, 1 February 1988.

opposed to KwaZulu Government policy on disinvestment. Pressure was exerted on Inyanda by KwaZulu to toe the line. Inyanda finally resolved to dissociate itself from the pro-sanctions and disinvestment stance. The Inyanda President had earlier said, "his region fully supported the pro-sanctions and disinvestment resolution taken two months earlier at a NAFCOC ⁴⁹ summitt." Later Mr Gumede said that Inyanda had to consider conditions in South Africa and particularly Natal. KwaZulu had distanced itself from the pro-disinvestment and sanctions lobby.

"We trade where there is a strong opposition to sanctions, and Chief Buthelezi who leads Inkatha of which we are an affiliate - has been ⁵⁰ campaigning vigorously against it."

Inyanda has been the most outstanding feature of the KwaZulu political system. The other associational interest groups, that is specialised structures for interest articulation are self-help organizations aiming at community service, for example the KwaZulu Local Government Association.

49. City Press, 1 March 1978, p. 1.

50. Ibid.

No
or
conclusion

CHAPTER 4

THE ROLE OF THE CHIEFS

(A) INTRODUCTORY REMARKS

The chiefs are supposed to play an important part in the political system because of their representative roles. They are also supposed to articulate particular ideological points of view and policies. They are supposed to represent the views of their constituents and defend constituent's interests, and act as spokesmen on behalf of pressure groups. How far in KwaZulu does the KwaZulu Legislative Assembly act as a forum within which chiefs represent the views and interests of the electorate?

The parliamentary theory which expects any member of parliament to be a representative stems from his being elected by a specific territorial area in order to voice the interests of all its residents in the legislature. At a glance, the KwaZulu chiefs seem likely to be able to do this effectively, since they are local men standing in their constituencies of origin.

It is, however, also obvious that various factors prevent most chiefs, from serving as effective constituency

spokesmen. These factors, at times, disincline most constituents from looking to their chiefs as their first and most effective avenue of redress.

The other way in which MPs may fulfil their representative roles is by acting on behalf of interest groups in society. In Britain and the United States of America, it is an accepted role for the representative to act as a spokesman for all sorts of voluntary associations, regardless of the fact that they cut across specific constituency boundaries. In KwaZulu the chiefs do not play an equivalent role. Some pressure groups, like INYANDA, are often at variance with the KwaZulu Legislative Assembly policy, and it is difficult for them to find a spokesman among the chiefs.

In this chapter, the roles of the chiefs in relation to the KwaZulu political system will be examined. It shall also be assumed that everywhere in KwaZulu, there are means of trying to ensure that the chiefs in turn fulfill the obligations assigned to them. This assumption raises several questions that shall have to be considered if the data permit.

What are the inducements that might tend to make chiefs do as expected instead of as they please? What degree of latitude is allowed to them? To whom must they answer for their conduct? What are the checks and balances to

prevent them from going astray ? What happens if they nevertheless neglect their duties, prove to be incompetent, or abuse the powers vested in them ?

(B) BACKGROUND

Chiefs and headmen prior to 1878 were responsible to the King. The King was perceived as the ultimate guardian of the rights of the people. The system of hereditary chieftainship did not provide representation in the modern sense of people being elected. The system had elements of the democratic process. Decisions were by consensus through meetings. The distortion of the chief's position began with the 1878 Code of Native Law administered in Natal which stated that, "the Queen's Representative at the head of the Natal Government has, as Supreme Chief of the natives absolute legislation over them..."

The relationship between the chiefs of Natal and the governor of the colony of Natal was further defined by the 1891 Code of Native Law. The code stated, inter alia, that the Supreme Chief shall appoint all chiefs to preside over tribes or sections of tribes; the Supreme-Chief-in-Council could remove any chief found guilty of any political offence. The power to appoint and to remove

chiefs was taken out of the sphere of the tribe. The system of hereditary chieftainship was allowed to continue provided it did not threaten the colonial government.

From 1910 there has been a barrage of legislation affecting the role of chiefs and their deputies, but the basic premise, responsibility to the state rather than to the people, has remained unchanged. The example that can be cited is that of the late Chief A Luthuli.

① At N.A.D. headquarters, when I represented myself, (Chief Albert Luthuli) I was ushered into the presence of the secretary for Native Affairs, Dr WWM Eiselen, who was flanked by the deputy secretary and by the Natal Chief Native Commissioner.

"We have called you here," began Dr Eiselen, "to discuss your congress activities..."

"You are a chief," he said, "yet you ask people to break the laws of the land. You are an officer whose work is to keep law and order, yet you encourage people to defy the law. What do you say about that?"

"No, sir," I replied, "not to break the law. To signify in this way our rejection of a particular kind of law."

"And how do you reconcile the encouragement you give to people to break the law," somebody asked, either the secretary or the deputy, "with your duties as a chief?"

"I think that a matter of this kind needs a little time," I said.

"There is the possibility of my ceasing to be chief. It is a matter which needs talking over with the tribe."

"With the tribe?" said Dr Eiselen.

"Must you?"

"Well sir, I ought to discuss it with my headmen at least."

I felt inhibited, all the same, by Dr Eiselen's "Must you?" and for that reason I did not convene a tribal gathering... I still saw no conflict between the Defiance Campaign and my place as chief, but that is perhaps because I failed to see my position in Groutville as a favour bestowed by the Native Affairs Department. I discussed the situation with my church minister and awaited developments.

In due course the native commissioner asked me to call on him. "Pretoria says that from now you cease to be chief of the Umvoti Mission Reserve."¹

1. Luthuli, A., Let my people go, An autobiography - Introduction by Charles Hooper, Collins Johannesburg, and London 1962, pp. 120-124.

The appointment of chiefs is covered by sub-section 7(2) of the Native Administration Act of 1927 as amended more than twenty times. The act states that the governor-general may recognize or appoint any person as a chief of a black tribe. The governor-general may depose any chief so recognized or appointed. The position of any chief was subject to the pleasure of government. What was obvious was that the chiefs who were salaried by the government would find it in their interest to support the government rather than their people in case of dispute.

Legislation passed by the KwaZulu Legislative Assembly, further emphasizes the functions of chiefs as determined by the central government, that is, control of rural KwaZulu.

"6(1) any chief or headman shall -

(c) subject to such lawful orders or instructions as may ... given to him ..., carry on the administration of his area;

(d) maintain law and order and report to the government, without delay any matter of importance or concern, including any condition of unrest or dissatisfaction;

- (iii) any pretended witchcraft or deviation;
- (iv) any misuse of government property;
- (v) any irregular receipt or use of public monies;
- (vi) the holding of any unauthorised meeting, gathering or assembly or the distribution of undesirable literature in or unauthorised entry of any person into his area; and
- (vii) the commission of any offence which does not fail to be dealt with under his own jurisdiction;
- (g) disperse or order the disposal of any unauthorised assembly of armed persons or of any rioters or unlawful meeting or gathering;
- (h) if a state of lawliness exists in his area or in his opinion cannot otherwise be prevented, order that all or any of the following shall be prohibited for any period in his discretion -
 - (i) the gathering of men in groups;

(e) exercise within his area, in relation to any resident -

(i) the powers of arrest conferred upon him, in his capacity as a peace officer, by Chapter IV of the Criminal Procedure Act, 1955 (Act of 1955); and

(ii) subject to the provisions of subsections (3) and (4) of section 46 of the said act, the powers of search and seizure, relating to stolen stock, liquor, habit forming drugs, arms, ammunition and explosives referred to in subsection (1) of that section;

(f) ensure the protection of life, persons and property and the safety of the bonafide travellers within his area, report forthwith to the competent authority -

(i) the death of any person from violence or other unnatural cause;

(ii) the outbreak of any contagious or infectious disease;

- (iii) the brewing of beer or the holding of any feast within such area as he shall specify;
- (iii) the carrying by any person of a shield or more than one ordinary stick;
- (iv) the shouting of war cries or the blowing bugles or whistles;
- (i) make known to the resident of his area the requirements of any new law;
- (j) ensure compliance with all laws and orders and instructions of any competent authority;
- (k) prevent cruelty to animals;
- (l) detain and, when so required by law, impound any livestock depastured unlawfully or found straying within, or introduced illegally or under suspicious circumstances into his area and report the fact to the competent authority;
- (m) not be or become a member or take part in any activities or in any manner promote the objects of

any organisation of which the aims are the unconstitutional overthrow of the government and shall not encourage disobedience to or resistance against any law."²

(C) CHIEFS (AMAKHOSI) AND TRADITIONAL AUTHORITIES

A brief look at some of the policy principles underlying the introduction of Black Authorities reveal that they were to be based on the traditional system of authority. It was reasoned that the chief and his councillors were suited to revive the old customs and usages. In KwaZulu this step meant the legalizing of something which was still in existence.

It must be indicated that the introduction of regional and territorial authorities was a new creation not based on traditional principles. Section 2(a) of the Black Authorities Act, No. 68, 1951 prescribed that a tribal authority be established in respect of a tribe or ethnic unit under a chief or headman and a community authority in respect of a community or tribe. The councillors of a tribal authority are those members

2. KwaZulu Chief's and Headmen's Act 1974 (Act 8 of 1984) pp. 7-8; Minister of Justice policy speech, KwaZulu, 1986, pp. 4-6.

of the tribe, who are acknowledged as councillors according to the customs of the tribe. It should be pointed out that traditional principles are discarded when the councillors of a community authority were elected because this was done according to western democratic principles.

Section 2(b) of the Act of 1951 provides for the establishment of a regional authority in respect of two or more tribal or community authorities, the chairman of each community authority, plus a representative appointed by each tribal or community authority. A regional authority must consist of at least eight members. Tribal and community authorities are empowered to fulfill a detailed and wide range of local government functions. As a local government, the units are too small for meaningful local government performance, and functions tend to be centralized, for example, the finances of tribal and community authorities have been or are being handled by the Department of the Chief Minister. Civil servants are secretaries of the tribal authorities. Centralization has resulted because tribal authorities have not proved efficient to carry out some of their functions.³

3. Charton, N., Ciskei, economic and politics of dependence in a South African homeland, Croom Helen London, 1980, p. 89.

The territorial authority was a political body in that it was a legislative body. An important consequence of this is that decisions taken by the legislature concerning local aspects must be implemented by the same men who took the decisions. The KwaZulu Legislative Assembly may decide about the desirability of a stock reduction measure. The implementation must be undertaken at local level by the chiefs, in their capacity as leaders of tribal authorities, who took the decision in the first place. There is no clear separation between the people making the decisions and the people implementing them.

An advantage is that such a situation may be useful in facilitating communication between governors and the governed. The people who make the decisions are in a position to explain decisions to their supporters via the tribal authority. It must be assumed that needs and demands at the local level can effectively be transformed into political inputs and the people can identify themselves more easily with the political leadership.

The disadvantages are manifested in the fact that the political leaders of KwaZulu may have committed themselves to a purposeful development strategy for KwaZulu. "Even when a tribal authority has been formed, the conservatism of the people may be a formidable obstacle to schemes of

community development which to the outsider seem wholly desirable, for example, a tribal authority in Northern Zululand showed great resistance to an afforestation project, to be financed by a government loan and whose profits would, after repayment of the loan, accrue to the tribal authority. So great was the resistance that it was necessary to buy the authority's co-operation with advances against profits before the loan had been repaid.⁴"

This commitment contains a great conflict since resistance can be expected when the innovating thrust of development programmes collides with rural traditions and customs. Change is considered to be disruptive of the complex network of relations which hold society together. Political loyalty is governed more by a sense of belonging to a concrete group than by identifying with policy goals.

The question arises as to whom the chiefs, in their capacity as administrators in the tribal authorities, are answerable in the implementation of policy decisions ? "Evidently, traditional authority structures are not based on any representative or democratic principle especially

4. Hill, C.R., Bantustans, The fragmentation of South Africa, London, Institute of Race Relations, Oxford University Press, 1964, p. 92.

after the interference by colonial powers with traditional representative systems. What obtains at present is that there is a cultural lag in terms of modernisation, where some traditional forces are out of line with modern demands at times, where local expectations do not fully participate in development programmes because of the constraints from the authority system which is not accountable to them."

(D) STATUS QUO AND INTEREST ARTICULATION

"The chiefs and indunas in the black rural areas of Natal fulfill the roles of policemen and judges without receiving any appropriate training or, in certain instances, without having received any schooling at all. At the same time they act as representatives of the people although not elected and not responsible to the people. All legislation governing their functions and duties shows them quite clearly to be responsible to the state officials."

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5. Zulu, P.M., An identification of base line socio-political structures in rural areas, their operation and the potential role in community development in KwaZulu, University of Zululand, 1984, p. 30.
 6. Daphne, P., Tribal authority and community organization, Centre for Research and Documentation, University of Zululand, 1982, p. 5.

In terms of legislation governing the functions of chiefs it is necessary only for the magistrates to issue an instruction. The KwaZulu Chief's and Headmen's Act, 1974, states that a chief should ensure compliance with all laws and orders and instructions of any competent authority.

The re-establishment of traditional African authority in KwaZulu has led into a new political dispensation in which chiefs and headmen play key roles in decision-making at all levels of administration. The three-tiered system of government in KwaZulu has been built around these two figures, that is, the headman-in-council in the tribal authority and the chief in the KwaZulu Legislative Assembly.

