

# Perspectives on KwaZulu-Natal

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## **State of the province: the Premier's address**

In his state of the province address after the opening of the KwaZulu-Natal legislature last month, **Premier Lionel Mtshali** emphasised HIV/Aids and the eradication of poverty. The following is an edited version of his speech.

Our greatest challenge as the province of KwaZulu-Natal remains the need to reduce and finally to eradicate poverty, to manage the impact of HIV/Aids and to reduce its spread and to reverse the trend of unemployment and to protect existing jobs. All these challenges are to be tackled under conditions of declining available resources. Financial resources available to the province under the Medium Term Expenditure Framework are promising no significant increases: in fact they are declining in real terms due to the rising cost of living and cost of running government.

The bottom line of my state of the province address is my government's commitment to fight against HIV/Aids and poverty. All other policy pronouncements must be perceived in terms of the contribution they make to this bottom line. Given the conditions of a shrinking pie, my government's programmes are to be informed by the reprioritisation and reallocation of our scarce and dwindling resources. The goal is to use our efforts to optimise what we can achieve out of our own available resources; out of our collective and integrated efforts, inclusive of partnering with local government institutions, private sector, communities and civil society organisations. My government positions itself as a leader and player in the fight against HIV/Aids, poverty and associated unemployment and crime.

### **HIV/Aids: the Nevirapine debate**

We must accept that we are in the middle of a war and that we must deal with the HIV/Aids pandemic as one would a war. We have been insufficiently aware of the dramatic nature of the problem confronting us for far too long. For too long we have stated that the situation is dramatic, but we have not drawn the necessary conclusion of matching a dramatic situation with necessary drastic measures. We must now shift gear and deal with the situation at hand differently. Unless we do so, all our efforts in any other field of economic endeavour or government activity are doomed at their commencement.

Each hour that goes by is marked by an estimated 15 people contracting HIV/Aids in our province. KwaZulu-Natal had an estimated 80 000 Aids-related deaths in 2001. In 2001, about 40 000 of our children were infected with HIV by their mothers. It is estimated that possibly 36% but as much as 40% of our women giving birth are HIV positive. KwaZulu-Natal has the highest prevalence of HIV infection in our country and possibly up to 35% of our population is HIV positive.

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No other priority can be higher on our agenda of concerns than the fight against HIV/Aids. For this reason, it is the primary obligation of the office to which this house elected me to pronounce that this Government must go further than any other province in addressing this problem. In the face of this extreme challenge I and my government must act and act now. History will judge us harshly if we falter or hesitate.

There were reports that a drug called Nevirapine was available to prevent mother-to-child transmission of HIV, but the reason why this available and inexpensive drug was not administered on a general scale to save children was not at all clear. Children who did not have to die were dying and are still dying and are convicted to die in the future. It should be stated for clarity and emphasis that HIV, which stands for Human Immune-deficiency Virus, is the cause of Aids, which stands for Acquired Immune-Deficiency Syndrome. HIV causes Aids. In this province this axiom of science is not open to bizarre personal theories with no relation to reality. While corollary and tedious issues about the use of Nevirapine were debated, analysed and dissected in KwaZulu-Natal, at least 20,000 children who are now infected with HIV could have been saved and protected by the use of the drug.

In August of last year I instructed the director general to find out from our department of health why we cannot distribute a simple pill to every health facility every time an HIV infected mother gives birth. It is a simple procedure that any facility should be able to perform. I was told that his investigation revealed that, in accordance with published national policies, our department of health was not willing to distribute the drug without first finishing their studies in the pilot sites and ensuring the availability of infrastructure such as laboratories for testing, counsellors, formula for feeding and trained staff. Women and their babies in other parts of the province had to wait another two years before they can have access to the drug in other public facilities. I thought that somewhere in the bureaucratic meanders we had lost our marbles or not understood at all that we are fighting a war. Our department of health was part of an agreement to limit the administration of Nevirapine to only the pilot sites. However I could see no reason to continue limiting the programme to a few facilities while our children are becoming infected in the tens of thousands elsewhere in the province.

In my efforts I was not alone. In August 2001, my office was approached by Mangosuthu Buthelezi, the minister of home affairs and chairperson of our house of traditional leaders in KwaZulu-Natal, who personally had begun looking into this issue and meeting with experts and pharmaceutical companies. Because of his positive advice I organised a meeting and requested that my director-general, the superintendent-general of health and the head of the department of social welfare and population development meet a delegation from the German pharmaceutical company Boehringer Ingelheim. As a consequence of this meeting, this company has offered the province a donation, free of charge, of Nevirapine for the management of mother-to-child transmission of HIV for five years. The meeting took place on August 6 last year.

