

Transcript of interviews with Sydney Mufamadi, Johannesburg 30 April 2015 and 25 May 2015

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30 April 2015,

Briefing Madiba in prison

TT We have been talking around a range of issues. Going back to the time of Madiba's release, various people in the reception committee raised questions, in the context of ANC thinking at the time, about what Madiba wanted to say about economic policy. Could you say something about this?

SM Well, when we went into Victor Verster, I was part of a COSATU delegation, but it was a delegation that Madiba picked – he said, 'I want to see the following people from COSATU ...' It was Chris Dlamini, Cyril Ramaphosa, Elijah Barayi, myself, and Jay Naidoo. So we went and saw him but, as you would know, at the time Operation Vula was underway and I was part of it and was involved in the ongoing consultations with the leadership in Lusaka around negotiations – how we were going to approach negotiations; the drafting of the Harare declaration; those processes – we were working together with the leadership in Lusaka.

So when Madiba was discussing with us the document that he had authored, I had already seen it in the context of Operation Vula. This was the document he authored about his approach to negotiations; Operation Vula was used to get the document out of prison to London and then to Lusaka. I had already seen the document and by and large he was saying in that document what Lusaka was saying, but he did not have the benefit of the collective discussions that we were having outside, for instance the question of detail. On the issues of preconditions, he dealt with them, basically rejecting the preconditions that the other side was setting. But when the question was about practice, how this thing was going to unfold, some of the steps that he visualised would follow one another would not necessarily be in the same order as we were collectively thinking outside.

Pretending to be reacting to a document that I am seeing for the first time, I had a brief to hint to him that maybe he needed to rethink some of the steps, but you know Madiba was a very firm person, so he was also trying to convince me that this is the way it should go and so on. But comrades were satisfied that it was not an issue where you could split hairs.

TT What were the differences?

SM I hope I'm right, now that I'm relying on memory: at what point does the international community lift sanctions, it was things like that, as we were thinking more and more about it; keep the pressure on, when the process reaches a particular level of optimism you work out how to reward the negotiating parties, you are making progress, we can lift this we can lift that form of pressure. It was something like that.

What was clear is that you were dealing with someone whose loyalty to his movement was absolute. And even in that document he would make the point that 'This here is my thinking subject to what my organisation will say.'

But also it was someone who whilst he was saying, 'I will defer to my organisation,' had also seen the possibility for him to use the unique position in which he was to move the process forward. So he was taking responsibility to do what he thought could feasibly be done.

TT Did it include the question of economic policy?

SM I can't remember that specifically but, shall I say, it was a matter of issues of South Africa beyond the platitudes. In 1955 you would have said, 'There shall be the following'. Now you were in the late 80s, the world was not standing still. If you look at the constitutional principles that were formulated in Lusaka following consultations with various South African groups, you can see slowly in respect of the many issues, the thinking shifting. Now Nelson Mandela was not participating in those discussions. If he talks nationalisation, he would talk about it and conceive of it in the way it was conceived in 1955. He is not reading the world economy and the directions in which it is moving, sitting in jail. All I'm saying is, he held a view, just like all of us who joined the ANC at a time when negotiations were not immediately on the agenda, would have held views that moved with time, and got refined.

TT When Valli raised this, he said Madiba explained it by saying that it's important that I don't say anything different when I came out from what I said when I went in.

SM Sure, and that's important, because he shouldn't come across as a person who is compromised by jail. But he is open-minded to be convinced, that's why negotiations: he is open-minded to be convinced and find a conclusive solution.

Appointment of National Chair and Deputy President

TT Going forward, there is the formation of the Cabinet of the Government of National Unity. He gave Thabo a list of portfolios to be filled. The question I have is whether that first list included a ministry for the RDP.

SM It didn't.

TT Madiba says in his manuscript that even before he spoke to the NWC, he consulted with Cosatu and the SACP about the Cabinet. Do you know anything about that?