The chief has multiple political roles. He is a legislator at the local tribal level. The chief and his council exercises considerable power over those who are members of his cheifdom. The chief is also a government bureaucrat. He is an administrator responsible for implementing the legislation passed by the South African government and the KwaZulu government. The chief is the mouthpiece of his people, bound by their customs and traditions and by the old rule of consensus. He acts as a legislator at local

level with regard to district and tribal affairs. He is constrained by the bureaucratic rules and regulations governing his office, and by the fact that he is a salaried official of government, appointed by and responsible to KwaZulu government. The chief finds himself acting as legislator in a larger sphere, in the KwaZulu Legislative Assembly, constrained not only by the rules of the assembly, but by the pressures and counter pressures of extra parliamentary organizations. How does that in turn affect the legitimacy of the assembly?

A party political role for chiefs is in conflict with the old tradition of consensus and tribal unanimity. In the old tradition the chief articulated a consensus formulated by councillors, representatives of all the people. This party political role conflicts with their role as administrators. If one of the subjects of incorporating the chiefs into the legislature was to legitimate the assembly, it is doubtful whether this will be achieved. The incorporation undermines the chief's own traditional role to a considerable extent and it may also undermine the legitimacy of the assembly.

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7. Charton, N., op. cit., p. 180.

The most important traditional leader at the local level is the headman. The headman is also the communication link between his village and neighbouring villages and the tribal authority. Most of the Inkatha members work through headmen who in turn, usually find that it is in the interest of the community to cater for the politician. Chiefs and headmen play major roles in their areas. Traditional leaders, apparently poses no radical threat to community norms.

(E) THE CHIEFS AND THE INFLUENCE THEY EXERCISE THROUGH THE BASIC UNITS OF THE KLA ✓

In Chapter 3 it was stated that the majority of chiefs are on the Chief Minister's side, In terms of the constitution the KLA has more chiefs as members than commoners. Another factor that was cited, is that the Zulu voter is usually a traditionalist with a strong belief in the Zulu royal house of which the Chief Minister is a prominent member.

The KLA and Inkatha depends on participation of chiefs for their own existence and growth. Eighteen of the twenty-six regional authorities were present at the inaugural meeting of Inkatha.

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8. Mare, G., et al., An appetite for power, Buthelezi's Inkatha and the politics of loyal resistance, Ravan Press Johannesburg, 1987, p. 84.

The regional authorities are the basic unit of the KLA. This allows the chiefs to exercise their influence both through tribal and regional authorities and by being chairman of Inkatha in their local constituencies. Such access is not available to ordinary KwaZulu MPs.

The 1978 elections reduced the total dependence on chiefs but it left them as the numerically dominant component within KwaZulu politics. Both Schmahmann and Langner refer to a meeting held at Ulundi at the end of September, 1977, ostensibly to explain the election role of chiefs, that the institution of chieftainship could last as long as it served the interests of the people, and their role in Inkatha. Most of the chiefs attended. The KwaZulu urban representative said that the chiefs had resisted being drawn into Inkatha because they believed the movement would strip them of their power and that the meeting had been called to clarify the position. The chief minister addressed that meeting pointing out that he was a chief himself. He warned the chiefs that if they did not involve themselves in Inkatha, it would be regarded as a dereliction of duty.⁹

"There is no doubt that Buthelezi 'believes' in the position of chieftainship and its validity in late 20th

9. Ibid., p. 88.

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century society. He is extremely sensitive about his own chieftainship, and repeats claims for its legitimacy regularly to justify the authority due to him. ...it is nonetheless a specific support of the role of chiefs in Zulu society,... In the KwaZulu Government Diary (1974:10) Buthelezi wrote that: We will preserve the traditional system of chieftainship in KwaZulu and re-affirm our constitutional relationship with the paramount chief and will build our future state with regard to our cultural heritage and traditions adapted and fructified by the ideals of western civilization and democracy and modern scientific principles.

To consolidate this reliance on chiefs a 'special section' was created in the department of the chief minister 'to accelerate the activation of tribal authorities and to train them in local government techniques'... Buthelezi 'activated' them as a central element in local government." ¹⁰ ✓

(F) CONCLUSION

In conclusion it must be stressed that, it was indicated that there are certain intrinsic difficulties faced by the chiefs. The traditional institutions of chieftainship, the foundation stone of the KLA, has suffered in the past

10. Ibid., p. 89.

from its incorporation into a wider political framework. There is evidence that the erosion of the chiefs' authority is continuing. It was further pointed out that the basic premise, responsibility to the state rather than to the people, has remained unchanged. The examples cited was that of the late Chief A. Luthuli when he was asked by Dr Eiselen to account for his ANC activities and duties of chief as outlined in KwaZulu Chief's and Headmen's Act, 1974 (Act 8 of 1974).

Furthermore it was indicated that the finances of tribal and community authorities are still being handled by the Department of the Chief Minister. Civil servants are secretaries of tribal and community authorities because the authorities have not always proved efficient to carry out some of their functions.

It was further illustrated that there is no clear separation between the people making decisions and the people implementing them. The multiple political role of a chief was explained and his party political role was found to be in conflict with the tradition of consensus.

Finally, it was pointed out that most of chiefs have a strong belief in the Zulu royal house and this affords the Chief Minister a considerable amount of support from them.

CHAPTER 5

THE ROLE OF THE KING

(A) BACKGROUND

From the early days of King Shaka, the Zulu political system was that of a powerful, centralized monarchy, headed by the king. The system included a wide variety of political institutions and procedures. The basic unit of the tribal system was the family. To maintain order, families evolved a system of authority to settle disputes, promote stability, and redress injuries and grievances. They also developed a procedure to protect their land and themselves against invasion and attack. In the evolution of the system, certain individuals were given authority in the social organization. The head of the family generally assumed the responsibility to promote his group's welfare and maintain order. This selection sometimes accrued as a result of conquest or because one family was the first to settle in a given area.

The tribe was pastoral, scattered in homesteads in Zulu territory. Its homesteads were grouped in hundreds of

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1. Second reading of the KwaZulu General Law Amendment Bill, 1987, by the Honourable Chief Minister, Dr M.G. Buthelezi p. 2.
cf. Bryant, A.T., The Zulu People, as they were before the white man came, Pietermaritzburg, 1949, pp. 457-529.

clans united under a chief. Other families became part of the structure because of their allegiance to the Zulu king. At the top was the king who was empowered to speak for the nation who had judicial, administrative and legislative authority over his people.

King Shaka developed a pyramid, or hierarchy of centralized authority with a king at the top of the political system. In theory, the king's power was absolute, but in practice he operated within defined limits.² He was expected to seek the advice of his council or brothers. This was exhibited by the fate of king Shaka himself and several others, whose conduct led to their assassination.³ The king could even have trouble with his brothers or uncles. They were jealous of their rights and actively resented any failure on his part to consult them or to provide adequately for them. They conspired against him. Many such situations are illustrated by the histories of Dingane and Mpande.⁴

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2. Temkin, B., Gatsha Buthelezi, Zulu Statesman, Cape Town, Purnell, 1976, p. 337.
 3. Schapera, I., Government and politics in tribal societies, Watis 40 Drury Lane, London WC 2, 1976, p. 149.
 4. Ibid., p. 167.

Tribal policies and programs were presented to the council for discussion. The issues were debated freely, but speakers were expected to avoid direct confrontation with the king. He adopted the practice of speaking last to avoid direct open clashes with the council.

Below the Zulu king in the pyramid, were the chiefs. The chiefs could check the king's abuse of power since their right of revolution against excessive use of power was recognized. The king was forced to rely upon them for troop supply in times of emergency. These officials could check the king's use of troops by refusing to follow the king's orders.

The Zulu King was the fountain of justice and administrator of all laws. All judicial power derived from him. The king appointed those by whom he exercised and constituted courts and offices. He heard and determined cases between parties. He pardoned offenders and issued proclamations and decrees. He created and conferred dignities and honours.⁵

(B) THE ESTABLISHMENT OF KWAZULU LEGISLATIVE ASSEMBLY AND ITS EFFECT ON THE POLITICAL ROLE OF THE KING

It is said that when the Zulu territorial authority was established in the 1970's, the king and some members of

5. Ibid., pp. 10-180

the Royal family had no realistic basis on which to judge their power vis-a-vis the new forces. "Prince Israel in his discussion with officials of the South African government had made it clear that he would like a form of government for the Zulu under which the paramount chief would have political power." Some of the traditional advisers with a few members of the public did much to play on this basic fear and were quick to point out the fate of many African traditional authorities during their respective decolonization experiences. Certainly, on balance, independence had generally meant a reduced political role for these authorities.

It was further alleged that the late king and the present king favoured apartheid or that both wished to see KwaZulu become independent. It meant that the present king feared for his traditional position and was eager to have a more political role to play. At this stage, some people tried to influence the ZTA from adopting a constitution that would reduce the king's power. This is not to say that certain members of the royal family and outsiders could have easily taken over the emerging political system, nor is it to suggest that success could have been

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6. Temkin, B., Ibid., p. 135.
 7. Temkin, B., Ibid., pp. 86, 87, 89, 93, 94 and 95.
 8. Ibid., p. 147-159.

guaranteed had they demonstrated even considerable political finesse. Their political ineptness and seemingly endless repetition of tactical and strategic mistakes undoubtedly gave the ZTA every opportunity to capitalize on their political ineptness.

The establishment of the KLA and its effects on the political role of the king is summarized by proclamation R70 of 1972. The king still retains his traditional powers and functions. He takes precedence over the chief minister with regard to ceremonial and tribal matters both within his tribal area of the KLA, except in matters connected with the business of the KLA.⁹

(C) THE KING AS PART OF THE ASSEMBLY

The Zulu king is the caput, principium, et finis of the KLA.¹⁰ In the KLA, the king is a symbol of national unity. He represents the continuity of the national life and the unity of the national purpose and real forces and sentiments in the national life which

9. Proclamation No. R70, 1972., p. 11.

10. Proclamation No. R70, 1972, 9. 11.

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only he can represent.

The king is not elected by the people of KwaZulu nor by the KLA. "I was not elected to my office. I was born to it."¹² The king is a hereditary monarch and the KLA has evidently little to do with designating the occupants of the throne.¹³ He is not subject to a definite term of office. He remains a symbol of national identity, a focal point of national loyalty, transcending partisan rivalry and strengthening social cohesion. The king personifies the nation, its history and continuity.¹⁴

The KwaZulu constitution proclamation thus specifies that the king must, by virtue of the fact that he personifies the unity of the Zulu nation, hold himself aloof from party politics and sectionalism.

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11. Bekker, J.C., Rewriting the textbooks: A re-evaluation of some traditional law assumptions, Series 1 No. 32, University of Zululand, 1978, p. 7.
 12. King Goodwill: Verbatim report of a special session of the first KwaZulu Legislative Assembly, 1973, Vol. 3, p. 39.
 13. Bekker, J.C., Ibid.
 14. Ibid.

Although the king is part of the KLA, he per se, possesses no legislative powers. Whenever the KLA members exercise powers conferred on them by proclamation which is their source of power, these are not the king's powers but their own. All the powers which the Zulu king enjoys as the head of KwaZulu are exercised not by him but by others in his name.

The king is, however, not only politically insulated but also politically involved. He is kept in touch with the affairs of the KLA through his personal representative and he is entitled to receive copies of the agenda. Proclamation R70 of 1972, states that the king, "shall be furnished with a copy of the agenda of each meeting of the cabinet and may request the cabinet to meet him for the purpose of discussing matters falling within the purview of such minister's department."¹⁵

15 Proclamation R70 of 1972, p. 12.

(D) UNIQUENESS OF THE ZULU KING WITHIN THE KWAZULU LEGISLATIVE ASSEMBLY

The KwaZulu king's position in the KLA is unique in the sense that the people of KwaZulu are the only South African people, governed under homeland law, who have a constitutional monarchy. In this they are similar to the people of LeSotho in many respects.

The king in Lesotho also has a history of conflict with the parliament and its late prime minister. "Those with some form of traditional monarchy (Uganda, Ghana, Swaziland and Lesotho) may have additional complicating factors of how to resolve the differences between traditional and independent governments and especially how to reconcile the differences between individuals in the two power structures, their perceived political roles and their personalities."¹⁵

The Zulu king has certain privileges reserved for him. He is addressed as ingonyama, isilo, inkosi yamakhosi and the

16. Weisfelder, R F., The Basotho Monarchy, a spent force or a dynamic political factors, Ohio University, Africa Series No. 16, p. v.

royal salute "BAYEDE."¹⁷

(E) CONFLICT BETWEEN THE KING AND HIS CHIEF MINISTER

Conflict between the king and the chief minister has been the source of much bitterness in the KLA. The king accepted his role within the constitution but it is doubtful whether the king aptly understood his constitutional position.

"In the newspapers it was mentioned that the Zulu nation is forced to choose, whether to be ruled by a monarch or by the KwaZulu Legislative Assembly. I do not know what all this mean. Perhaps you people might be able to give some clarification because you are perhaps better informed."¹⁸

At the installation ceremony of the king in 1971, a power struggle between the KwaZulu Legislative Assembly and the

17. Cf., Second reading of the KwaZulu General Law Amendment Bill, 1978, by the Honourable Chief Minister, M.G. Buthelezi, pp. 1-9; Schapera I., Government and politics in tribal societies, Watis, 40 Drury Lane London WC2, pp. 120-195; Bekker, J C., Re-writing the textbooks: A re-evaluation of some traditional constitutional law assumptions, Series I, No. 32, University of Zululand, pp. 8-9.

