

## Transcript of an interview with Valli Moosa, Cape Town, 8 September 2014

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### Release

VM On 2 February we had a big demonstration outside Parliament, demanding the release of Mandela and the unbanning of the ANC. Meanwhile De Klerk was announcing inside the unbanning of the ANC. I had come down to Cape Town to be part of leading a demonstration. I also served on the National Reception Committee. On 9 February Madiba wanted to see me and a few other people I can't remember who. We went to the Victor Verster prison. He just wanted an update on what was happening.

Previously, before Walter was released, he had said to us that he didn't want any big displays and demonstrations and mass action when Walter gets released, because the regime would get spooked. He gave a background of how he had worked towards getting Walter released before he gets released: if the regime gets spooked, they won't take the next step and you want to get them to a certain point. He was very methodical in his thinking, very rational. But we said to him then, that it is not possible for Walter to be released and we don't have a rally at least at FNB Stadium. At a minimum we've got to have that. But actually we've got to have a big rally everywhere in the country, in all the major centres. And in Johannesburg Walter spoke at the Conference for a Democratic South Africa and in part of his speech he addressed FW De Klerk through that audience.

Then on 10 February, a Saturday, the regime got hold of Dullah, because he was Cape Town based, and said can you arrange for them to meet with the internal leadership, the Reception Committee. I was the only person from national in Cape Town at the time, I just happened to be here, so Dullah got hold of me, and said you better go and meet these people as they want to meet the national leadership. So I gathered whoever we could, we found Trevor Manuel, Bulelani Ngcuka, Saki Macozoma, who happened to be around, we dragged them to the meeting. Jay Naidoo was in town, but he didn't come to the meeting.

It was already about 11 o'clock by the time we met the commissioner of prisons, with the Director-General of Constitutional Development, Fanie van der

Merwe, and the head of intelligence. They said they were releasing Nelson Mandela at 10 o'clock the next day. It was less than 24 hours, the notice, we were quite shocked. But none of us gave into the temptation to ask that he be kept in any longer, we wanted to ask that. He said, we were told to inform you and we are informing you that you have got to pick him up at 10 o'clock tomorrow.

We left there and started organising for his release. We sent Trevor and the Cape Town-based people to start organising the rally and to organise a briefing to inform the media that Mandela is going to be released. And Saki was in charge of dealing with the media, because he was a media person. I had to go straight to the prison to meet with Madiba and tell them what the regime has told us, to see personally whether he was told, and what he wanted to be done. When we had seen him earlier, he said that when he is released his first speaking engagement must be in Cape Town, so we already knew that. I went to see him at prison, and for the first meeting Jay Naidoo came with me. I met him several times during the day and gave him the outline, that there would be a rally at the Grand Parade, he was happy with that, that he would go directly from prison to the Grand Parade. At that stage we didn't work out what would happen after he speaks. As it turned out he slept at Tutu's house but that we only worked out later in the day.

Part of my job was to help him with his speech. So I asked him whether he needed help with his speech, the way I put it to him, 'Did he need any help having the speech typed out?' He said, 'No', he wanted me to write his speech for him. But he had written most of it already so I sat with him and took notes. He had handwritten notes. He said he had started working at four o'clock in the morning on the speech. He had various formulations which he wanted, which he gave me.

You know in those days not all of us had laptops and I couldn't type or lay out a document. So Elsabe - who was a journalist at Vrye Weekblad - and I worked on her work laptop, and we went to town to use the office of a friend of hers and we worked there. Then I went back to him and got changes and worked through the night and went back to him in the morning and he kept on changing the thing.

There were things that I and others, including Thabo by telephone, commented on that were the things precisely that Madiba wanted to say. He wanted to say the commanding heights of the economy would be nationalised. Firstly he wanted to say the Freedom Charter is it, and no deviation from the Freedom Charter at all. He wanted to talk about nationalisation. He wanted to say that the armed struggle continues, he said the conditions that made us launch the armed struggle had not changed at all and the armed struggle continues. So I said to him, 'But you know on the

economy stuff, you know the ANC isn't actually putting it like that, it's much more nuanced, you know, I think you shouldn't put it like that.' But it's not like he needed to be told that the ANC had nuanced its position on nationalisation. He knew all of that.