SM Well firstly, I was no longer in Cosatu and secondly, I was in the central committee of the SACP, but by the SACP he really means Joe Slovo and Charles Nqakula, because Charles was the general secretary following the assassination of Chris Hani. And Slovo was the chairman. In the case of Cosatu it would be Gomomo and Jay Naidoo.

There is a particular issue that I happen to know he consulted about, and maybe that also needs to be contextualised. You see Madiba had his own sensitivities like any other individual would have. One of them was that he was really bothered by this perception that there was Xhosa domination in the ANC and he would go out of his way to do things that were intended to dispel that. A case in point was when we needed to replace Oliver Tambo after his death as national chair of the ANC. Madiba called members of the NWC to his office, because the election of the new chair was going to happen at the NEC. Members of the NWC were all full-time at that time, and he called them, one by one, to try and persuade them to vote for Kader Asmal.

TT He describes that in his manuscript, and says he persuaded everyone in the NWC except one person and then they came back later and changed their mind.

SM Yes, I disagreed with him and I said so, but we remained friends. People changed, yes, with respect. He followed the same logic when he felt he needed to appoint Cyril as his deputy in government – he thought that he can't have a deputy who is Xhosa. So he consulted with people in Cosatu in the manner that I say and he consulted with people in the SACP and they gave him their concurrence. But Madiba being Madiba, he was also an operator, because he first consulted those people before he went to the officials. He then called the officials, and he asks Cyril and Thabo to recuse themselves from the meeting. Now he is left with Nkobi, JZ and Sisulu. He says, about the Cabinet, I am thinking of appointing Cyril as deputy president but I know that a lot of people would think that maybe it should be Thabo for a whole range of reasons. But I have already consulted with our allies, the SACP and Cosatu, and both of them say it should be Cyril, they agree with me because of this ethnic thing. So JZ said, 'No'; Nkobi said, 'No'; Sisulu said, 'No'. I am told that Sisulu's argument was basically that, at that stage, Cyril doesn't quite know the ANC, he's young, he's new to the ANC, talented, he needs time to grow. But Madiba says, 'No, we are a tripartite alliance and I've just told you that two of the three agree with me.' Sisulu was something else: he says, 'No, no, no, these are the views of our allies, but on a matter like this you don't vote with the allies, you consult them, you take their views into account,

and you take your own decision - and I am saying the decision on this matter must be taken by the ANC. Then we have to debate what I'm saying: Thabo is not new in the ANC; we worked with him when he was a youngster, before we went to jail. And we know he has always been there.' So Madiba decided not to take a decision at that meeting.

This chap Bright Chunga, an adviser to Kaunda with whom I was working in the context of the Peace Accord, told me that Madiba consulted Kaunda on this issue of the deputy presidency. And indeed it turned out to be true, because at the next meeting of the Officials, Madiba again asked the two to leave the meeting and he said, 'Look I am now recommending that I be allowed to appoint Thabo, because I spoke to Nyerere and I spoke to Kaunda and both of them said, "Look, we now know Cyril but we don't know him as much as we know Thabo, because whenever we needed to have sensitive confidential discussions with O R, he would always be with Thabo. Now, you were in jail for so many years and O R was running this organisation. We are sure that Thabo knows many things that were only known to O R which need to be known by the president." They strongly said, "You don't know the organisation, Thabo actually knows the organisation more than you do now."'"

That was the basis on which he then said, 'No, I'm appointing Thabo.'

Peace & Stability

TT Coming to your portfolio of safety and security, peace and stability, how do you see Madiba's approach to peace and stability in the context of the transformation?

SM There were moments when I must say, because I was responsible for setting up peace structures within the ANC and for facilitating the interaction of our internal peace structures with counterpart structures on the other side, I must say there were moments when I would get worried before we went into government, because, with Madiba out of jail, victims of violence sometimes just went round to his house and confronted him with the helplessness that you would then feel – all he could do is to phone the police over whom we had no authority, phone De Klerk, and the victims were expecting relief, they were displaced from homes.