18 King Goodwill: Verbatim report of a special session of the first KwaZulu Legislative Assembly, 1973, Vol. 2, p. 39.

king seemed unavoidable.¹⁹ There was a prevalent belief that the central government wanted to promote the monarchy. At the king's installation Mr M C Botha reminded the KwaZulu government that their positions were not important and more exalted than of the king.²⁰ ✓

In the latter part of 1975 the Chief Minister Dr M G Buthelezi returned from overseas to press reports that a party had been formed to oppose him. "But it was not an opposition party, nor was it an effective instrument with which the king could wrest political power for himself. It was a half-formed officially-backed group with no grass-roots support and no policy on which to contest whatever Buthelezi stood for..."²¹ The Chief Minister confronted the king about the new party. There were denials. He then offered to resign as president of Inkatha at an Inkatha meeting. At that meeting he was unanimously elected to his position and the king was asked to withhold himself from direct involvement in politics and to remain as patron of Inkatha.²²

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19. Temkin, B., Ibid., pp. 144-145.
 20. Ibid., p. 144., M C Botha quoted in The Star 3 December 1971; Sunday Times, 5 December 1971.
 21. Ibid., p. 335.
 22. Ibid.

In his opening address at the same meeting, the Chief Minister recounted how the king had been involved in opposition and how officials from the Department of Information in Pietermaritzburg had been behind attempts to gain constitutional power for the king and to set up ²³ opposition political parties.

At a special session of the KLA at Nongoma on 19 January 1976, the king pledged a solemn promise not to participate in politics:

"I, Zwelithini Goodwill Zulu Ka-Bhekuzulu, presently the Ngonyama of the Zulus, pledge to the KwaZulu Legislative Assembly here present and to the Zulu nation my solemn word that I will withhold myself from any participation in any form of politics and from any action or words which could possibly be interpreted ~~as participation in politics~~

as participation in politics and pledge further that I will honour in thought, word and deed the letter and spirit of the constitution of the KwaZulu Government."²⁴

The conflict between the king and the Chief Minister was so serious that both the chief minister and his mother were invited to Swaziland by the late King Sobhuza II. The king of Swaziland wanted to discuss and to confirm the news that Dr M G Buthelezi was involved in some kind of power struggle with the Zulu king.

"Sir, my reply to King Sobhuza was that it was very funny. I have worked with my cousin, his father, for sixteen years. This was the first king, and you know, for a person who has never seen what a creature called the king looks like, I could understand it, but I said that I worked with his father, who was my cousin, for sixteen years, and this situation never arose, and I was amazed that he as a young king, should now have a problem with me, whereas I never had a problem with his father."²⁵

The king has been involved in opposition politics by

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24. King Goodwill: Verbatim report of the special session, 19th January 1976 of the second KwaZulu Legislative Assembly, Volume 7, p. 1036.
25. Chief Minister, Dr M G Buthelezi: Verbatim report of the second session of the third KwaZulu Legislative Assembly, 23rd May - 8 June 1979, Vol. 15, p. 191.

It appeared that the king had accepted the premise that any increase in political activity and any changes in the authority patterns of the political systems would threaten his position. The KLA argued that the direct involvement of the monarch in the political competition would dilute the power and prestige of his position and might even fragment the polity. There was a feeling that the monarch must play an important role in stimulating activities often associated with his traditional position as traditional authorities proved to be both resilient and adaptive. The constitutional position would increase effective linkages between the KLA and its constituents.

Proclamation R70 of 1972 states that the king, "shall retain his traditional powers and functions and shall continue to enjoy the personal status he has hitherto enjoyed and shall, with regard to ceremonial and tribal matters within in his tribal area and at ceremonial occasions within the area of the KLA." One of the king's traditional powers was to install all chiefs in KwaZulu; a personal status he has hitherto enjoyed. The KLA ceased involving the king in the ceremonies held for the installation of chiefs without KwaZulu cabinet knowledge or approval. The KLA claimed that it was done because of the involvement of His Majesty in the formation of the

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certain members of the Zulu royal house. The meetings were held in the palace of the king in Durban where oaths were taken to oust the chief minister together with his government. In 1973, Mr C J Mthethwa (Msinga) moved in the KLA, that in order to protect the king from controversial and political involvement, the present royal council be dissolved and the KwaZulu cabinet must advise the king on all matters of public interest.

In 1979 Mr S Z Conco further moved that the KLA must endorse the chief minister's stated intention of appointing a protocol adviser to His Majesty the king. The aim of the motion was to introduce a regulation to govern and rule those people who invite the king along irregular communication channels.

"The aim of the protocol guide was to avoid situations we have had in the past where certain people invite the king in order to exploit his office, either for political reasons or financial ends. All mischief-makers in the past few years have tried to drag His Majesty's name in the mud; certain shady characters, ... have on each and every occasion attempted to use His Majesty's name by attempting to build these defunct parties around the person of the king and the Zulu royal house."

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26. Chief Minister, Dr M G Buthelezi, KwaZulu verbatim report of the second session, 20-26th June, 1979 and the special session 6th August, 1979 of the third KwaZulu Legislative Assembly, Vol. 17, p. 824.

Inala Party and the dispute which arose over tripartnership companies between the KwaZulu government and Inyanda. The king and some members of the royal family felt that it was another move by KLA of lowering the king's dignity unnecessarily.

(F) CONCLUSION

From 1982, the Zulu monarch, King Goodwill Zwelithini, stepped more visibly into public life. For the first time in his ten year reign, King Goodwill shared the political platform and the public limelight with the Chief Minister, DR M G Buthelezi. At the height of the Ingwavuma affair, he addressed mass meetings all over his kingdom, culminating in a massive imbizo (meeting) at Nongoma²⁷ attended by 20 000 Zulus.

It is revealing to note some of the other appearances of the king, after having been kept constitutionally and politically on the periphery during the first five years or so of the existence of the KLA. In 1986 the king made two well publicized public appearances. He announced the meeting to launch the United Workers Union of South Africa (UWUSA) as a counter to the Congress of South

27. Du Buisson, L., Pace, December/January 1983, cited by Mare. G et al., An appetite for power, Buthelezi's Inkatha and the politics of 'loyal resistance,' Ravan Press, Johannesburg, 1978, p. 76.

112
Conclusion

Africa Trade Unions (COSATU). He added his voice to the call for Zulu attendance. The second was a Soweto Day which was held at Nongoma. "During the latter he called on the 'purging' of Zulu communities of the United Democratic Front (UDF), the African National Congress (ANC) and COSATU. . . He also appealed for a restoration of 'Zuluness,' to counter the 'alien values' that had entered ²⁸ the largest population group in the whole country."

28. Mare, G et al., An appetite for power. Buthelezi's Inkatha and the politics of 'loyal resistance,' Ravan Press, Johannesburg, 1978, p. 76.

CHAPTER SIX

THE ROLE OF THE CHIEF MINISTER

(A) THE CHIEF MINISTER

'Buthelezi... owes neither his chieftainship nor his stature within the Zulu people to the policy of Separate Development, thus mooting the discussion of what might have happened had another been in his place. "I am," he said, "by birth and tradition a leader of my people, Separate Development politics aside. By decision of the South African government and legislature, in which Black people do not participate, I am the Chief Executive of KwaZulu, and if an election was held tomorrow I would be elected still as such. I had been elected by the assembly... without any division. I am the President of Inkatha Ye-Nkululeko Yesizwe,... I am a great-grandson of King Cetshwayo, a grandson of King Dinuzulu and son of Princess Magogo, the full sister of King Solomon ka-Dinuzulu, and I am a member of the Zulu Royal House in my own right. I am a hereditary chief..., a great-grandson of Chief Mnyamana Buthelezi, who was Prime Minister of the Zulu when we were still a sovereign nation, and who was commander-in-chief of the entire Zulu army. My late

father, Chief Mathole Buthelezi, was the Prime Minister of KwaZulu during King Solomon's reign. I acted as a Prime Minister to King Cyprian, who was my first cousin for 16 years before there was any Separate Development politics in KwaZulu...'¹

M G Buthelezi was chosen to lead the KwaZulu Legislative Assembly because he is the political leader of the Zulu in terms of executive responsibility irrespective of homeland constitutions or royal. He is the hereditary premier endorsed as such by the king and royal council and the Zulu people through their indunas and chiefs. He is also the commander-in-chief of the Zulu armies.²

He was given the kind of education that would fit him for his position as a senior chief but he remained a courteous and courageous young man.³ P V T Mbatha further states that delegation after delegation was sent to Dr M G Buthelezi to plead that he make himself available

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1. Buthelezi M G: (14) Dialogue or Confrontation. Address to the Kajuitraad (Ezimbokodweni: 30 April 1976), p. 58, cited by Schumahmann B (1978) KwaZulu in Contemporary South Africa: A case study in the implementation of the policy of separate development, theses for Ph.D, submitted to the University of Natal, Pietermaritzburg, pp. 308-309.
 2. Temkin B: Gatsha Buthelezi, Zulu Statesman, Cape Town, Purnell, 1976, p. 337.
 3. Mbatha P V T: Bantustan imposed upon Zululand, p.10.

for the post of Chief Minister. That was done to save the people from charlatons and selfseekers. He eventually bowed to the will of the people.

"This I did not do because I believe that it is a framework within which such a change as is overdue in this country could take place. When your government made it compulsory for my people to have no other option, they called upon me to serve them, in the capacity in which I have been serving them all these years. When they asked me to serve them they knew that I reject the apartheid ideology."⁴

It is to be noted that the people's choice of Dr M G Buthelezi to be the head of KwaZulu Government was not made lightly. It was based on his service and on his unswerving loyalty to the Zulu nation. Loyalty, skill and drive was the prime ingredient.

In fact it was at the urging of the imprisoned African National Congress leader, Dr Nelson Mandela, and the late

4. Meeting between Dr M.G Buthelezi, President of Inkatha, and the late Mr J J Kruger. former Minister of Justice, Police and Prisons, Pretoria, 19 September 1977.

President-General of the African National Congress, Chief A Luthuli, coupled with a strong sense of duty, that Dr M⁵ G Buthelezi accepted the political leadership. They feared that if the homeland situation was imposed on the Zulus, he might abandon even his own heritage, his position as chief of the tribe.

Dr M G Buthelezi became the Chief Executive Officer of the Zulu Territorial Authority as from June 1970 when it was established.

(B) INKATHA

(a) Definition and origin of Inkatha

According to A T Bryant, Inkatha was the national war-charms of the Zulus, which were always kept very safely. These war-charms were preserved in the form of a ring-like bundle or coil called the Inkatha. The coil was far too precious to be entrusted to anybody. It was only entrusted to an elderly lady. Every Zulu King had his own

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5. De Kock W, USuthu! Cry Peace, The Open Hand Press. 1986 p. 36.
 6. Horrel M, Ibid., p. 53.

special private Inkatha, which when he died, was incorporated into the greater state or national Inkatha which was made up of the Inkathas of previous monarchs. That bundle grew in dimensions, as time rolled on. By King Mpande's time, the Zulu national Inkatha had grown into a great ring of grass, one would have thought, to preserve the state from every conceivable calamity. In 1879 the British army burned Cetshwayo's Ondini (Ulundi) kraal. The combined Inkathas of all the ages and of all the Zulu Kings went up in smoke and the Zulu state came down with a crash.⁷

Inkatha as a movement was first launched by King Solomon of the Zulus in the 1920s to mobilize popular support for the Zulu monarchy.⁸

According to Gerhard Mare', "the first Inkatha

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7. Bryant A T, The Zulu People, as they were before the white man came, Pietermaritzburg, Shuter and Shooter, 1929 pp. 475-477. cf. Samuelson L H: Zululand its Traditions, Legends and Customs. First part pp. 120-123.
 8. Marks S, Natal, the Zulu Royal family, and the Ideology of Segregation. Journal of Southern Studies, Volume 4 1977 pp. 172-194.

(KaZulu) movement was founded in 1928 by King Solomon Ka-Dinuzulu (late uncle to Dr M G Buthelezi), and was revived in 1975 when a new constitution was drawn up at a meeting held at KwaNzimela" near Melmoth.⁹

The impetus to start the Inkatha movement came from a visit Dr M G Buthelezi had paid to the President of Zambia. The constitution of Zambia's United National Independence Party (UNIP) pertinently influenced that of Inkatha.¹⁰ "I established Inkatha as a black liberation movement in the sincere hope that dangerous divisions in black politics could be breached."¹¹ The royal forays into the political arena encouraged the Inkatha leadership to secure the movement's dominant position by the adoption of the single party, mass mobilization model exhibited by UNIP and the Tanganyika African National Union (TANU) in Zambia and Tanzania respectively, and has

9. Mare' G., Class Conflict and ideology among the Petty Bourgeoisie in the 'Homeland': Inkatha - A study, p. 298.
10. De Kock W., *Ibid.*, pp. 84 and 179.
11. Evidence presented by Dr M G Buthelezi to British Parliament's Foreign Affairs Committee, 20 January 1986.

correspondingly sought to imply that opposition to the movement is synonymous with disloyalty to the Zulu nation as a whole.¹²

Inkatha believes in a "multi strategy" approach to the struggle for liberation in South Africa and believes in co-operating nationally and internationally with all progressive African nationalist movements and political parties working for an end to all forms of colonialism and discrimination.¹³

(b) Inkatha and the KwaZulu Legislative Assembly

According to its ideology Inkatha is a national movement open to all Blacks. Its structure was originally endorsed by the KwaZulu Legislative Assembly in 1975. His Majesty the King was made Inkatha's patron.¹⁴ The effective policy-making body is the Inkatha Central Committee which is closely associated with the KwaZulu cabinet.

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12. Natal Mercury, 8 July 1975.
 13. De Kock, *Ibid.*, p. 180.
 14. Constitution of the National Cultural Liberation Movement or Inkatha, Chapter III, Clause 3.

"From its inception it was recognized that Inkatha would play a national role in the struggle for black liberation. It was, ... part of that consideration which led to the decision to give Inkatha a dominating influence over the KwaZulu Legislative Assembly.