The sense I got was that he knew that the biggest disaster would be if big sections of the oppressed community rejected him.

He didn't want people to reject him. Here was a man who clearly had started talking to the enemy, clearly was engaging the enemy from inside prison. The masses were highly militant at the time and there was a body of opinion that negotiations in themselves amount to a sell-out. So he said, 'When I come out of prison if I say anything different from what I said when I went into prison an impression could be created that the reason that I'm being released is because I have changed my views, and that I no longer believe in what I believed in then.' And he said, 'I don't want to leave any room for doubt.'

But he also wanted to say that De Klerk was a man of integrity, about which I also said to him, 'I don't think it's necessary to say that, you can tell that to him when you meet him, it won't be received well.' But he had thought about that one too, because he was doing two things.

One, he wanted to hold together that constituency which he represented by not creating doubt about where he stood on matters of principle. The best way in his mind of not creating doubt was to say bluntly that we will nationalise the economy, that's what the Freedom Charter says, and that the armed struggle continues. So those for him were almost symbolic. You know, there are people who have got lots of theories saying that he went to the World Economic Forum and he came back a changed man, he no longer believed in nationalisation, you must have heard all those sorts of stories. But it's not as if he was saying we are going to nationalise the commanding heights of the economy because he was naive, immature and unreconstructed and because he had not made any progress in his thinking in all those years that he was in prison. Not at all. Because I had this discussion with him and he said, 'But I must say these things because otherwise people will get the wrong impression. These are my first words when I come out of prison and I must address the people, I am not addressing anybody else, I must have words for the people.'

And then on the De Klerk thing, he already saw the responsibility that we had, that the liberation movement had, to not just hold together our forces, the liberation forces, but to hold together the counterparty. And there was the fear that the ruling bloc rejects FW, or that big sections of the right-wing do so because he is releasing a terrorist. And so he had in a sense to reach out and that was his way of reaching out, by saying, 'FW De Klerk is a man I can trust, is a man of integrity.' I have no doubt having spoken to him that he had no

illusions about FW De Klerk, he didn't suddenly fall in love with the man, because the man was releasing him or something of that sort.

When I spoke to Thabo some time ago and asked him, 'How come you guys couldn't get it together just to tell us a little beforehand that the release was going to happen, did you have more than 24 hours' notice Madiba was going to be released? It put us in a very difficult position, because it was just so lucky there wasn't a disaster.' He said that they had arranged with the regime that they would be tipped off, they had agreed on a number of days' notice that they would be given through a secret coded communication. But the arrangement broke down and so the early warning didn't come through. And these guys thought these people know and they would have primed us and we will start putting things in place.

But no, Madiba didn't want to be released. The night before they met with us they didn't sleep because they brought Madiba from Victor Verster for a meeting with FW that night. It was already dark. And they told him, this was Friday night, they were going to release him on Sunday and that they would be informing us tomorrow morning. And he said he doesn't want to be released: 'I need a week.' He refused to be released. Then they persuaded him that everything's been put in place, world leaders have been told, and this and that, and it has become intolerable for them and it's going to create a lot of internal problems in government now if they don't take this step and it has to be taken, they can't hold it any more et cetera. They had a whole big debate with him and then he agreed.

Then they said 'Okay, when South Africa wakes up on Sunday morning they will be told that Mandela has been released and he is in his house in Soweto. The air force will deliver you to your house in the early hours of Sunday morning before sunrise. And when everybody wakes up then they will be told that you are there.' They were going to inform the *Sunday Times* to have it on the front page that Madiba has been released and he's at home.