That's where we relied a great deal on NGOs like the SACC, trying to divert things, so that Madiba remained focused on the strategic issues. But he was also feeling it, that is why sometimes you hear him speaking uncharacteristically, sometimes in anger, because he was feeling that his own integrity was on the line – he is talking to the other side, the other side is not showing seriousness in dealing with problems and he felt that it was like we were taken being taken for a ride

Reaching out conditionally

But he was very clear about the need for him to reach out to critical, people on the other side, assure them that he really wants an inclusive arrangement post-elections in which they will have a place and that the time to earn that place was then. Earning that place included, as people in leadership, beginning to give the people working under them the same level of comfort about the new South Africa that was coming.

That is why he would reach out to Van der Merwe and make the offer: 'I want to appoint you as commissioner of the new police service.' He wanted, so to speak, their being appointed to serve as an assurance that they were not going to be persecuted for things they did in the past. But he wanted to see some reciprocity.

That explains why, in the end, Van der Merwe was not appointed. Because even as we were very close to the elections in 1994 and post the elections, we continued to have very serious incidents of violence, politically motivated violence, in parts of the Reef, the East Rand in particular, and KwaZulu Natal, which suggested that the structures that were created for purposes of carrying out that violence in the past, and fomenting hostilities, had not been dismantled. You will recall that even the 1999 election, five years after 1994, was still attended by some levels of violence. The situation did improve as we went on.

In 1995 there was a big massacre in the Port Shepstone area and other incidents like that were continuing to happen. President Mandela was not satisfied that we could count on the leadership of General Van der Merwe, who was very hesitant about participating in the truth commission, which in our view was not just going to talk about who did what in the past, but actually close the space for whoever might have been thinking about continuing to carry out incidents of violence – the truth would have been known about who was in the hit squads and things like that.

President Mandela, as you would see from the speeches and notes that he used in meetings with the generals who led the SAP or police forces of the former homelands, was very forthright about what it was that we did not want to see by way of police brutality in the new South Africa. He was very forthright, but he was talking to them behind closed doors, and when he goes out he appeals to the communities to support the police as they are making an effort to embrace the new South Africa. In that way he was really a very inclusive president, he understood why people would be sceptical about the police but he understood also why elements in the police would be apprehensive about the new South Africa and he made it his duty to address both concerns in a way which created the possibility for people to have a place under the sun of the new South Africa, working together.

TT And you say, he wanted reciprocity and that when the overture is not responded to, he terminates his trust?

SM Yes, in the case of General Van der Merwe, we set up the unit to investigate the infrastructure that was clearly still in place fomenting violence in KwaZulu Natal. The unit was led by the then superintendent, Frank Dutton. What was good about it is that it got the cooperation of quite a significant number of people who were involved previously in the hit squads, they were coming forward with information including the people who had already been arrested. They were cooperating from prison and some of them went to the truth commission so that even with those people at the top of the structures that resided either under the national security establishment or the homelands, even people at the top who did not necessarily come forward and volunteer information, enough was known about the extent to which they were implicated for us to be able to know how to close the space for the continuation of violent activities.

But of course, that also served as a basis to determine whether some of the people at the top were being forthright with us or not, as in the case of General Van der Merwe who was not supportive of the Dutton-led unit and was not really supportive of the work we were doing to encourage members of the police to go to the truth commission in instances where that was warranted. And indeed, the absence of reciprocity meant that there was no basis for going forward with him.

You will remember also in the case of the defence force, General Meiring had been asked to stay on by President Mandela, and then at one point he took to President Mandela the so-called intelligence report which was making very serious allegations about senior members of the previously non-statutory forces, MK in particular, allegations of plans to engineer a coup against the government. President Mandela took the allegations seriously enough and appointed a commission of inquiry led by Chief Justice Mahomed who found those allegations to have no basis. George Meiring did not last long after that because, as I say, while President Mandela saw the strategic necessity of having an inclusive arrangement in order to build the new South Africa, he needed to be satisfied his interlocutors were of the same mind.

Guiding the police generals

TT You talked before how he was conscious of his presidential responsibilities and how you invited him to speak to the generals at an early stage. It seems that, at least as far as peace and stability went, he was very involved at various levels.