It was therefore politically correct for the constitution of Inkatha to erect two barriers...

The first was to tie Inkatha to the KwaZulu Legislative Assembly that the peoples' will would be enforced on the proceedings of the assembly. This was done by making the Inkatha President necessarily the head of the assembly and by making the executive councillors part of the Inkatha's Executive and therefore subject to Inkatha discipline.

The second barrier... was to ensure that at the local political level there was no opposition politics. Inkatha therefore, adopted the kind of approach to democracy found in such states as Zambia and Tanzania. African democracy of this kind answers the democratic process among the people without involving them in divisional party politics.

... No black organization, including, the African National Congress, Pan African Congress, Black Peoples Convention, and South African Students Organization could stop Pretoria from taking the final step to bring the Transkei to the point of so-called independence.

It was this failure, not yet admitted by any organization,
which led KwaZulu to form Inkatha.¹⁵"

"KwaZulu will not accept independence and Inkatha is there to mobilize existing opinion against independence. There is nothing that the South African government can do which will alter this situation. While we are offered Transkeian type independence the KwaZulu Legislative Assembly will say NO and Inkatha will acclaim that No to the people and the people will support us in our resistance.

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15. Inkatha, Volume 1, No. 1, September 1976, Black Solidarity - An Inkatha view by the Secretary-General, Dr S M Bengu. pp. 13-14.

Inkatha draws its support and its strength from its deep roots among the people, both in the rural areas and the towns. It serves the KwaZulu Legislative Assembly with that strength in our joint fight against apartheid...

Inkatha is dedicated to give the KwaZulu Legislative Assembly greater resilience and added strength. Inkatha is the mailed fist with which the assembly can strike." ¹⁶

(c) The Political Machine

When the first elections for 55 out of 140 seats were held in 1978, (the remainder being reserved for nominated chiefs), Inkatha as a movement enjoyed a considerable advantage in the election campaign. "Inkatha faced only a handful of individuals in opposition who were roundly condemned as traitors to the Zulu cause." ¹⁷ Its appeal was directed to the potential electorate. It enjoyed an in-place tribal organization headed by the chiefs. It was able to conscientize and to mobilize the electorate, to

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16. Inkatha: Fourth ordinary general conference, July 1978, Introduction by Dr M G Buthelezi, President. pp. 4-5.
17. Southall R., Buthelezi, Inkatha and the Politics of Compromise, p. 459.

teach the Zulus the rudiments of political activity and voting and to utilize the prestige of the monarchy to engender support for the Inkatha candidates. It gave the traditionalists a vehicle by which they could challenge the extra-parliamentary organizations on their own terms but with the power and prestige of the monarchy solidly behind them.

"By taking part in the election for the KwaZulu Legislative Assembly and in winning all its seats, it guaranteed that the people of KwaZulu would never be forced to become foreigners in their country of birth. Inkatha has blocked all moves by Pretoria to manipulate KwaZulu into accepting the so-called independence offered. Inkatha has control over the KLA and is able to utilise available resources where people need them most."¹⁸

If not elitist, Inkatha has the potential for being authoritarian. One of the most important aspects of Inkatha's Constitution, which was revealed by Chief Buthelezi to the KLA at Nongoma in 1975, provided that the movement's Central Committee would have the power to overrule the KwaZulu cabinet. This was amended,

18. De Kock W., *Ibid.*, p. 171.
cf. Inkatha, Volume 1, No. 1 September 1976, Black Solidarity - An Inkatha View by the Former Secretary-General, Dr S M Bhengu.

under pressure, to declare that in the event of a clash on matters of policy, the cabinet would seriously consider the views of the Central Committee before arriving at a decision. Crucial to this amendment is the proviso that the president of Inkatha would be the sole candidate for the election to the office of Chief Minister and would receive the support of the entire movement.¹⁹

'Intermingling the KLA with the National Council and the Cabinet with the Central Committee precludes the growth of effective opposition political parties.'²⁰

Schmahmann further states, "The announcements that Inkatha had created six departments to deal with defence and security, political, constitutional and legal and foreign affairs, economics and finance, social and cultural affairs, elections, publicity and strategy, and appointments and discipline, confirmed that Inkatha was intended to become the dominant power in Zulu politics, and Dr M G Buthelezi has not dispelled this suspicion; indeed he has made it obvious that the National Council will be the most powerful political body in the nation. The Council will convey the policy desires of the movement to its executive body, the central committee, which will

19. Schmahmann B., Ibid., p. 285.

20. Ibid.

act as the people's direct link with the KwaZulu Government. Therefore the central committee, acting as the National Council's agent, and because of its President would also be the Chief Minister, will in practice be the ²¹ supreme political power in the nation."

(D) CONCLUSION

The revival of Inkatha dramatically altered the political situation in KwaZulu and South Africa. Although it was not immediately apparent, the success of Inkatha in the first KwaZulu elections began to build its strength for the coming clash with the former Minister of Justice Mr J T Kruger and the Republic of South Africa Government on Inqwavuma.

On September 1967 the Minister of Justice, said that Inkatha was broadening its base to include all blacks and not just Zulus. He claimed that the organization was allowing an infiltration by the ANC members. The Minister was concerned about Inkatha's success in rallying ²² nationalistic sentiments amongst blacks. The concern over Inkatha was reflected in an investigation launched by

21. Ibid., p. 286.

22. Meeting between Chief Gatsha Buthelezi, President of Inkatha, and Mr T J Kruger, Minister of Justice, Police and Prison. Pretoria - 19 September, 1977.

• L. M. B. 118.

the Department of Bantu Administration and Development
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 into the role of Inkatha's research office.

Inkatha used the period from 1976 to expand its political horizons and to increase its contact with the rest of Africa. On the balance, the initial trips by Chief Buthelezi to the rest of Africa had a number of important results. In 1977 Dr M G Buthelezi, by then the most controversial voice in South Africa, had a meeting with President Julius Nyerere of Tanzania. The meeting enabled Inkatha to show African leaders that it was not simply a parochial organization. The trips exposed Inkatha
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 leadership to independent African governments.

The magnitude of the success of the Inkatha has ensured that the KwaZulu Chief Minister, M G Buthelezi will remain at the helm of the

23. De Kock W., Ibid., p. 179.
24. Inkatha: Volume 1, No. 3, July 1978 - A message of black survival throughout the long struggle for the liberation of South Africa, living from crisis to crisis by M G Buthelezi, 29 January 1978, Jabulani Amphitheatre - Soweto.

the political system and in control of KwaZulu for as long as he is physically and mentally able.

What will happen in KwaZulu when he decides to leave the scene? Can the power of Inkatha, so carefully built up over the past years, be passed on intact to his successor? The answers are not clear. In terms of a post Buthelezi era, one cannot speculate with much profit on exactly who will succeed Dr Buthelezi. Perhaps Inkatha will go a long way toward establishing the relationship of the monarchy both to the traditional hierarchy and the modern political institutions that have developed. It is quite clear that whoever is chosen, will not be able to dominate the KwaZulu political life to the extent that Dr Buthelezi has. It also seems likely that there will be increased strains within the Zulu hierarchy as numerous individuals and groups seek to consolidate or gain power at the expense of the successor.

It is in this context that Inkatha will be a considerable force. Inkatha controls the commanding heights of political power and regards any other force as a minor threat to its control. While retaining the bulk of its rural, conservative support, Inkatha has portrayed itself as a dynamic organization, the only political force that can help KwaZulu and Natal to political stability.

It is noted that Inkatha is not without its weaknesses. Its present apparatus depends on the continuation of the tribal structures. Should the tribal structure erode under the increasing impact of modern life, it would be necessary for Inkatha to seek alternative means of maintaining its position. The tribal fabric is not likely to be rapidly unwoven; but Inkatha will have to continue to develop internally if it is to embrace the growing numbers of politically aware Zulus who desire political participation. As more Zulus receive education and enter the cash sector of the economy, they may become increasingly impatient with the local tribal authorities and want a greater say in the affairs of the whole country.

"From the findings of the experiment it is obvious that many non-participants refrain from participation in KwaZulu politics, not because of apathy or alienation but because they oppose the very existence of KwaZulu... Those non-participants who are well or averagely formed, alienated; who supplied definite reasons for not participating in KwaZulu politics, are not apathetics but deliberately refrain from participation in KwaZulu politics because they oppose and reject the homeland system."²⁵

25. Van Wyk J J: "Students participation in KwaZulu politics." South African Journal of African Affairs. No. 2 1978 p. 143.

CHAPTER 7

(A) CONCLUSION

The aim of this concluding chapter is to render an overview, as indicated in the introduction, of the material on the KLA and the development reported in the rest of chapters. The introductory chapter dealt with the controversy raging about legislatures and legislative assemblies. The preceding chapters have illustrated the enormous range of possible roles of the KLA in development; and the need to look elsewhere than formal policy-making without slighting its importance. The intricacy of each chapter permits no more than the briefest of references to the individual chapters here, but these chapters have given a general picture of the discussion.

(a) Political achievement

Ben Temkin reports that, "the first KLA had been a success for the Zulu. They have proved their ability to govern. They handled intricate problems with ease..."

It might be thought that, from the point of view

of the South African government, the assembly had been a failure, but this was largely a matter of interpretation. Because criticism had been voiced so openly, it could be regarded as a resounding success: the government had created an institution for articulate opposition which was unlikely to become so turbulent that it could not be controlled.¹"

(b) Social achievement

In its social policy, the KLA has made equally significant strides. The most dramatic example is its education department. School enrolment has doubled and teacher education has expanded even faster. The only criticism of the substance perhaps, is that KwaZulu has pursued its priority of free near universal social services at the expense of investment in more directly productive, job creating sectors.

During the years, 1981, 1983 and 1985 the schools, pupils and students have been distributed as follows:-

1. Temkin B; Gatsha Buthelezi, Zulu Statesman, Cape Town, Purnell, 1976, p. 162.

TYPE OF SCHOOLS	NUMBER OF SCHOOLS		
	1981	1983	1985
Lower Primary Schools	698	694	728
Higher Primary Schools	169	190	201
Combined Primary Schools	965	1170	1170
Junior Secondary Schools	268	299	354
Senior Secondary Schools	107	170	205
Colleges of Education	7	8	8
College for Further Education	-	1	1
Technical Colleges	5	5	6
Industrial Training Centres	-	1	1
Business Training Centre	-	1	1
In-service Training Centre	1	1	1
Special Schools	-	7	7
Technikon	1	1	1
Technical & Comprehensive School	-	1	1
Nursery Schools	4	4	4
Commerce & Computer College	-	1	1
Literacy Centres	-	1	88
Adult Education Centres	59	94	127
T O T A L	2288	2652	2908

TABLE 7.1: DISTRIBUTION OF SCHOOLS DURING THE YEARS 1981, 1983 AND 1985

		NUMBER OF PUPILS & STUDENTS		
SCHOOLS		1981	1983	1985
(i)	Lower Primary Schools from Sub A to Std 2	501065	633046	668336
(ii)	Higher Primary Schools from Std 3 to Std 5	224268	257207	288599
(iii)	Junior & Senior Secondary Schools from Std 7 to Std 10	155859	203862	227087
(iv)	Teacher Education	3999	4915	6019
(v)	Technical Education	839	1188	2041
T O T A L S		886030	1100218	1192082

TABLE 7.2: DISTRIBUTION OF PUPILS AND STUDENTS DURING
THE YEARS 1981, 1983 AND 1985

SOURCES: POLICY SPEECHES, 1981, 1983 AND 1985 BY DR
O D DHLOMO, MINISTER OF EDUCATION AND CULTURE
KWAZULU

(c) The evolution of the KLA approach

The KLA commenced its work and ³believed in the pursuit of the truth as a value in itself. It believed that the systematic seeking out of facts relating to the conditions which determined the quality of life of the disadvantaged groups in South Africa, would increase public awareness and promote interracial understanding, an understanding without which there could be no peaceful future for South Africa. It affirmed the values of democratic society and pledged itself to pay due regard to opposing views.

The collective thinking of the KLA crystallised when the assembly voted for the Buthelezi ⁴Commission.

The KLA has spoken out clearly and unequivocally against the government's systematic application of its apartheid policies and this came out clearly during the first KwaZulu election of 1978. 'Dr Cornelius Mulder, the then newly appointed Minister of Plural Relations, in an un-

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3. KWAZULU PRAYER: "...and grant that we may under Thy guidance treat and consider all matters that shall come before us in so just and faithful manner."
 4. See Appendix H.

realistic assessment of KwaZulu mood, announced his preparedness to consider a new dispensation for homelands who refused independence."⁵

The KLA has not coasted on a gentle tide of consensus within the KLA and Inkatha. It has confronted recurrent crises both before establishment of the KLA in 1970 when certain members of the Royal family wanted the king to have executive powers and since, when it was riven by dissension on issues of "policy"⁶ and "action."⁷ The continually increasing gravity of the racial situation and its repeatedly rising to explosives levels imbued concerned people with almost intolerable impatience to give real impetus to change. While there were changes of emphasis over time, the central fabric of the KLA has endured and it has maintained its basic factual approach.

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5. Daily News and Natal Mercury, 15 March 1978, as quoted by Schmahmann, B, The KwaZulu in Contemporary South Africa, 1978, p. 400.
 6. Verbatim report of the First Special Session, 28th August 1974. (Second Special Session 18th February, 1975 and the Third Session 9th April - 18th April 1975) of the First KwaZulu Legislative Assembly, Vol. 5 pp. 2-71. "Mr B I Dladla was removed from office because he could not agree with KLA Development Policy.
 7. De Kock W, Ibid. p. 111. "According to Dhlomo, Bhengu late took up a position in Geneva with the World Lutheran Federation. At the time of his departure" says Dhlomo. "he seemed to have lost confidence in Inkatha's non-violent negotiating strategy. He tried to influence some young people to engage in what he called action."