Madiba said he doesn't want to be released at home, he wants to be released in Cape Town and he is going to first thank the people of Cape Town before he goes home. And so they had a hell of an argument about that and according to Fanie van der Merwe, Madiba said 'Well, if you want to release me in Soweto you will have to put me in leg irons and handcuff me, and that's the only way you going to get me released there. I'm not cooperating with you at all.' And that's how they then agreed to release him in Cape Town.

So they were not organised for the release either. All their plans were thrown out. They were disorganised and we were disorganised. Everyone was disorganised.

Madiba was in charge, the only guy who was in charge of the situation.

TT A question: there is an account that Madiba said these militant things on his release because they were forced on him by UDF bureaucrat.s

VM It's only me and Madiba who discussed his speech [as it was being written], there was nobody else in committee when his speech was discussed. There wasn't time, remember this was minutes, there was nobody else. I was using my inferior intellectual ability to advise him. But he was clear on what he wanted to say. That speech is his speech, it's his words, he wanted to say it like that: 'I want to say it like that.' There would have been a little bit of frills, but there weren't too many frills in the speech, if you notice, which I would have added, the only other person who would have had a hand in it would have been Elsabe and if anything she wasn't influencing the content because she wasn't in the meeting with Madiba. If anything I tried to moderate him. He wanted to say it in that way.

And to tell the truth, I had met him before in prison, I wasn't intimidated by him because I didn't see the intimidating side of him at that stage. I wasn't intimidated by him, I wasn't too shy. Remember, in the UDF we didn't have the kind of thing you guys seem to have had in exile where you didn't easily and openly challenge leadership. We didn't grow up in that culture, I just spoke to him like he was a comrade, like comrades speaking. It wasn't like I couldn't have my say. I did have my say and he made a case.

I know the media said that the UDF militants made him say these things. One, I think it's an insult to the man, he had been thinking for a long time what he is going to say when he comes out. He'd thought it through very carefully. And when I think back now, I just see the wisdom in that. When I think back he did well there. He timed his things very well, that World Economic Forum meeting as well and so on.

But he needed to do it in that way, he really needed to hold together everybody and that was an important thing. You must remember, he was coming out in a context in which the leadership of the ANC in exile wasn't holding together on these matters. Certainly the reports we were getting from people who were coming in from exile were like a whole hodgepodge of stuff: 'Some people in leadership sold out'; 'The MK people don't like the leadership any more'; and this and that. Among the leadership you could see it was very fractious because different people in the NEC would tell us non-NEC members different things. So he needed to hold everything together and he could take nothing for granted. So I think he did well. And he continued with that.

So he came out of prison. Winnie Mandela wanted him to go to Joburg. She didn't want him to go in to Cape Town, even that morning when she arrived she said, 'You are getting on the plane and coming home with me.' So he said no, he's going to address the people in Cape Town – he left it to the rest of us:

'Oh well they've decided I must go to Cape Town.' Then after the rally she wanted him to go home and we didn't want him to go to Soweto because we couldn't control the situation, so we asked Tutu to put him up.

Then we went to Joburg. The first night in Joburg he didn't sleep at home, he slept at a secret venue, and the next day he appeared at the FNB Stadium, addressed the masses and then went home after that, and then we were able to control things.

Then when he went out of the country the first trip was to Zimbabwe, if I'm not mistaken. He went to Harare I think, Lusaka, Dar es Salaam. From Dar es Salaam he went to Iringa to the camps. I was with him in the delegation. He went to the camp in Iringa, and he immediately put on his MK uniform and stayed in the uniform throughout the night at the camp, and the next day he took the salute and took on the demeanour of a soldier.

These were not accidents. The backing of SADC, Southern Africa, the African continent, the role of MK and all of these things were very important. He had to get all of this right because it was natural that people would think that maybe the man is selling out. And so he needed to make sure that he countered that in a proper sort of way. And I think he did. He was the master of the situation, he knew what he was doing, including before his release, with Harry Gwala being released first and then Walter and that Rivonia group being released. On his release, remember, the majority of political prisoners were not yet released. If he was the first to be released it could have been said that he is being released while the other prisoners are still in jail, that he left them behind in jail. But the fact that the Rivonia people were out meant nobody was saying that any more, even though the majority of the prisoners were still in jail. He had planned it very carefully, and it's quite amazing that a person in such isolation can have such presence of mind. It's not like he had a team of people to workshop with and to brainstorm things every day and late into the night.