After the discussions, the meeting agreed that this matter should be forwarded to me so that I can discuss it with the minister of health. In the meeting the department of health had raised concerns about accepting the offer arguing that obtaining the drug is not really a problem as it is very inexpensive, but the real expense lies in the provision of infrastructure such as laboratories for testing, counsellors, formula for feeding and the training of staff.

I fail to understand why the province should refuse a free donation of medicine merely because the drug costs are not the main expense. The money saved on the drug could be used to provide the necessary infrastructure. Equally people talk about infrastructure costs, but what about the suffering of our mothers and children? What about the physical, emotional and moral costs? The undisputed facts before me are that there are sound scientific bases on which Nevirapine is

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recommended, which include that it is effective in reducing the number of HIV infected babies born to HIV positive mothers. It is cost-effective in that it is more expensive not to treat and it is safe. There to me is where the issue stops.

In October 2001, I met with our minister of health Dr Zweli Mkhize to discuss the alarming spread of HIV/Aids in the province, the offer of free Nevirapine and the unfortunate impression of people in other parts of the province that since Nevirapine sites are only around Durban and Pietermaritzburg, the provincial government does not care for them. We reached two separate agreements in that meeting. Firstly, that I as the Premier can accept the offer of free Nevirapine for five years from Boehringer Ingelheim. Secondly, the minister requested me to put in writing the concern of the people of the province about the limited pilot sites. This I did. Up to this day I have not yet been favoured with any progress report in this regard. In the meantime, communities, non-governmental organisations and health workers have been knocking on my door asking what the government is doing about the spread of HIV/Aids in the province and how can they join in the war against Aids.

### **HIV/Aids: the roll out of Nevirapine**

On January 21, 2002 I issued a media statement wherein I took a principled position that the government of this province is under an obligation to supply anti-retroviral drugs to pregnant mothers who are HIV positive. I have formally accepted the free donation of Nevirapine from Boehringer Ingelheim for five years. I took it upon myself to commend doctors at Empangeni and Bethesda and other public hospitals and clinics who were supplying anti-retroviral drugs to patients in those parts of KwaZulu-Natal ravaged by the scourge of HIV/Aids.

On January 30 we held a cabinet meeting where the supply of Nevirapine throughout the province was discussed. Cabinet stood resolutely by the announcement I made (some nine days before) on January 21 that KwaZulu-Natal will supply Nevirapine to HIV positive pregnant mothers. I now call on this House and on the people of KwaZulu-Natal to support me and my government in taking the matter further and to be with me as we cut through the false issues and red herrings.

Our department of health has submitted to cabinet a plan for the roll out province-wide of the mother to child transmission programme. Cabinet adopted this with the proviso that the time frames be brought forward. We agreed that the public institutions and doctors that are ready to prescribe Nevirapine must go ahead. We also agreed to re-prioritise and allocate more resources to this programme.

### **HIV/Aids: the next step**

Saving the children is essential but not sufficient. We need to save the mothers and we need to save all those whose lives are threatened by HIV/Aids such as rape survivors. Research into developing an HIV vaccine must continue but it should be kept in mind that it might take many years before such vaccine is available. This means that the preventive anti-retroviral drug will remain the major weapon in the efforts to contain the pandemic. A few weeks ago Business Day reported that Minister of Finance Trevor Manuel declined the offer of very large institutional donors in the United States for funding of HIV programmes. He indicated that the problem we have in our struggle against HIV/Aids does not hinge on the lack of available financial resources, but rather on the lack of capacity of our Government to deliver programmes. Simply put, we do not have enough people on the ground to spend the money we can raise internationally to finance our war against Aids.

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Our immediate priority will be that of building capacity on the ground. The programme of distribution of Nevirapine is the first stage in building that capacity. We need to begin to develop programmes to provide anti-retroviral drugs to those who are infected with HIV. These drugs can prolong the time before HIV becomes full blown Aids and, therefore, the quality of their lives. In addition to having to deal with the issues of testing and counselling we must confront challenges arising out of the wide distribution and reticulation of very expensive drugs with often complex administrative procedures and protocols. We must also run large programmes to educate the recipients on how to take them and ensure that the administering of the drug is accompanied by other measures aimed at improving the overall health of people who are HIV positive, such as better diet, intake of vitamins and improved primary health care.