(d) Remarks on selective chapters

(i) The constitutional development

On 9 April 1970, a meeting of chiefs, eventually decided upon the establishment of a Zulu Territorial Authority (ZTA). Proclamation 139 of 22 May set out the regulations of the ZTA.⁸ Chiefs and their councillors formed the basis of authority. The head of authority was a chief. Out of two hundred and eighty-two tribes, there were one hundred and eighty-eight tribal authorities and twenty-two regional authorities.

In 1972 the KLA was created to replace the ZTA. A constitution was drafted for KwaZulu. The king was made a figurehead. That occurred against the wishes of royalists such as Prince Clement Zulu who had wanted an executive king.

The KLA constitution provided for 24 September to be an official public holiday in KwaZulu known as King Shaka Day. The KLA was to comprise of a

8. Mare G et al., Ibid., p. 38.

personal representative of the King, three chiefs appointed by each of the twenty-two existing regional authorities and fifty-five elected members. The first KwaZulu elections were held in 1978.

The status achieved in 1972 was that of Stage One of self-government. In 1974 the KLA asked to move into the next phase of self government. The Minister of Bantu Administration and Development insisted on an election. Greater status and power were finally granted in February 1977 without elections.

(ii) The role of chiefs

The chiefs have been integrated in the new political order through tribal and regional authorities up to KLA. The chiefs dominate the KLA. The assembly has one hundred and forty-one members and out of this number seventy-six are chiefs.

The role of chiefs in the KLA is being complicated by the triple political roles they play. The chief is legislator, administrator and party politician. He is supposed to be the mouthpiece of his people and at the same time he is responsible for implementing the legislation both passed by the KLA and the RSA. The chief is constrained by bureaucratic rules and regulations governing his office, and this puts him under considerable strain.

(iii) The role of the monarchy

The monarchy is still serving a worthwhile purpose and there are undoubtedly a number of merits in this arrangement. In numerous ways it is desirable to separate the political and ceremonial aspects of public life. With a separate ceremonial head of state, the political leader is free from other formal roles, as he thus has more time to devote to his political responsibilities.

The monarch remains as the centre of national loyalty. Thus it is possible to criticize the government but cheer the monarch,

perhaps with greater national cohesion as a result and certainly with less electoral advantage for the Chief Minister. The monarch is a more personalized and attractive symbol of national unity than the vague concept of state, and the hereditary system at least solves the problem of succession. The ceremonial that surrounds the monarch has the positive merit of emphasizing national traditions and historical values.

The monarch still serves and remains a symbol of national identity and focal point of national loyalty. The monarch personifies the nation, its history and continuity.

(iv) The Chief Minister and Inkatha

It was stated that the KwaZulu Chief Minister traces his ancestry to King Shaka, the founder of the Zulu nation. On his mother's side, he is the great grandson of Chief Mnyamana Buthelezi, Prime Minister to King Cetshwayo. His dual role is

10. See Appendix A.

that of senior adviser to the Zulu King and the traditional Prime Minister of the Zulu nation.

It was Chief Albert Luthuli who did more than anyone else to persuade me that I had no option but to combine the two roles."¹¹

This study indicated that, dynamic and innovating leadership was exclusively concentrated in the person of one man Dr M G Buthelezi. "We also have reservations about the extent to which the middle class elite among Africans are likely to orientate themselves to provision of leadership."¹²

Discussing the prospects of the KLA Professor L Schlemmer said that it had improved African moral and political consciousness, but it had not however, been entirely successful in the mobilization and organization of the urban African.

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11. Clarion call, special edition, Inkatha and the struggle for liberation in South Africa, 1987, p. 46.
 12. Professor Lawrence Schlemmer, as quoted by, The Natal Mercury, 1 April 1974, when he spoke in America, at Yale University.

The question arises. What will happen in KwaZulu when Dr MG Buthelezi decides to leave the scene? This study pointed out that answers are not clear in terms of a post Buthelezi era. In chapter six reference was made to the fact that Inkatha will have to establish the relationship of the monarchy both to the traditional hierarchy and the modern political institutions that have developed. Whoever is chosen, will not be able to dominate the KLA political life to the extent that Dr M G Buthelezi has. It was further pointed out ~~that~~ that there will be increasing strains within the Zulu hierarchy as numerous individuals and groups seek to consolidate or gain power at the expense of the next successor. It is then, in this context that Inkatha will be a considerable force since it controls the commanding heights of political power in KwaZulu/Natal.

"However, the 16 years since the Zulu Territorial Authority was formed, and especially the 11 years since Inkatha's formation, have seen a revolution in the political action and political debate in South Africa."

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13. Mare' G et al: An Appetite for Power, Buthelezi's Inkatha and the Politics of 'Loyal Resistance, 1978,p. 222.

(e) The KLA and its clientele

Time is still all important to tell how the KLA affect its clientele. The KLA still needs a long gestation period and legislators are still learning their trade. Constituents still need to learn how to manipulate and control the legislators. The KLA is still developing its own ethos in the crises and experiences to which it is subjected and ultimately legislators will conform to its ethos. The assembly still need time to develop autonomy, power and influence. It was pointed out that the KLA has already a political leader who enhances the image of the legislature and his legitimacy is imparting itself to the legislature.

The KLA is still young and the birth pangs accompanying its establishment are reflected directly in its performance and role. It has the capacity to raise expectations both material and political, without the capacity to fulfil the expectations because it is still too young to have acquired rich tradition on which to draw, in justifying both its present activities and legitimacy.

BIBLIOGRAPHY

A PUBLISHED BOOKS

1. Ameller, M : Parliaments, A comparative study of the structure and functions of representative institutions in 55 countries, Cassel, London, 1966.
2. Barry, R et al : Swart Ontwikkeling in SuidAfrika Johannesburg, Perskor, 1976.
3. Bekker, J C : Rewriting the Textbook. A Re-evaluation of some Tadtional Law Assumptions, Kwa-Dlangezwa, University of Zululand, 1978.
4. Bentley, A : The Process of Government. 1980.
5. Binns, C T : Dinuzulu. The Death of House, Longmans, 1968.
6. Blondel, J : Comparative Legislatures. Englewood Cliffs, N J Prentice Hall, 1973.
7. Bryant, A T : The Zulu People. As they were before the white man came, Pietermaritzburg, 1949.

8. Butler, J et al : The Black Homelands of South Africa
The Political and Economic
Development of Bophuthatswana and
KwaZulu, Berkeley, Los Angeles,
London, 1978.
9. Cartey, W & : The Africa Reader : Independent
Kilson, M Africa. Vintage Books, A Division
of Random House, New York, 1970.
10. Castles, F G : Pressure Groups and Political Culture
1967. *Publisher? 11*
11. Charton, N : Ciskei. Economic and Politics of
Dependence in a South African
Homeland, Croom Helm London, 1980.
12. Cloete, J J N : South African Public Administration.
Selected Readings - J L van Schaik
Ltd, Pretoria, 1978.
13. Colenso, H E : Zulu Pamphlets. Rein of Unlaw in
Natal,
14. Crittenden, J A : Parties and Elections in the United
States. Prentice-Hall Inc, Engle-
wood Clif, New Jersey, 1982.

15. Crotty, W J : Public Opinion and Politics. A Reader Holt Rinehart and Winston, Inc, 1970.
16. Daphne, P : Tribal Authority and Community Organization. Centre for Research and Documentation, KwaDlangezwa, University of Zululand, 1982
17. De Kock, W : Usuthu Cry Peace! Inkatha and the fight for a just South Africa, The Open Hand Press, 1986.
18. De Smith, S A : Constitutional and Administrative Law *Law* *AAA* *Publisher*
19. Dragnich, A N & Wahlke, J C : Government and Politics *A*
20. Fynney, F B : The Zulu Army and Zulu Headmen Second edition, Pietermaritzburg, 1879.
21. Gibson, J Y : The Story of the Zulus. Longmans, Green and Company, 1911.

22. Hartley, T C & : Government and Law. An Introduction to the Working of the Constitution in Britain, Weidenfeld and Nicolson London, 1975.
23. Harries, P B : Interest Groups in South African Politics. Monographs in Political Science, Salisbury, University College of Rhodesia, 1968.
24. Hill, C R : Bantustans. The Fragmentation of South Africa, London, Institute of Race Relations, Oxford University Press, 196.
25. Horrel, M : The African Homelands of South Africa. South African Institute of Race Relations, Johannesburg, 1973.
26. Ilbert, C : Parliaments. Its History, Constitution and Practise, London, Williams and Norgate, 1917.
27. Kilpin, R : Parliamentary Procedure. A Short Guide to the Rules and Practise of the House of Asseby of the Union of South Africa, Juta and Co, 1946.

28. Kotze, D A : African Politics in South Africa.
Van Schaik, Pretoria, 1975.
29. Loewenberg, G : Modern Parliaments. Change or
Decline. Aldine Atherton, Chicago,
New York, 1971.
30. Malherbe, P N : A Way out of South African Dilemma.
31. Mare, G & : An Appetite for Power. Buthelezi's
Hamilton, G Inkatha and the Politics of Loyal
Resistance, Ravan Press,
Johannesburg, 1987.
32. Matanzima, K D : Independence My Way 1976.
33. Mazrui, A A : Africas International Relations.
The Diplomacy of Dependency and
Change, Heinemann, West View Press,
Boulder, Colorado, 1979.
34. Mazey, M L : Comparative Legislatures. Duke
University Press, Durham, North
Carolina, 1979.

See p. 144
no 26

35. Motlhabi, M : The Theory and Practice of Black Resistance to Apartheid. A social-ethical analysis, Skotaville Publishers, Johannesburg, 1984.
36. Orkin, M : The Struggle and the Future. What Black South Africans Really Think, Ravan Press, Johannesburg, 1968.
37. Parsons, N : A New History of Southern Africa London, Macmillan, 1982.
38. Rogers, H : Native Administration in the Union of South Africa. Second Edition, Published by Authority, Pretoria, 1949.
39. Samuelson, L H : Zululand its Traditions, Legends and Customs. First part
40. Schapera, I : Government and Politics in Tribal Societies. Watts, 40 Drury Lane, London, W C 2, 1976.
41. Smith, J & Musolf, L D : Legislatures in Development. Dynamics of Change in New and Old States

- Duke University Press, Durham, North Carolina, 1979.
42. Stuart, J : Ukulumetule. 1924. A
43. Switzer, L : Politics and Communication in the Ciskei. An African Homeland in South Africa, Institute of Social and Economic Research, Rhodes University, Grahamstown, 1979. 14
44. Temkin, B : Gatsha Buthelezi. Zulu Statesman, Cape Town, Purnell, 1976.
45. Tordoff, W : Politics in Zambia. University of Carlifornia Press, Berkerly and Los Angeles, Carlifornia, 1974.
46. Van Jaarsveld, : From Van Riebeeck to Vorster 1652-1974. Perskor Publishers, Johannesburg, 1975. A
47. Wiesfelder, R F : The Basotho Monarchy. A Spent Force or a Dynamic Political Factor, Ohio University, Africa Series, 1972.

48. Wheare, K C : Legislatures. Second Edition.
London, Oxford University Press, New
York, Toronto, 1968.
49. Wilson, M : Freedom for My-People. The
Autobiography of Z K Matthews:
Southern Africa 1901 to 1968, Cape
Town, Johannesburg, David Phillip,
1981.
50. Worrall, D : South Africa: Government & Politics
Pretoria, Van Schaik, 1975.
51. Zulu, P M : An Identification of Base-line Socio -
Political Structures in Rural Areas,
Their, Operation and their Potential
Role in Community Development in Kwa
Zulu, KwaDlangezwa, University of
Zululand, 1984.

B UNPUBLISHED MATERIAL

1. Bhengu, S M E : Cultural Liberation: Principles and Practices. 1977.
2. Buthelezi, M G : Evidence Presented to British Parliament's Foreign Affairs Committees. 20 January 1986.
3. Mbatha, P V T : Bantustan Imposed upon Zululand. Undated.
4. Meeting between Dr M G Buthelezi, President of Inkatha, and the late Mr J J Kruger, former Minister of Justice, Police and Prison, Pretoria, 19 September, 1977.
5. Schmahmann, B : A Case Study in the Implementation of the Policy of Separate Development, Theses for PhD, Submitted to the University of Natal, Pietermaritzburg, 1978.
6. Southall, R : Buthelezi Inkatha and the Politics of Compromise. Undated.

C JOURNALS

1. Marks, S : "Natal, the Zulu Royal Family and the Ideology of Segregation," Journal of Southern African Studies, Vol 4, 1977.
2. Tessler, M A : "The Application of Western Theories and Measures of Political Participation to a Single-Party North Africa State," Comparative Political Studies, Vol 5, No. 2, 1972.
3. Van Wyk, J J : "Student Participation in KwaZulu Politics," South African Journal of African Affairs. No. 2, 1978.

D PERIODICALS

1. Bengu, S M : "Black Solidarity - Inkatha View." Inkatha. Vol 1, No. 1, 1976.
2. Buthelezi, G M : "A Message of Black Survival through out the Long Struggle for the Liberation of South Africa Living from Crises to Crises," Inkatha. Vol 1, No. 3, July 1978.