He was very strategic and deliberate in what he did.

### **Constitution**

TT Looking now at the constitution. To what extent were there moments at which he impacted on the direction things were taking, with regard to both the interim and the final constitution?

VM I think that the core of the constitution was negotiated between the liberation movement and the regime prior to the election of the Constitutional Assembly and was embodied in the interim constitution. It was captured in the thirty odd principles of the interim constitution. The interim constitution provided for the election of a Constitutional Assembly and provided for elections and for a Government of National Unity. It established the mandate of the Constitutional Assembly which was to draft and adopt a new constitution with certain

requisite majorities and that the new constitution had to be in compliance with the thirty odd principles. When the Constitutional Assembly started its work it could not deviate from the constitutional principles that were already negotiated. It could only draw up the constitution in conformity with and not repugnant to those thirty odd constitutional principles. The interim constitution also provided for the establishment of a Constitutional Court. The Constitutional Court was to be established prior to the Constitutional Assembly finishing its work and one of the first tasks of the Constitutional Court would be to certify that the new constitution is in compliance with the negotiated principles.

In other words, the core of the constitution for me was actually negotiated before. Your question therefore is what role Madiba played in that.

In the negotiations with the regime when we were drafting the constitutional principles, we had on our side the negotiations commission of which I was the secretary. Madiba didn't attend the meetings of the negotiations commission except may be on the odd occasion, but we always had to report to him on every step and everything, constantly report to him. So he was on top of everything, every formulation. In that sense he was an integral part of the negotiating team.

He was the most militant member of the negotiating team, by far, on almost every issue, the most militant. We would sometimes sit with each other and say, 'This is quite an acceptable compromise, we can give into the regime on this one because it's not really a matter of principle'. And then we would work out between all of us, how are we now to convey this to Madiba, this recommendation, before we go to the NEC. Because we knew he was going to accuse us of being soft, of being moderate. He would often say, 'Well if you don't know how to tell these people where to get off, I will come to the meeting tomorrow. I'll tell them this is unacceptable, if you are unable to tell into their faces that this is unacceptable, I'll come and do it.'

Afterwards when I thought about it, I thought that what he was doing was what he saw was his responsibility: he knows that if you are involved daily in negotiations, the negotiators on each side try to chip away, chip away, chip away; and his job was to hold the line and to push you to the limit to get the best possible deal. In that sense I think he kept on strengthening the resolve of his own negotiators by being so militant.

There were certain things which he was very focused on.

One of them was majority rule. We would come up with this and that, proportional representation, nine provinces and then we came up this idea of a senate and national assembly and afterwards a council of provinces and national assembly and this and that. He would always ask the question, 'How does this measure up to the need for majority rule? In which way does this

dilute majority rule?' He kept an eagle eye on that, he didn't want anything that was going to dilute the will of the majority and result in the election of organs of power that were not in conformity with the will of the electorate. He was really, really, focused on that very much. He wouldn't agree to anything that was going to do that. So the idea of some kind of minority protection, minority rights, special privileges, anything of that sort he was not going to agree to. He really kept the focus on that.

That was the one thing. He didn't always worry about every little thing, he didn't express too many views about everything, but on issues of principle, he kept focus.

The other thing was, he was clear in his mind that what we were trying to establish was a modern democracy which was modern in the sense that it would be one which is nonracial, nonsexist, secular and embodying all of the modern concepts and human rights. He was quite clear about that. He was very focused on that also.

There were things like whether there should be four provinces or nine provinces, he preferred four provinces but it wasn't something over which he was going to bring the roof down.

You asked about the constitution. He was really very engaged.