SM Besides meetings that I would suggest he should have with members of the police service, senior and junior, he would also on his own initiative invite

members of the police, for example when he is on holiday in the Eastern Cape and he invites members of the former Transkei police or Ciskei police just to want to know from their own perspective what they think about their changing situation and give advice where he felt it was warranted, encourage them to stay focused on their work, and so on. He would initiate such meetings.

There were times when a particular form of crime would show up as a national priority crime, such as the cash in transit-robberies that emerged at one point as a disturbing trend of seriously organised crime carried out by people who in some instances had military training. We established a special unit to investigate that and once he became aware of it he would then say, 'These people have been given a very challenging task, can I meet them and hear them out. What do they think about the task that we have given them? Have we given them enough resources to do their work?' He would encourage them. When they made breakthroughs, he would invite them and congratulate them for the work well done, and so on.

But at all times, even as he was talking to them in positive terms, encouraging them to do more of the good work they were doing, he would always draw a line about the things he doesn't want to see a repeat of, things that belong to the past. As I was saying, if you look at his notes for some of the speeches he made behind closed doors to the police generals, you will see that he was conscious, fully conscious, of his presidential responsibility, he knew when to say what to them, he wouldn't just repeat in public everything that is said to them, because he was not grandstanding, he was making statements based on principle.

Negotiations period

TT You were also saying that quite a lot of the post 1994 approach emerged in the period of the Peace Accord.

SM When I think back to where we come from, I think the period shortly before the commencement of formal negotiations and during the whole period of negotiations, was really a period of serious strategic reflection in the movement, thinking not just about how to oppose what we don't want, but beginning to think about, 'What if what we have been fighting for all these many decades materialises, what are we going to do with the South Africa that the population is likely to give us a mandate to run?'

When we decried the absence of a climate for free and fair political activity, we would then say, 'What are the things that must happen in order for us to feel that that climate now exists? If we demand this of government, is this what we would expect the public to expect of us should we become government?'

In that sense, things like the Peace Accord - in which you find a section on a code of conduct for the police, a code of conduct for the security

establishment in general - reflected the kind of society we wanted to create. It informed the basis of the transitional legislation: what you see in the Transitional Executive Council Act; what you see in the act that established the various sub-councils, the sub-council on law and order and so on. It was premised on what we, together with organisations that were in the same corner with us in the negotiations process, actually advanced.

By and large what was adopted in 1993 by the outgoing parliament as transitional legislation, became the philosophical and even practical foundation for the new laws that were passed by the new parliament. So in that sense that transitional period was really a new South Africa in a state of becoming.

The speeches and addresses that President Mandela was making to the police behind closed doors and so on, were premised on this thinking that you see in the Peace Accord, the thinking that you see in the Transitional Executive Council. So he was actually acting as a commissar, showing them the way to the new South Africa. The 'Goldstone bills' were part of the transitional legislation, they belong in that sense to a raft of legislation that was moving the country away from apartheid-manufactured legislation.

Cabinet Committees

- TT Looking at the Cabinet, how did you see Mandela's engagement with the work of the Cabinet and its committees?
- SM He would delegate to either De Klerk or Thabo to do some of the work that nominally would be done by him. But he took an active interest in the work of Cabinet. Issues of stability and national reconciliation, I think, were closest to his heart. I'm not saying that he therefore under-emphasised the importance of other things, but those are the issues that he spent a lot of time attending to, outside Cabinet and inside Cabinet. He had confidence particularly in his deputy. Mandela was not an economist and if he feels that his time is needed more on issues of safety and security and Thabo is taking care of economic matters and so on, so be it. I think that was his attitude.
- TT Ministers often related to Thabo or Jakes Gerwel rather than directly to the President, but in the case of security it seems to have been more direct.
- SM Yes, because of the active and keen interest that he personally took. Madiba would phone you at four a.m. because at that time he was up, and he had read something in the newspapers which you have not had the opportunity to discuss with him and he says, 'I am reading this, can you explain what it means?' So you say, 'Okay Mr President, can I pop in at seven in the morning,' and he says, 'Fine,' or 'Let's meet at the Union Buildings'.