3. Buthelezi, M G : "Inkatha and KwaZulu." Clarion Call, Special Edition, 1987.
4. Buthelezi, M G : "Introduction." Inkatha. Fourth Ordinary General Conference, 1978.
5. Buthelezi, M G : "Tribal Authorities." Drum, October 1968.
6. "The KwaZulu Development Policy - A Background Report" Umxoxi, Vol 1, 1987.
7. "The Launch of United Workers Union of South Africa" Clarion Call, Vol 2, 1986.

E NEWSPAPERS

1. City Press. Johannesburg, 1 March 1987.
2. The Daily News. Durban, 20 November 1977.
3. The Natal Mercury. Durban, 1 April 1974.
4. The Natal Mercury. Durban, 4 April 1974.
5. The Natal Mercury. Durban, 9 April 1974.
6. The Natal Mercury. Durban, 15 April 1974.
7. The Natal Mercury. Durban, 4 October 1974.
8. The Natal Mercury. Durban, 8 July 1975.

9. The Natal Mercury. Durban, 6 August 1975.
10. The Natal Mercury. Durban, 20 December 1975.
11. The Natal Mercury. Durban, 6 February 1976.
12. The Sunday Times. Johannesburg, 18 July 1971.
13. The Sunday times. Johannesburg, 5 December 1971.
14. The Star. Johannesburg, 6 February 1976.
15. The Star. Johannesburg, 3 December, 1971.

F VERBATIM REPORTS

1. Verbatim Report of a special session of the First KwaZulu Legislative Assembly, 17 January 1973, Vol 2, pp. 56-53.
2. Verbartim Report of a special session of the First KwaZulu Legislative Assembly, 22 May 1972, Vol 1, pp. 8-9.
3. Verbatim Report of a special session of the First kwaZulu ^{Legislative} Legsilative Assembly, 1973, Vol 3, p. 39.
4. Verbatim report of the second session of the First KwaZulu Legislative Assembly, 3-17 May 1974, Vol 4, pp. 26-142.
5. Verbatim Report of the Third Session, 21st April - 30th April 1975, of the First KwaZulu Legislative Assembly, Vol 6, pp. 143-150.

6. Verbatim Report of the special session, 19th January 1976, of the Second KwaZulu Legislative Assembly, Vol 7, p. 1036.
7. Verbatim report of the second session of the Third KwaZulu Legislative Assembly, 23rd May - June 1979, Vol 15, p. 191.
8. Verbatim Report of the second session, 20-26th June 1979 and the Special session, 6th August 1979, of the Third KwaZulu Legislative Assembly, Vol 17, p. 824.

G POLICY SPEECHES

1. Dhlomo, O D : Policy Speech, Minister of Education and Culture, ULundi, KwaZulu Legislative Assembly, 1981.
2. Dhlomo, O D : Policy Speech, Minister of Education and Culture, Ulundi, KwaZulu Legislative Assembly, 1983.
3. Dhlomo, O D : Policy Speech, Minister of Education and Culture, Ulundi, KwaZulu Legislative Assembly, 1985.

4. Mthethwa, C J : Policy Speech, Minister of Justice,
Ulundi, KwaZulu Legislative
Assembly, 1986.

H MISCELLANEOUS DOCUMENTS

1. A visitors guide to KwaZulu Legislative Assembly.
2. Constitution of the National Cultural Liberation Movement
or Inkatha.
3. Establishment of the KwaZulu Legislative Assembly, No. R70
1972.
4. KwaZulu Annual Report, 1985.
5. KwaZulu Chief's and Headmen's Act 1974 (Act 8 of 1974).
6. KwaZulu Government Diary, 1985.
7. KwaZulu General Law Amendment Bill by the Honourable the
Chief Minister, Fifth Session of the Fourth KwaZulu
Legislative Assembly, 1987.
8. KwaZulu Government Notice No. of 1984, KwaZulu
Legislative Assembly, Act 13 of 1983 (KwaZulu Rules of

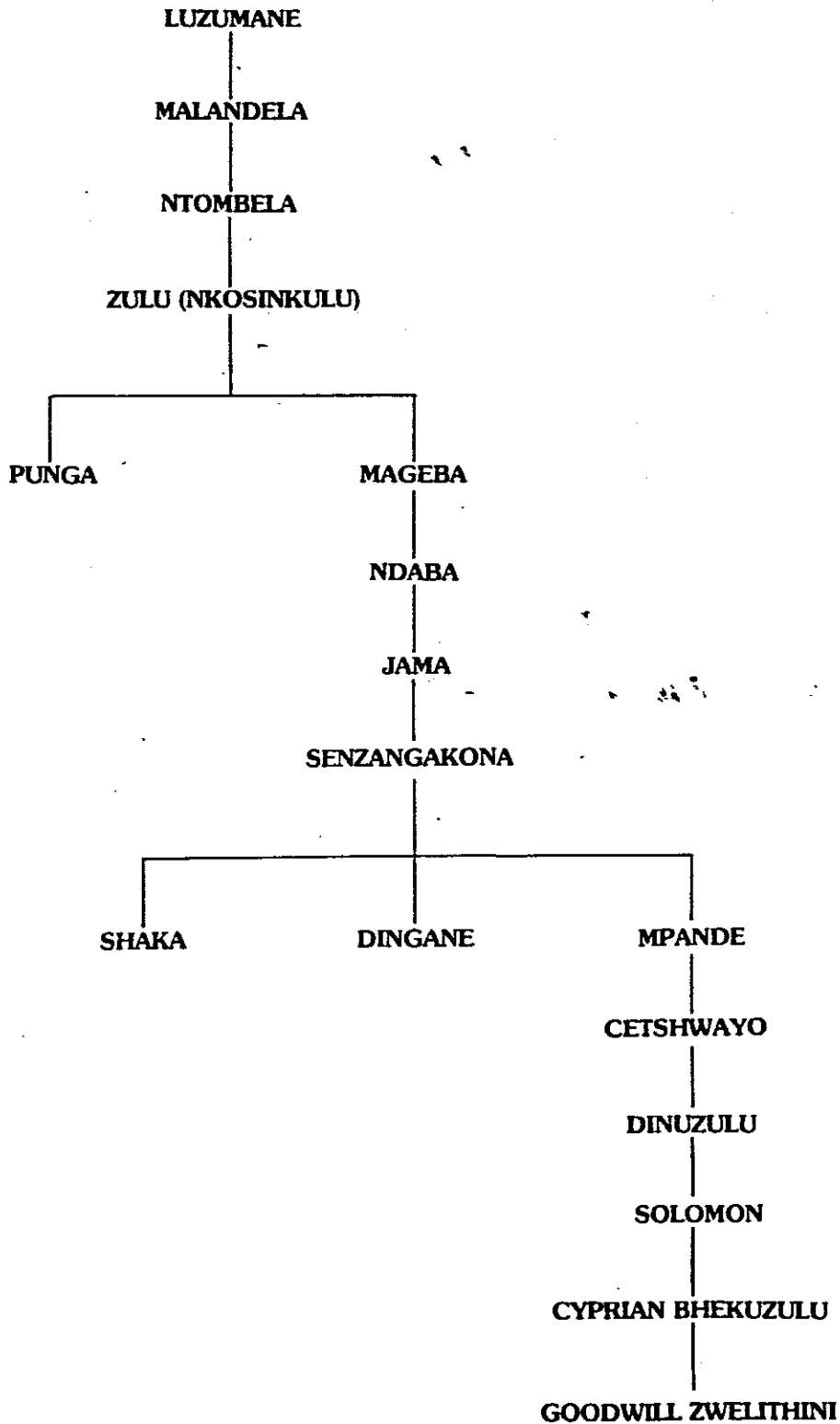
Procedure for the Legislative Assembly Amendment Act,
1983).

9. Regulations for Tribal and Community Authorities in the
Area of KwaZulu Legislative Assembly, No. R74, 1972.

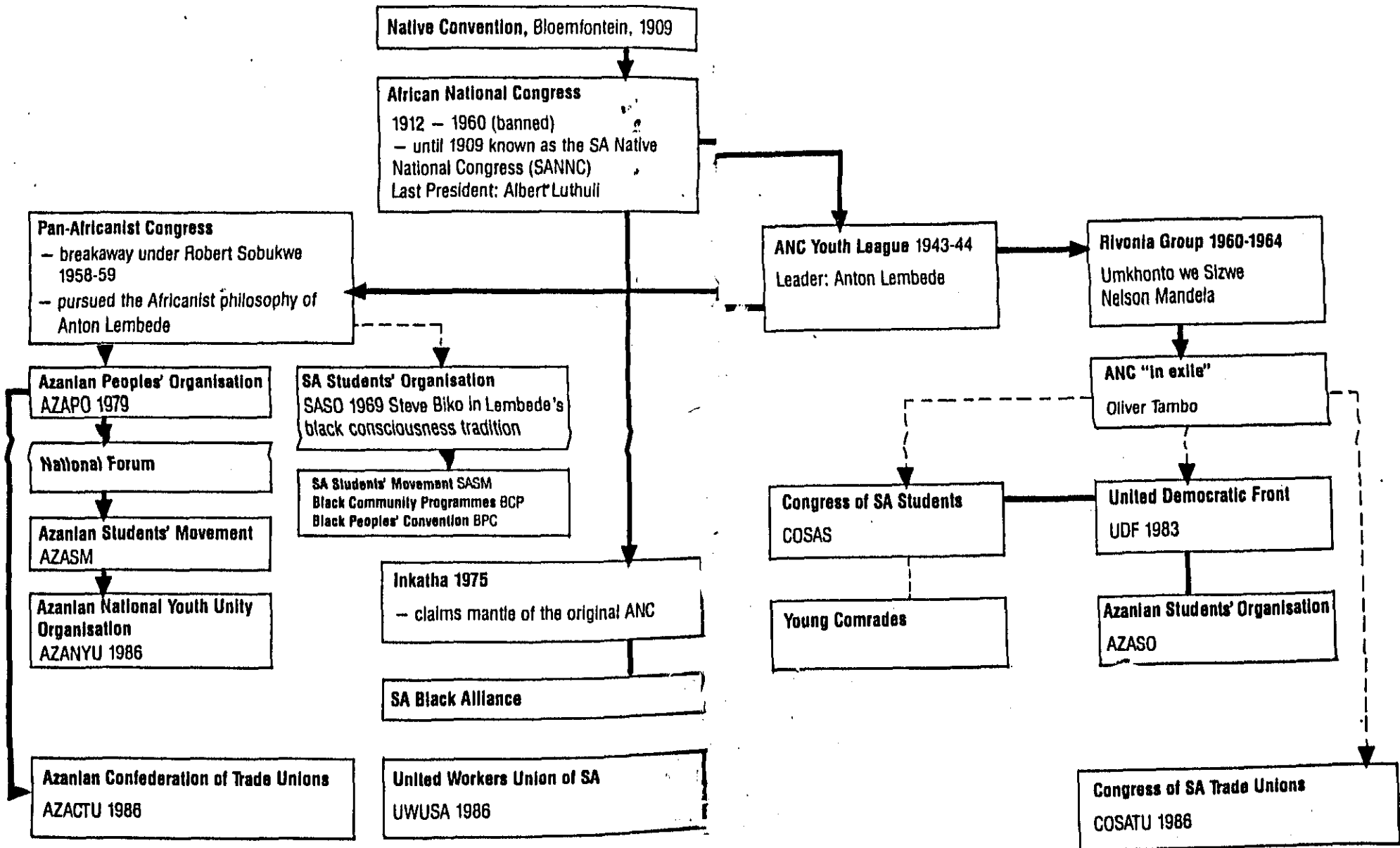
APPENDICES

	PAGE
A. THE ZULU DYNASTY	160
B. THE BASIC BLACK POLITICAL ALIGNMENT	161
C. THE STRUCTURE OF INKATHA	162
D. THE STRUCTURE OF ANC	163
E. THE KWAZULU ELECTIONS 1978: CANDIDATE'S MANIFESTO	164
F. THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA AND ANOTHER V. GOVERNMENT OF KWAZULU AND ANOTHER 1903 (1) SA 164 (AD), POWERS OF THE STATE PRESIDENT	168
G. THE MAIN REPORT OF THE BUTHELEZI COMMISSION	169
H. THE COMMISSION, WORKING METHODS AND REPORT	177

ZULU DYNASTY



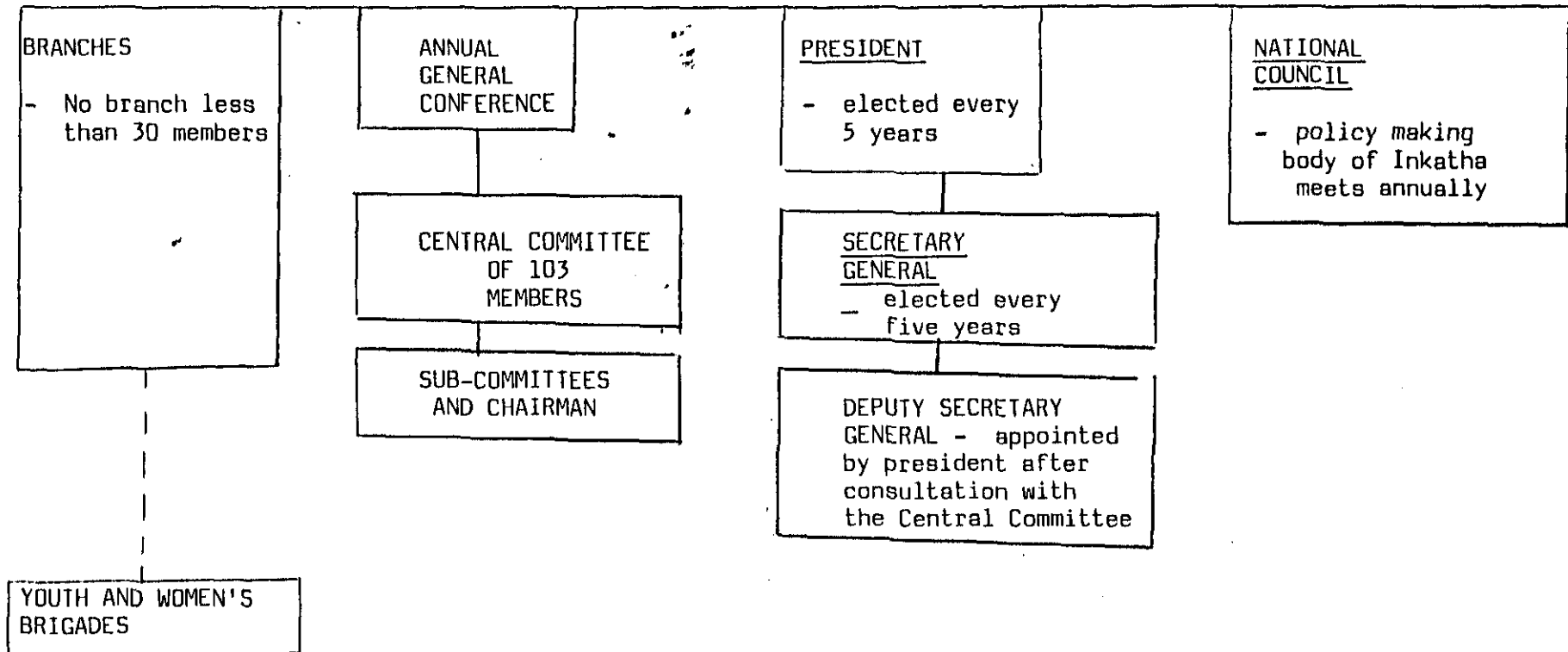
161



SOURCE: De Kock, W, Uguthu! Cry Peace Open Hand Press. 1986, pp. 182-183.