### **Government of National Unity**

TT Was the National Party simply wrong in thinking that the thirty principles allowed space for them to get more in the final constitution. Or was De Klerk just using the constitution as a reason to leave the Government of National Unity because he didn't feel comfortable in it.

VM I think that, in the end what the National Party was given was a sop. They were told that if you get more than 10 percent of the vote, you will have cabinet ministers in proportion to the number of seats you have in parliament and you will have your person as one of the deputy presidents. The constitution didn't say anything more than that. It didn't say that either of the deputy presidents had any role, power, authority or anything of that sort.

And so he just didn't have anything to do, Madiba didn't give him any work to do, didn't give many responsibilities. And De Klerk had never been in such a role. He entered government as a minister, and ministers have real power and then he became president and had a lot of power. Now he becomes deputy president and for the first time in his political career he was in a post with no power, no responsibilities or budget. I think that he knew that, he didn't have any illusions about that prior to the election, but I think the reality of it only hit him psychologically once he was there. It's like the dilemma that deputy ministers have: Someone gets appointed as a deputy minister, at home with his



wife they pop champagne: 'Great I'm now going into government'. He comes to office and doesn't have anything to do. He says, 'Give me something to do', and the minister says 'I'm too busy, I may see you next week.' The minister doesn't even have an obligation to meet with him.

And of course most people were deferring to Thabo Mbeki as the deputy president; most cabinet ministers would speak to him and they would take him as the kind of person who was more in charge, and he played a prime ministerial role at the time, so he had a real function to perform.

I think that's what happened, I think De Klerk just couldn't stomach it, together with probably a good dose of getting the cold shoulder in the presidency which must have been psychologically just difficult to take. He must have thought 'Here's this bunch of ANC people, what do they know about running the country and government. In any case I'll be a deputy president and they will rely on me to advise them on everything and tell them how to do things and frankly I will be in charge; these guys are not going to be able to do anything.' He must have thought something like that. And I don't think Madiba was going to humour him.

People thought that the Government of National Unity was a big compromise. But it wasn't a compromise, hardly a compromise. It was only going to be there for five years and so you are going to have these people elected as ministers and deputy president but they didn't say which ministers. You could have created a ministry for school furniture and given the person that post. It didn't say minister of defence or minister of that or whatever. The way I think people like Roelf Meyer and others had understood it very clearly, was that we needed something to make the transition palatable to the hardliners in the National Party, give the right kind of optics.

TT By the time you became a minister, how was Madiba seeing his role in cabinet?

VM By and large he had delegated most of the day-to-day work to the deputy president. But he was not disengaged, as far as I can remember.

There was for example the issue of the local government elections. Remember we had the first democratic elections in 1994, which were for national and provincial governments, but local governments hadn't had their elections yet. The local government elections were postponed, and then when the date came up with the local government elections, Madiba was very engaged. Largely because of Madiba, the elections were not held in KZN. Maybe he looked at it also from a party point of view, but certainly from a government point of view he felt that you couldn't have free and fair elections in KZN so let's postpone them. But also I think he thought that from both the government

and the ANC sides you needed to put all your energy there when the elections happened.

On most of the important issues, I thought he was very engaged. He wasn't disengaged but at the same time I think that he deliberately wanted Thabo to play a prime ministerial role. And that's what happened.

I can't recall now how many of the cabinet meetings he chaired. But I remember as a minister I consulted with both Madiba and with Thabo on issues, because though they were playing different roles, both were playing important roles.

TT Any memories of his relation to caucus?

VM I think Thabo played more of a role in the caucus. Thabo attended most caucus meetings and participated in talk. I don't think Madiba was there that much.

There used to be the cabinet caucus the night before cabinet meetings. Madiba used to convene a meeting during the time of Government of National Unity at Genadendal. We would meet the night before, to talk about any issues we didn't want to talk about in front of the National Party people. Seldom did these end up to be actual cabinet memos, it wasn't that. Thabo was very clear that he didn't want them to become kind of the real Cabinet and then we go next day to the Cabinet meeting as a charade. He thought that wouldn't be the right thing to do. So there may have been some or other issues, usually not that important but there was always that kind of facility.