But also from my portfolio I would brief Thabo as deputy president about the sensitive issues that we were coming across and brief Madiba, either the two of them together or separately. But it was critically important for him to be as up-to-date as possible. The situation was changing quite rapidly and there were also decisions he needed to take or Cabinet needed to take and he had to have a firm handle on those issues before Cabinet discussed them.

29 May 2015

KZN – the single biggest obstacle to transition

TT With hindsight the election of April 1994 seems a brief interregnum in a protracted conflict in KwaZulu-Natal. From your perspective, both before and after the election, how did you see the situation and the role Madiba played in developing a strategy which in time brought some stability, resolving some issues and perhaps leaving others unresolved?

SM To understand the role that Madiba played after his release in helping to address the continuing problems in KwaZulu-Natal, and the violence whose impact was not limited to just Natal but also parts of the Reef – I'm using the old geographic names – the PWV, the East Rand, including parts of Mpumalanga, Ermelo and so on. This problem of violence was impacting those areas as well, and therefore it had become the single biggest obstacle to the process of transition. One, you wanted everybody to be at the negotiating table; and two, you wanted everybody to agree to be bound by such codes of behaviour as are agreed at the negotiating table, to ensure that there is a climate for free political activity everywhere in the country.

But the IFP and Buthelezi had been giving problems before the unbanning of the ANC, particularly following the formation of the United Democratic Front. You will recall the re-emergence of militant trade unionism in South Africa in the late 70s following what were thought to be sporadic dockworker strikes in Durban and so on – which were not quite sporadic, because they were partly the work of NUSAS and some activists within the black consciousness movement as well as comrades, as more and more came out of prison into Natal.

Following the re-emergence of the militant trade union movement, Buthelezi did not necessarily see the organisation of workers as a threat to what he was doing, which was running the bantustan of KwaZulu. So you would have workers who belong to Inkatha but who were also organised into these re-emerging trade unions, some of which were affiliated to the Federation of South African Trade Unions, FOSATU, and others who were organised independently of that federation. And you had members of the ANC underground also participating in the organisation of trade unions.

It was after the formation of the UDF that the IFP really decided to organise themselves and become a nuisance to community struggles that were being co-ordinated under the auspices of the UDF and we started to see skirmishes between students at universities and high schools and the members of Inkatha, and clear evidence of them being underpinned by the police or the army. I think it even became exposed that there were projects within the state aimed at fomenting that kind of conflict.

Early peace efforts in the 1980s

Before the release of our senior political leaders, culminating in the release of Madiba, the UDF and COSATU started to reach out to Inkatha to look for ways of ending the violence, particularly, though not exclusively, in Pietermaritzburg, which was where the violence was at its most intense. We even as the leadership of the UDF and COSATU took trips to Lusaka to discuss that initiative because our interlocutors in Inkatha, Dr. Mdlalose, Dr. Madide and Dr. Dhlomo, the three doctors, had an express instruction from Buthelezi to say to us, they will continue to deal with us if they are satisfied that our dealings with them have the support of Lusaka. That was the condition.

So we needed to demonstrate that, although we also knew that Lusaka wouldn't oppose any move that was intended to bring about peace. But the difficulty we had at the time, was that our own activists on the ground were so angry at the brutalisation that was taking place that initially they were not keen to negotiate. They thought that if Lusaka is to be involved at all, it must be by way of arming them to fight back. So we had all these difficulties of having to persuade our own people about the merits of negotiations and so on.

Then the leadership was coming out of prison, starting with Harry Gwala, and Harry Gwala was not convinced about the usefulness of negotiations. He was not mischievous, but he just did not see it working. That didn't help because we had made some progress on the ground in persuading the younger comrades and then a comrade who is senior to all of us comes out. So you will have noticed that even when Madiba came out and made a call on the people of KwaZulu-Natal to lay down arms, there was initially some resistance which we had to work to overcome.