Among such victims of HIV/Aids are children who are orphaned. We need to reach out to them in all practical ways and, in so doing, our efforts must rely on a plurality of approaches. We need to provide assistance to the extended family to be able to provide for those who have been orphaned, but we must realise that by itself this measure may not be sufficient. We need to look at other measures that may go beyond the paradigm to which we are accustomed. Also in this respect we must realise that the dramatic nature of the situation confronting us calls for drastic and innovative solutions. In searching for such solutions we must look at the experience of other countries as well as at what South Africa has to offer.

The office of the premier will undertake an urgent assessment of current policies and programmes pertaining to the care of Aids orphans and other children in distress including street children with a view to the development of an intersectoral response co-ordinated from the premier's office. With the assistance of international donors and specialised non-governmental organisations, my government will consider developing children's villages. These children's villages are mainly populated by children under the supervision of few adults performing the roles of teachers, paediatricians and social workers. These are indeed communities consisting of children in which children themselves are required to perform the bulk of functions relating to the organisation of their daily lives and the operation of their community. This will allow a new generation of children to support one another in their plight while having the opportunity of having a fresh and possibly joyous start in life, removing them from the plight of their HIV ravaged communities. It will also enable children to grow up with a greater sense of responsibility in respect of the fight against Aids and other matters. Obviously a project like this can only begin through pilot projects.

The collaboration between departments to jointly address HIV/Aids is now becoming a reality. The departments of works, social welfare and population development, health, have, for example, in partnership with non profit organisations and the Independent Development Trust launched projects to create assets for HIV/Aids support centres, community gardens and irrigation schemes and other income generating projects to improve the quality of life of the communities and ensure proper nutritional source for them. The department of housing has established a housing policy for HIV/Aids victims.

In support of the paradigm shift from viewing Aids as a health challenge to viewing Aids as a development challenge, new activities will be launched during the course of the year. Through a programme funded by the government of Denmark, KwaZulu-Natal is one of the provinces to be assisted to develop an integrated response framework for poverty and HIV/Aids. The programme will be coordinated from the Office of the Premier.

### **Tackling poverty**

In KwaZulu-Natal the phenomena of poverty and unemployment are increasing and are becoming profound and lasting. The total population of this province was last given to be about 9.1 million

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with over 80% being black. Over 70% live in the non-urban areas. The KwaZulu-Natal population has been growing at about 2.14% and over 39% of inhabitants are younger than 15 years and another 26.6% are between age 15 and 29. It is reported that in the Zululand district nearly 74% of the population are under the age of 30. The province has also a relatively high proportion of aged people in the non-urban areas.

The demographic structure of the population has a number of implications. A youthful population presents a high potential for the spread of HIV/Aids. The high population growth rate increases the demands for goods and services. Schooling, recreation and entry job opportunities are required. High dependency rates represent a financial burden on the few members of households who are employed. This means that focussed socio- economic policies should be crafted to address these issues. The role of government, private sector, non-governmental organisations and community organisations in dealing with these problems cannot be overemphasised. Poverty should be tackled head on with a view to its eradication.

It is now a well documented fact that the greater the involvement of local people in the design, implementation and evaluation of poverty reduction programmes the greater the programme's effectiveness in reducing poverty. Thus the engagement and empowerment of poor people in poverty programmes is clearly critical to their effectiveness. This poses an enormous challenge to our programmes, which all too often fail to adequately involve and empower local people.

Our response to poverty will not only derive from poverty reduction programmes but all of our major development, economic and social policies should reflect a commitment to addressing the needs of the poor and reducing inequality in this province. Sound governance, transparency and accountability are also integral aspects of the fight against poverty. The province will need to adopt a zero tolerance approach to corruption and fraud to ensure that scarce resources reach those who need them most and that poor people are not forced to pay bribes to get services that are their constitutional right.

In the course of this year we will finalise the provincial poverty reduction strategy as outlined and linked to our provincial growth and development strategy. Thereafter our fight against poverty should have a much clearer focus and we will be in a much stronger position to monitor our effectiveness.

Almost all provincial departments have programmes and projects that have impact on poverty reduction. What we have been emphasising is effective co-ordination of these programmes, better focussing and the designing of measurable indicators. Tools for assessing and evaluating the impact of these programmes are being designed.

In December 2001 the number of children benefiting from child support grants were 4 119 305. The target given for KwaZulu-Natal is 600 000 children by March 2003. Since 1998, 10 921 jobs have been created by the department of social welfare and population development to provide employment opportunities for the poor. By mid 2000, 683 poverty relief projects had been funded by the same department. About R 5.5 m has been spent in support of programmes aimed at capacitating women and communities to escape the scourge of poverty.