TT How do you become aware that you were going to be deputy minister?

VM I got a call, I think from Thabo, if I remember. They composed the Cabinet, there was the inauguration, then they announced Cabinet and the next day they announced the deputy ministers.

The only things I worked with Madiba on were things like, for example, the transitional issues. I can't remember when and where, but we were in a discussion about the minister of finance, and that Derek Keys should be asked to stay on as minister of finance just to build confidence and because they were not certain how the economy players would respond. And we spoke, this was before the elections, we spoke with Madiba about the chairman of the Public Service Commission [Commission for Public Administration], we called him in to Shell House, and Madiba said to him we would like you to continue after the election to serve as chairman. In that particular meeting I was with Madiba, just the two of us I think, and this fellow. We were concerned about continuity in some of these areas and that there should be no backlash. So he stayed on for a year (he actually said, no he didn't want to, he was planning to retire but he agreed). Also we had a discussion about Chris Stals, governor of

the Reserve Bank. So I was involved in those discussions with him, things that were part of the transitional arrangements as such.

### **Traditional leadership**

TT From your perspective as minister for constitutional development, what about his engagement with the issue of traditional leadership and its relation to the imperative of a modern democracy?

VM He was engaged with this issue. From a political point of view he held that the traditional leaders, had many of them a degree of influence in their own areas and so it was important to engage with them. During the negotiations he felt it was important to keep them on side so that they supported the transition and did not oppose it. He also didn't want the regime to mobilise the traditional leaders against change, and so he engaged with them and kept close to them and met with them.

But I got a distinct impression that he didn't pander to their pretensions of power. In the constitutional and legal arrangements he was very clear in his mind that traditional leaders do play and should play a cultural role in the cultural arena. It's much like religion: you can practice your religion if you want to and if you don't want to you don't have to practice it. If you are a priest with a congregation you got the right to do that but this is not part of government. He was very clear in his mind that traditional leaders have no role in governing people and in government. So from that point of view he was completely modern. He respected traditional leaders from the point of view that they held respect and following of their communities, those who did, although he was of the view that many of them were illegitimate, he said that over and over. But he didn't want them to have any role whatsoever in government, they were not elected they were not part of the democracy. That's the feeling I had at the time that we were drafting the constitutional provisions and that is why when we drafted the constitution it just excluded traditional leaders from anything other than symbolic.

That was very important. I think that without him having taken that view things could have been very different. We had quite a number of younger women in the ANC who were quite strongly of the view that traditional leadership should be given no power whatsoever because the traditional system in African rural communities is gender-based and oppresses women. For example women were never allocated plots of land or this or that and had no rights. People like Mavivi really fought hard for that position. I think that had it not been for people like Thabo Mbeki and Madiba you could have had a slightly different dispensation – I think that Madiba was absolutely clear on this matter, like he was absolutely clear on gender equality. There was no doubt about it in his mind, that this is something that we've got to get right.

I find it interesting how often people write that Madiba respected traditional values, that he grew up in the Tembu Royal family, that he came from a long line of chiefs, and there are some of his descendants who walk around in all sorts of traditional dress. It was not by accident that Madiba never wore traditional dress to Parliament or any other important function. He put on a suit when he had to go to Parliament or some other similar function or go to a court and otherwise he would put on his Madiba shirt or something of that sort, but he went out of his way not to want to be associated with any kind of ethnic or tribal group. Madiba was comfortable enough about his ethnic background, he wasn't uncomfortable about that, he didn't pretend that he didn't come from the Transkei, or that he didn't grow up among a traditional community. But he was very clear that he was not going to be painted with that, when people see him, he didn't want people to see a member of the Tembu royal family, he wanted them to see a South African and it was not by accident: it was very, very deliberate in his mind.

Every now and then, with his attempts at speaking Afrikaans and all sorts of similar occasions, one wondered why he did that – but he wanted to just be a South African. That was important because he was building a modern secular and nonracial state and system.