National Peace Accord - a new context and narrative

You were not going to be able to address that unless you created a new context altogether, part of which was the adoption of the National Peace Accord and we made sure that we had at Shell House a peace desk that was dedicated to this process. It could not be just a National Peace Accord negotiated amongst a few people – we had to make sure that we mobilised the idea of peace and the need to work for it. So as we were setting up new branch structures of the ANC, in some areas more than others, which would

mean particularly at the flashpoints of conflict, we would make sure that peace is at the centre of our programme of action around which we organised.

Slowly we managed to make sure that the dominant narrative was in favour of working for peace and that when the Peace Accord implementation structures were set up, they were set up at all levels: local, regional and national. It meant that we kept the leadership of the IFP busy in the peace structures and when we needed to go and talk to communities, we took them with us to make sure that we spoke one language. It was no longer possible for anybody within the context being cultivated, to advocate violence. That made Madiba's task, I think, a bit easier than it would have been if we were just relying on his moral authority to make the call alone.

A protracted process

I'm saying that we were very clear that the problem would persist because you are talking about a culture of violence that was cultivated over time, and the structures that were used, the hit squads trained to foment it, were still in place. Of course we were setting our sights on other processes that were going to unfold later, such as the truth commission, which would create a window into understanding who is doing what, which would then mean the slow disarming of the hit squads and so on. But you needed to do what was feasible at a particular stage as you are moving forward. In other words, we didn't see the violence as ending abruptly but at least incrementally with the reduction and diminution of the spaces for the fomenters of violence. And that's what happened. So ultimately, for Buthelezi to say we are going to participate in the elections was an important milestone in this continuing search for peace.

TT And the relation between the Investigative Task Unit and the TRC?

SM The perspective of the TRC was always before us, that people would go to the TRC, disclose what they did and ask amnesty. But the problem was that even before the TRC was established, violence was continuing. You needed to do something that communicated a message of no impunity. That's one thing. But two: the people who were continuing the violence did not give you the feeling that, whoever they were, they would ultimately go to the truth commission. Because on both things, you need to have some cut-off date. So there were people who were imperilling their decision by continuing to get involved in violence at a time when the truth commission would say, 'We cannot say we are dealing with conflicts of the past if you continue to kill people post 1994'.

The original intention was not to take everything to the TRC, but to stop the violence by making sure that people are aware that these things are being investigated. But in the event that the ITU became aware of things and the TRC was in place, it was definitely going to share that information – either the TRC

was going to access that information via the courts or if some of it had not yet come to the courts, by sharing. But you will notice that Howard Varney, who was part of that ITU, as a lawyer advising it, ended up formally working with the truth commission to make sure that the truth commission got good enough insight into what the investigation unit discovered.

- TT Thinking of violence of the past continuing, events like Shobashobane and Richmond had to be dealt with independently of the TRC, presumably as police matters?
- SM They were police matters but then you have a problem because the elements that are doing the things at Shobashobane and Richmond were not elements that emerged just post 1994, these were people who historically were behind the violence in those areas. They were emboldened by the fact that they had survived all those years of doing it with impunity. And because they had handlers, some of them, in the police and military intelligence they knew that they were safe even as they were doing it. That is why you needed a hand-picked so to speak clean unit to investigate those cases.

Outflanking the regime

As part of the work that we had to do prior to the negotiations, there was an attempt to organise what was called an 'anti-apartheid conference'. That was before the Patriotic Front, but it was a forerunner of that negotiation, and this was before the release. We started when Valli was in detention but when he came out we worked with him. If you go to the South African History Archive you will find the papers we were writing to facilitate the debate around it. We had a very good pretext for organising it because it was at the height of the state of emergency when the other side was trying to close the space for organisation and we were trying to broaden it. We used that opportunity to consult widely, including with Bantustan leaders, like Enos Mabuza, carefully selected traditional leaders. You could see the Patriotic Front in the making. They banned the conference but the organisational and mobilising work, the consultation, was good enough to achieve the goal for which we wanted to hold the conference. We held that conference later under a different name, the Conference for a Democratic Future.