THE STRUCTURE OF INKATHA

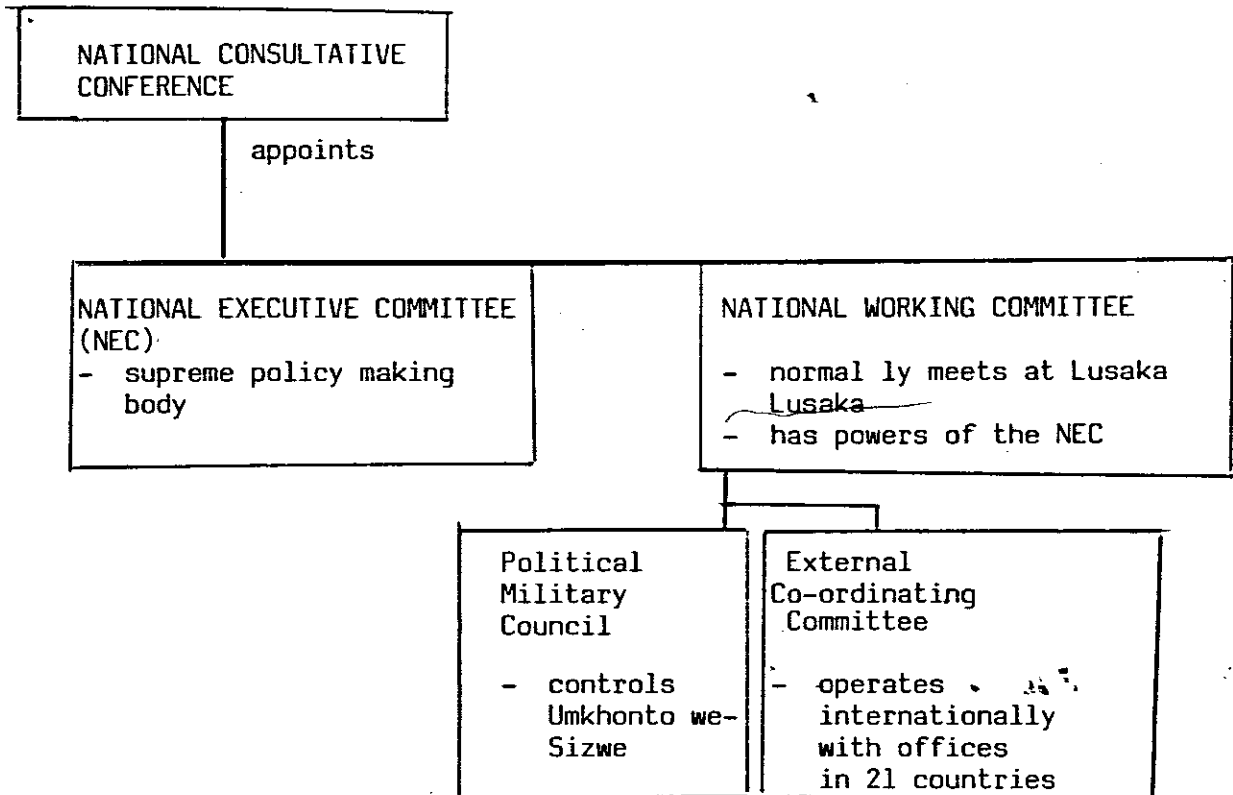
APPENDIX "C"



162

SOURCE: De Kock, W, USuthu! Cry Peace Open Hand Press, 1986, p. 185

AFRICAN NATIONAL CONGRESS



SOURCE: De Kock, W, USuthu! Cry Peace Open Hand Press, 1986, p. 184.

APPENDIX E

KWAZULU ELECTIONS 1978: CANDIDATES MANIFESTO

We of the National Cultural Liberation Movement, INKATHA, stand for the following:

1. The KwaZulu elections gives an opportunity to black people of KwaZulu to indicate their abhorrence and rejection of apartheid.
2. This elections gives the people of KwaZulu the opportunity to indicate through their vote that they stand for all things that our President of Inkatha stands for and that they support him in that stand.
3. This election gives us the chance to identify with our black people and to make it clear that we stand for all the things that the majority of black people stand for in South Africa and that we stand for majority rule.
4. Through this election we black people of KwaZulu want the development of the whole of the KwaZulu area in a way in which advances the interests of the community of KwaZulu. By standing for the development of KwaZulu, we do not mean

thereby that we stand for any independence of KwaZulu as a whole.

5. This election also gives us the opportunity to make it clear what we reject the consolidation of KwaZulu under the 1936 Native Land and Trust Act. We say that KwaZulu includes all parts of this region known as Natal from the border of Umzimvubu in the south right up to Piet Retief in the Transvaal and to the neighbourhood of Standerton. If by this scheme the intention was to return the land that belongs to KwaZulu, then those are the boundaries which we accept as the boundaries of the area known as KwaZulu, not the remnants which today are called KwaZulu.
6. Through this election we want to make it clear that the whole of South Africa belongs to all the people of the various race groups in South Africa regardless of ethnic affiliation.
7. Through this elections we deny that there are any parts of our country where we should be regarded as foreigners. We therefore do not agree that there is any part of the country which belongs to whites only, as happens whenever there is any place such as a city that is properly developed. They have been developed by the whites together with us.

8. Through this elections we want to make it very clear that we reject the acceptance of pass and influx control regulations under the guise of travel documents as was done at the meeting that the Prime Minister had with other black leaders last October. We want to make it clear that we agree and support our leader, the President of Inkatha. We will not be party to this deception about travel documents. Even knowing the government rules by force, we will not be made to swallow this bitter pill against our will.
9. Through this election we demand a free and compulsory 'education' such as is available to whites.
10. We demand the rate for the job for people of all races. We reject the monetary disparity scales based on race for people doing the same jobs and who have the same qualifications.
11. Through this election we demand the formation of trade unions for our workers so that in common with other race groups our people, wherever they work, can have proper negotiation machinery with management.
12. Through this elections we would like to express the view that we stand for National Convention for people of all

racess, as was called by our leader a few years ago, as the only first step towards the establishment of a just society in South Africa and towards a sharing a decision-making by all the people of South Africa.

13. Through this election we as Inkatha Yenkululeko Yesizwe support the request that was made by our President some years ago when he called for the release of all political prisoners. We further demand the return of our brothers and sisters and children who have become displaced people in foreign countries so that we can make use of our collective wisdom in finding a solution to the problems of our country without violence.

14. We want to make it clear during this election that we are not cowards but that we realize that violence in the modern context means that too many lives are lost once violence is unleashed. We are not ashamed to stand for the saving of human life. We are therefore not apologetic about our stand on this particular issue.

APPENDIX F

GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA AND ANOTHER V.
GOVERNMENT OF KWAZULU AND ANOTHER 1983 (1) S.A. 164 (AD)

POWERS OF THE STATE PRESIDENT

The very recent Ingwavuma dispute illustrates some of the difficulties encountered by legislative authority with regard to the National States. The Appellate Division, in September 1982, upheld, the decision of the court a quo be declaring Proclamation R121 of 1982 null and void on the ground that it was not authorized by the statutory provisions on which the State President purported to rely when he issued it.

The provision empowering the State President to legislate for the National States, namely, section 25 gives broad powers which conflict with section 30(4) of the 1971 Act. Section 30 (4) limits his power to 'matters in respect of which legislative powers are not vested in a legislative assembly by virtue of this section' and section 1(2) grants a power to amend areas subject to the minister consulting with the Executive Council of the area concerned. Finding that the State President had failed to comply with this requirement, the court held that he had acted beyond his powers when he issued the Proclamation.

APPENDIX G

THE MAIN REPORT OF THE BUTHELEZI COMMISSION

INTRODUCTION

"The formation of the Buthelezi Commission was first announced in May 1980 and it is worthwhile recording the situation that existed at that time so that its report may be examined not only against the background of that time, but also against the intentions of the initiators of the Commission.

In its concept it differs significantly from the most other Commissions. This is illustrated immediately in the size of the Commission and to an extent also in the membership that was invited to serve on the Commission. It was conceived as a body large enough to ensure a wide representation of South African and, of course, KwaZulu and Natal interests.

Although it was established by the KwaZulu Legislative Assembly the authority in a "self-governing" - that body rejected immediately that the Commission itself should be ethnically structured. This is itself an expression of view about our society by the Legislative Assembly. Invitations were sent out so that there would be a range of views amongst the Commissioners

in most of the field important in its terms of reference. The legitimacy of its findings was to be directly related to the width of representation of the Commission itself.

In the event, there were certain difficulties in obtaining this fully representative nature. It was not possible to have on the Commission representation of the African National Congress, although it was invited.

The ruling National Party of the Republic of South Africa also was unable to accept its invitation to have representatives on the Commission. One of the problems that was raised was that the KwaZulu Legislative Assembly had no constitutional power to extend the investigation of the commission beyond the boundaries of KwaZulu.

The Commission accepted the view that its terms of reference were legitimate since the KwaZulu Legislative Assembly was charged by the central government with responsibility relating to all persons who defined by the central government itself as belonging to KwaZulu. Such people are spread throughout the Republic of South Africa, and in Natal are the majority group.

Before the Commission started its work, in October 1980, it was widely accepted throughout the Republic of South Africa that the

present constitutional arrangement contributed to instability and that change of some sort was essential. The potential instability was easily recognized from events which had already occurred within the country. It was further supported by the evidence of the successful armed confrontation in other Southern African countries. The country had been warned that the guerilla warfare cannot be successfully contained unless there is wide consensus in the population that its present dispensation is equitable and is therefore able to command loyalty. Many potential variations of the political and constitutional structure of the Republic of South Africa had been put forward, including some from the central government itself. The Prime Minister had met with homeland leaders and leaders of industry and of commerce in late 1979 and had raised expectations of reform. There was a real sense that South Africa was aware that its present dispensation was unacceptable to its own people as well as to the international community. There was, because of this widespread acceptance of the need for accommodation (and, indeed, in the expectation of change), a hopeful situation.

In particular in KwaZulu and Natal there has been consistent argument at prominent provincial level for the introduction of a reform of devolution which would allow a degree of effective joint decision-making in the region.

These were however, strong forces militating against the successful attainment of change. Each white political party had adopted its own stance on constitutional issues, thus consensus, so essential for constitutional reform, became more difficult because of the White party political struggle power. White hopes for their own future received little encouragement from the continued reiteration in some quarters that Black South Africans would only accept a position of 'one man one vote in a unitary centralised system of government.' Each of the competing groups had taken up 'non-negotiable' positions which were incompatible with one another; and despite the apparently hopeful acceptance of a need for real and immediate change, there was little prospect of any consensus about the nature of the changes that should be initiated.

It was into this situation that the first real black initiation was introduced in the form of the Buthelezi Commission. Itself non-racial and widely representative, it was asked to explore the possibility of finding a way, within the overall framework of the Republic of South Africa, of developing a regional constitutional arrangement which might provide an alternative to the programmes to which the white political parties had become committed.

Its establishment was a black initiative, a black statement that there might be a peaceful alternative, and a black expression of

hope that a regional, moderate approach might be found which would be acceptable, at the very least, to a part of the country as a whole.

The Commission's potential practical importance to KwaZulu and Natal is freely recognized. There may be a tendency among some people of importance, particularly elsewhere in the Republic of South Africa, to regard the significance of the investigation as being confined to one region only. It is however, quite possible that, if a widely supported political accommodation in one region can be achieved, there may be adaptations which could appropriately be considered for other regions. The Commission has been fully aware of the possible wider significance of its recommendations. It has therefore considered that where it finds policies, economic or political, which have reasonable merits for interests of those people to whose leaders the Commission must report, it must advise those leaders to give their full co-operation to the implementation of those policies.