So the point I'm making is that by the time the other side released Madiba, setting the stage for negotiations, they realised that we had outflanked them because we had succeeded in dislodging many of the leaders, so-called, who would have come to the negotiating table ostensibly in their own right but on the side of the regime. They were now coming as members of the Patriotic Front, because of the work that was done. And that work was consistent with the essay Madiba wrote in prison about the strategic importance of work in the Bantustans. It must have been consistent with what we hear about the debate that comrades had in prison, it was consistent with Lusaka's thinking, but also

with the thinking of the movement internally, because the UDF experience was very useful in helping to finally anchor this idea of the Patriotic Front.

Almost to the end the other side was trying to hold on to Buthelezi. They wanted to get the dividend of the politicisation of the ethnic identity they fostered through the bantustan system. You can see the complications. There was the mythology of the Zulu-Xhosa conflict: they wanted to play that card, they really wanted to play that card. So, that's why they would talk about a troika, De Klerk, Mandela and Buthelezi. But it backfired because the position we were taking was one which they ought to have taken, looking at things from their own perspective, which was to say that all these homeland leaders are important.

Why KZN was so difficult

TT There were problems elsewhere but they weren't on the same scale or depth as in KwaZulu-Natal.

SM You will also recall that as Madiba was talking to the other side in prison, the movement outside was mobilising world opinion as well as national opinion in support of a negotiating perspective that the movement was developing. That whole process of drafting constitutional principles, and of groups of South Africans going in and out of Lusaka in that consultation process, culminated in the adoption of the Harare declaration by the Frontline States, then it's endorsement by the OAU followed by the Commonwealth and then the UN.

So we embraced this notion in terms of our own internal debates, we were saying, 'If we do go to the negotiating table, what will be the shape of the table?' The debate was quite heated and by the time we resolved it we were saying it must be a round table at which everyone is present, whereas some were still saying a two sided table, with the liberation movement led by the ANC on one side and the regime with its puppets on the other side.

TT What was the NP strategy regarding the homelands in negotiations or did they just assume that they would have homeland support.

SM They had an idea of what they wanted to do, but the problem is that they allowed an ethnic hierarchy to take hold. They thought that the Zulus because of their numbers were very important, more important. But they also made assumptions that the ANC could easily be projected as a Xhosa-dominated movement. They didn't quite appreciate the extent to which the nation building process had taken root, because as you know nation building did not start on the morrow of 1994.

That's why in the end they were really left just with the IFP as a card they could play and the unintended consequence was the further isolation of Buthelezi, which he could only overcome if he re-thinks the way he relates to the ANC.

They are hanging on the IFP but they are themselves clearly a force of the past and they also had their own problems because the right-wing, the Afrikaner right-wing, had its own ideas about what the Nats were doing. And in that confusion some elements in the military, such as Constand Viljoen, who had more contact with IFP people as securocrats than the politicians in the National Party, were also trying to see if they could woo Buthelezi into the camp that was opposed to any toenadering between the Nats and us.

So he was being torn in all sorts of different directions and the fact that we were working in the context of the peace process with some of his senior advisers, meant that we also had a bridgehead.

Traditional leadership in resistance and transition

TT When the king ceased to be an ally of Buthelezi, what was happening?

SM You needed to work with the fact that the king had a vested interest in the old order, a great part of which was material. So, if he was going to be worse off that would not be an incentive for him to accept the change that was coming. That's one. But also, you needed to develop and convince him of a narrative which begins to work on his mind as an idea – in our interaction with him we were saying to him, 'You are the king of the Zulus and the Zulus will belong to different political parties. Some of them belong to the ANC, some to the PAC, some to Inkatha. You are the only one who transcends all these party political shades. Your people will continue to kill each other unless there is someone who is able to rise above these things, so in that sense you are more important than the political leaders.' I think that was music to his ears. He understood that if he sits in one corner he actually does his own position a disservice.

This approach was consistent with that advice which Nyerere gave to the ANC, which was to say, 'If there is going to one day be one man one vote in South Africa,' which is what we called it, 'anybody who can read the situation will see that it will result in the ANC becoming the government of a new South Africa. How then do you incentivise people to accept that inevitability and say that we will live under that government and that it is not a threat to us?'

So that is what we did in our approach to Zwelethini.

TT That is consistent with what Madiba often said when he addressed traditional leaders, that one of their principal challenges is building unity.

SM But remember that Madiba was working within the ANC policy, the founding policy. Think back to Pixley ka Seme saying, 'We must bury the demon of tribalism.' But at the same time it was a very nuanced position. They would recall the important role that was played by kingdoms and traditional leaders in organising resistance to colonial invasion; they were in that sense extolling

their virtues. They were reciting the personal histories, to say that it was a history of bravery: Hintsa, Moshoeshoe, Sekhukhune, Makhado: 'but we were defeated because we were fighting as separate tribes'. Then apartheid sought to use ethnicity as politicised identities to justify the so-called separate development, divide and rule, and so on.

The idea of working with traditional leaders was to get them to embrace the traditions introduced by their forebears when they fought against colonialism and subsequently against apartheid.

I think Madiba understood the rootedness of that institution amongst the people, given his own background, and that if you choose to make it your enemy you are creating an enemy that you don't need.

Traditional leadership and democracy

TT During Mandela's presidency, there was little progress in defining the place of traditional leaders in the new South Africa. The provincial houses and national council were set up, but it was only about 1998 that there was the Municipal Structures Act and only in your time as Minister of Provincial and Local Government that there came more legislation. And the traditional leaders still feel they weren't accorded enough recognition – looking back, are we still on our way, have we got it right, or are there some unresolvable issues?

SM I wouldn't call them unresolvable, but there are some that are difficult to resolve. It is again important to historicise this beyond what the new government was trying to do. The other side used the institution of traditional leadership as an anchor for its system of separate development. If you look at the constitutions of these bantustans you can see that they were written in Pretoria.

Where I grew up, in the bantustan of Venda, I remember around the mid-70s, people thinking that they can change things through the ballot. There was a ruling party led by chief Mpephu and an opposition party formed by Baldwin Mudau. The opposition party contested the election and it won something like 70 percent of the popular vote, amongst the Vendas.

Then the constitution firstly says, the people who win the election in a popular vote in their constituencies shall become members of the Venda legislative assembly. But there are people who are automatically members of the Venda legislative assembly, they don't have to go through an election, they are all traditional leaders. They constitute a house of unelected leaders, a house within the legislature and only they participate in the election of what was then called the prime minister. So you can win the popular vote, but if you cannot influence the majority of the traditional leaders to vote for the leaders of the party that won the popular vote, the prime minister will come from that house of traditional leaders and the prime minister forms the cabinet. So you remain

the opposition party with a majority of the popular vote. That's how the thing was structured.

All the bantustans were similar in that respect in varying ways, that's why you have the Mangope's, Buthelezi's - these are traditional leaders, they are chiefs.

Now when we are democratising, creating what we say is a wall-to-wall system of local government, these chaps say that 'It means we are going to have commoners here being the ones who take decisions, the mayor, the councillor and so on'. That is why they were saying there must be no elected local government structures in the areas of their jurisdiction, because that was beginning to corrode the political power that was vested in them by the apartheid dispensation.

Whereas we were saying to them, 'You are traditional leaders of our people, you are custodians of culture, tradition, this, that and the other. We want to depoliticise your role because this institution was transformed into a political tool, we want to depoliticise it'. But you would then have to say, because these people were used to receiving salaries, 'For this role you are playing as leader and custodian, you will be paid'. But this was not enough to satisfy all of them, especially the Buthelezi's who were chief ministers and so on. So that was where the fight was coming from. There were some who accepted that these are the consequences of democracy and they could live with them. We tried as much as we could, especially using the Patriotic Front ticket, to get some of them who could make a contribution to go to Parliament as ANC representatives.

But in a democracy you couldn't just transfer the bantustan machinery into the new Parliament. These things continue to require creative thinking.