The Commission accepted this challenge when it accepted its terms of reference. It accepted, too, the urgency of the positions and decided that it should complete its report in a year. The 1979 and early 1980 optimism about expected change caused a serious decline in the public assessment of the urgency of the Republic of South Africa's position. The congruency of the arguments that

had led to the suggestions for change had been lost, and the setting up of the President's Council, which was to advise upon possible constitutional reforms concerning the Coloured and Asian population, served to divert attention from the wider nature of our constitutional difficulties. The Commission, however, did not alter its view that the establishment of a consensus about government was an immediate urgent matter since delay merely meant further, perhaps irreversible, disagreement. The refusal of certain self-governing homelands to take the final step in foregoing full participation in the total and rich economy of the Republic of South Africa by becoming independent and accepting change in their full citizenship formed an apparent total block to further progress along the government - determined line.

It must be stressed that KwaZulu Legislative Assembly is the only formal political arm of the Zulu speaking people. KwaZulu is the largest of the officially designated eight black South African National Units that form part of the central government's concept of national states. The Legislative Assembly has consistently stated that it does not view its existence as an instrument in a "self-governing territory as involving an intention to opt for independence. This has been often, clearly and publicly stated, and there has been no acceptance that the "citizens" of KwaZulu are not "citizens" of the Republic of South Africa. The future of KwaZulu must then be seen as a major issue in the political and constitutional affairs of South Africa.

To this extent, and because present official policies for black South Africa cannot be successfully if the largest single group in terms of the policy is not part of them, the work of the Commission has far more than just a regional importance.

During the period of the Commission's work there have been a number of changes in important laws, in particular those relating to labour, but, despite these changes, the fundamental problems and the urgent need to find a consensus remain. This pressing necessity to find an acceptable direction for further evolutionary constitutional development cannot be over-stressed. It is frequently stated that the Republic of South Africa is the target of a total onslaught from the outside world. Already participating in that onslaught are many South Africans who have decided that armed struggle is the only "solution" to our problems. These numbers are growing and are not confined to those who have left the country. The Buthelezi Commission represents an attempt, by the route of agreed co-operation, to avoid the armed struggle, which may be of very long duration, is destructive. It destroys the youth of both sides; it also destroys politically those who are prepared to seek co-operative and peaceful solutions,...

In its work the Commission has sought to isolate those factors in our present dispensation which are likely to be the main

contributors to destabilisation, and to establish a direction in which these may be minimised or eliminated. It has done so by examination of the facts of the present situation in the area and attempted non-position analysis of them, in order to determine what irreducible changes are necessary for the preservation of a peaceful and successful development of the area...

...Two major considerations have, however, moved the commission towards a very high degree of consensus. The first is that the Buthelezi Commission based its work on the hallowed African political principle of debating and struggling through issues which divide people, with the overriding common goal of ultimately responding to the greater wisdom which emerges from the group as a whole. The second major consideration was that this may well be the last time in South African politics that a Black leadership group,... reaches out to others with an invitation to explore the possibility of a creation and generally acceptable political compromise..."

Source: The Buthelezi Commission, the requirements for stability and development in KwaZulu and Natal, Vol. 1, pp. 29-33.

APPENDIX H

THE COMMISSION, WORKING METHODS AND REPORT

The Buthelezi Commission was established by the KwaZulu Legislative Assembly in its resolution of 29th May 1980, as set out on p. 867 of the Verbatim Report of the Third Session of the Third KwaZulu Legislative Assembly.

"RESOLUTION RELATING TO BUTHELEZI COMMISSION DISCUSSION OF

THE SPEAKER: Hon Members will recall that Rule No. 80 allows preference to be given to private members' business on Thursday. I therefore call upon the Hon Member for Msinga, Mr S Z Conco, to move motion No. 3.

Mr S Z Conco: Mr Speaker, ...

THE SPEAKER: Before the Hon Member continues, I think I should ask the leave of the House for a moment and leave the Deputy Speaker in the Chair.

THE CHIEF MINISTER: Mr Speaker, I think my resolution on the commission really takes precedence over all the others, and I would like to ask for special permission to read it to the House. I think it is more important than the others.

THE SPEAKER: If it is the desire of the Hon Chief Minister to read this now, I have no objection. It follows on the item relating to the Tabling of Reports and Papers.

The Hon the Chief Minister.

THE CHIEF MINISTER

1. The KwaZulu Legislative Assembly resolves to appoint a commission of inquiry into the future relationship between KwaZulu and Natal within the context of South and Southern Africa within the scope of the following terms of reference:

TERMS OF REFERENCE

- 1(a) In terms of the requirements of peace, stability, prosperity and equity, to consider fully and

appreciate the present position of Natal and KwaZulu within a constitutional and political structure of South Africa, taking into account possible or likely future developments and with due cognizance of alternative constitutional forms and modes of political organization and development.

- 1(b) To assist and evaluate the rationality, desirability and viability of the present constitutional, social and economic situation in Natal and KwaZulu in the light of historical development, and the current and emerging political reality of South and Southern Africa.
- 2 To enquire into and report and make recommendations on the constitutional future of the areas of Natal and KwaZulu within the context of South Africa and Southern Africa.
- 3 To relate the conclusions of (2) above, to the issue of the constitutional future of South Africa as a whole.
- 4 Consider the degree of economic, social and administrative interdependence or otherwise of

Natal and KwaZulu, and make recommendations in regard to the -

- (a) constitutional and political structures for the areas separately or collectively, or both separately and collectively, which are appropriate to the relationship between them;
- (b) to consider immediate and medium term measures and proposals which could be implemented during the period prior to the stage when the constitutional and political developments recommended under (4) could be implemented; and
- (c) to make recommendations in regard to whatever administrative changes and economic and social planning and development would be necessary to accompany or precede the constitutional and political developments.

5(a) To enquire into and report on the patterns, problems and needs in regard to economic

development in Natal and KwaZulu as they relate to the infrastructure, production, employment, technology, indices of overall prosperity, and the quality of life of ordinary people in all areas, rural and urban, and to make recommendations bearing upon -

- (i) planning and administrative requirements for more rapid and appropriate development within Natal and KwaZulu, singly and collectively;
- (ii) access to land and rights of tenure;
- (iii) appropriate forms of labour organization;
- (iv) the role of small-scale and informal activities;
- (v) the possible variations in forms of ownership, control and organization of different kinds of development or enterprises;
- (vi) appropriate changes in controlling laws, ordinances and regulations; and

(vii) methods of stimulating and financing appropriate development, and of involving a wider range of contributors to development than is presently the case.

5(b) In relation to the above, to consider whether or not political developments and the conventional framework of development where the social costs might have been, and how to correct whatever the consequences are. In this regard the Commission will also consider the social strategies for future economic development and relate these findings to the recommendations under 5(a).

6 To enquire and report on the provisions of social services, amenities and community facilities available to the people improvement of such services and facilities and in regard to appropriate forms of community development and the role of the various authorities in such development.

7 To evaluate the educational and training facilities and services available in Natal and KwaZulu in the light of educational and training

needs, to make recommendations regarding the most appropriate ways in which all services may be rationalized, expanded and enriched as regards content and quality, and regarding the desirability or otherwise of a fuller decentralization of educational planning and organization so as to meet the human development priorities of Natal and KwaZulu.

- 8 To evaluate the housing and settlement pattern of Natal and KwaZulu and, in the light of the needs and preferences of all group, make recommendations in regard to a housing and residential policy for the region.

- 9 To identify any negative consequences of the present social, political and economic situation in Natal and KwaZulu which indicate the desirability of changes in the system; such problems might include manifestations of marginality, alienation and apathy; and to ensure that changes eliminate groups which are not catered for by the standard of social practices and the operating institutions of society.

- 10 To enquire into and report and make recommendations on any other matters which are relevant to the terms of reference outlined above.
- 11 In all relevant matters referred to above, through research and the gathering of other evidence, to take full account of the preferences, needs and perceptions of the citizens of Natal and KwaZulu, as a basis for arriving at proposals of the broadest possible legitimacy.
2. The KwaZulu Legislative Assembly further resolves to appoint Professor G D L Schreiner as the Chairman of the commission and to appoint Professor Lawrence Schlemmer as the Secretary of the commission.
3. The KwaZulu Legislative Assembly further resolves to appoint the Inkatha Institute as the Secretariat of the commission to undertake the financial and administrative business of the commission and to assist the Chairman and the Secretary in the work of the commission.
4. The KwaZulu Legislative Assembly, in appointing the commission, calls on all parties to participate fully in

the work of the commission, and invites in particular representation from the following organizations, bodies and concerns:

- (1) A Chairman: The Chairman will be a person selected irrespective of race whose intellect, interests, objectivity and public position will only lend stature of the body and its activities but will also be such as to effectively and sensitively guide the commission in its very difficult and complex task.

We felt that Professor Schreiner meets those standards.

- (2) A noted Natal historian.
- (3) A political scientist and constitutional expert of international repute.
- (4) A development economist of repute.
- (5) A black social scientist of repute
- (6/7) Two prominent representatives of the church community in Natal, say, of the calibre of the Rt

Rev Dr Alpheus Zulu and /or the most Rev Dr Denis Hurley, O M I, for example.

- (8/9) Two representatives of Inkatha.
- (10) A representative of the Inkatha Institute.
- (11) A representative of the KwaZulu Development Corporation.
- (12) A representative of Natal-based secondary industry;
- (13) A representative of Natal-based sugar industry, and I must say here that Mr Cliff Saunders of the Tongaat Group has agreed to serve there.
- (14) A representative of Natal-based sugar growing;
- (15) A representative of Natal-based general agriculture.
- (16) A representative of banking and finance.
- (17) A representative of the Federated Chamber of Industries.

- (18) A representative of the Associated Chamber of Commerce.
- (19/20) Two representatives of the Afrikaanse Handelsinstituut.
- (21) A representative of NAFCOOC.
- (22) A representative of Inyanda Chamber of Commerce.
- (23) A nominee of Mr Harry Oppenheimer. In fact, I would prefer Mr Oppenheimer himself to serve and have an alternative if he cannot attend himself.
- (24) A nominee of Dr Anton Rupert. In the same way I also hope that Dr Anton Rupert himself, in spite of his many commitments, will possibly attend some of the plenary sessions of the commission.
- (25) A representative of the Afrikaans press.
- (26) A representative of the English language press.
- (27) A representative of the Zulu Press.
- (28) A representative of the black labour

- (29) A representative of the Native Provincial Town and Regional Planning Commission.
- (30) A representative of the KwaZulu Planning, Co-ordinating and Advisory Committee.
- (31/32) *Two representatives of the National Party.*
- (33) A representative of the PFP.
- (34) A representative of the NRP.
- (35) A representative of the ANC.
- (36) An overseas representative of the Labour Party of South Africa.
- (37) A representative of the Reform Party of South Africa.
- (38) A representative of the SA Indian Council.
- (39) A prominent African attorney.
- (40) A prominent black social worker.

(41) A prominent member of the international community.

(42) A nominee of the Natal African Teachers' Union and the African Inspectors' Association.

5. The KwaZulu Legislative Assembly urges the National party to participate in the work of the commission without anticipating the findings of the commission by seeking an endorsement of the present relationship between KwaZulu and Natal as a pre-condition of their participation. This Assembly urges the National Party to examine the present political, social and economic order in Natal clearly and objectively together with other members of the commission.

The KwaZulu Legislative Assembly records in this resolution a statement that the Chief Minister, his Cabinet and members of Inkatha participate in the affairs of the KwaZulu Legislative Assembly despite criticism from certain quarters, and reciprocally anticipate that the Prime Minister, his Cabinet and members of the National Party will participate in the Affairs of the commission despite criticism which may be levelled against them for doing so.

6. The KwaZulu Legislative Assembly further resolves that an amount of R100 000 (one hundred thousand rand) be voted to

cover the costs of the work of the commission during its first year of gathering evidence which will commence on 15 July, 1980, and that this Assembly anticipates having to vote an additional amount of R92 00 (ninety two thousand rand) for the work of the commission after 1 July, 1981.

7. The KwaZulu Legislative Assembly further resolves to instruct the commission to advise this Assembly whether it is advisable for the commission -

(1) to terminate the gathering of evidence on or before 30 June, 1981;

OR

(2) to continue to gather evidence after 30 June, 1981, by extending the term of the commission;

OR

(3) to go into recess at a particular date until called on by the Assembly to continue its work.

8. The KwaZulu Legislative Assembly further resolves that the commission be named "THE BUTHELEZI COMMISSION."

Thank you Sir.

THE SPEAKER: This is a Report which has been tabled. It may be right and proper for the Hon Chief Minister to indicate when he desires the Assembly to debate the report.

THE CHIEF MINISTER: The Chief Whip suggests, with which I agree in toto, Sir, that we do so now, because most of the things in the Resolution have already been debated and it is just a question of formalizing things.

THE SPEAKER: The matter is now before the House for debate.

THE HON MEMBER FOR NONGOMA. MR M A NZUZA:

MR M A NZUZA: Mr Speaker, this is one of the most important resolutions that have ever come before your House and I dare say that the findings will affect the history of South Africa for decades to come.

As the Hon the Chief Minister has said, we have expressed opinions about some of the aspects of this resolution. The whole

world will see that the KwaZulu citizens number less than half the members of the commission. This is a way of expressing trust in the other population groups that South Africa has never seen before.

We have seen many commissions set up here where the commissions have been packed with members of the group that is responsible for instituting the commission and consequently the findings of the commissions favoured the party that instituted the commission. But here we want the true facts and not facts that have been carried."