Community based public works programmes have been implemented with 50% of the labour provided by women and 15% by the youth. One hundred and eighty emerging contractors have been trained. The allocation of free basic water services to the poor has been embarked upon under conditions of limited resources, which threaten sustainability.

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Within the next few weeks an agreement between ourselves and the United Nations Development Programme will be signed providing for technical assistance to enable us to finalise a provincial poverty reduction strategy linked to our provincial government development strategy.

## **Unemployment**

There is no gainsaying that in the past seven years, unemployment and poverty have become worse throughout South Africa. It is reported that about 70% of all last year's matriculants are unlikely to find jobs in the formal sector.

One of the main potential sources of employment generation in our province is agriculture. We must use some of our land to create a new type of agriculture in our province which is not only perfectly suited to our climate and geography but also to emerging global market conditions and trends. We need to use some of the land to develop agricultural industries, which are labour intensive and have high added value while requiring little land. We should grow crops such as avocado pears, tropical nuts and fruits, olive oil, olives, grapes, cacao beans, specialised herbs and other crops for which world demand is skyrocketing.

Another source of massive employment generation for our province can and should be tourism. Tourism is the fastest growing industry in the world and you have heard me speaking in this house before about the great potential that our province has to capture new markets. However, not enough has been done to promote our province as a tourist destination. The responsibility of promoting tourism has been vested in a few entities, which have done some good work, but obviously cannot accomplish the full measure of what is required all by themselves. We need to transform tourism into a preoccupation and concern of all our organs and branches of local and provincial government. We also need to broaden the activities which can be engaged by tourists and extend our list of local attractions.

As part of our effort to promote employment among the youth, a youth empowerment fund has been established by the office of the premier. Projects have been invited from the youth of the province. A number of them have been received. Within a couple of weeks I shall make an announcement on the projects that will receive support from the fund. The fund has an initial allocation of R20 million.

## **Investing in infrastructure**

In realising this priority my government is providing project development and management to traditional authorities to ensure the effective and efficient functioning of traditional institutions. It is doing this by engaging in a programme of constructing traditional courts for all traditional authorities in the province, facilitating the provision of electrification and telecommunication to traditional courts and the provision of information technology infrastructure to traditional authorities.

Our government built 289 new classrooms between April 1, 2001 and December 31, 2001 in an attempt to deal with overcrowding in schools. A further 712 classrooms are under construction or ready for tenders to be called. The planning phase of a further 3 282 classrooms is close to completion and it is envisaged that the department of works will start calling for tenders on these projects by March 2002.

An amount of R25m has been set aside for the provision of adequate toilet facilities and the collection of rainwater in rural areas as part of its fight against the cholera epidemic. A security-

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fencing programme at schools is underway in an attempt to minimise vandalism and safeguard the school buildings.

The department of transport has constructed 650km of roads and 86 minor bridges structures. These roads and bridges have facilitated access to 780 000 people and 405 schools and 129 clinics are now within reach.

The establishment of the King Shaka International Airport is high on the agenda of the provincial government. To that end, the government plans to invest an amount of R250million over the next five years towards its construction. The eThekweni Metro has committed a similar amount.

## **Crime**

All our efforts in promoting tourism are going to be ineffective unless we get a strong grip on crime. I speak to you about crime being aware that the KwaZulu-Natal government remains impotent to deal with the issue because we have no powers and functions in respect of policing. We do not have the power to increase the number of policemen and women across the province and to provide them with more equipment and resources, better training and higher salaries.

As a province we should contribute to the fight against crime. We must increase efforts to change attitudes. We need to give responsibilities to people at community level to work and support the police. I wish to receive a mandate from this house and from the people of KwaZulu-Natal to deal with crime in the best way I can, within the constitutional limitations that are imposed upon my government.

Let me present to you a concept that will be worked out in detail once we agree on the way forward. The concept is that of establishing a goodwill corps in which our province, working together with businesses, community leaders, religious leaders and local government, trains people who carry the responsibility of assisting the police and promote a culture of law and order at community level. These people will not have any public authority or law enforcement capacity. They will not be expected to enforce the law in their private capacity. They will be available to the police to conduct investigations and to assist them with their work in communities. The greatest importance I ascribe to the notion of a goodwill corps is the training of people who can internalise the value and importance of law and order and good citizenry. We should accept that as a society we have not done enough to inculcate the values of good citizenry.

## **Good governance and development**

In pursuit of both good governance and co-operative government, my government is committed to exercising its responsibility in its relationship with local government. Relevant decision making power will, as a result of negotiated consensus with local government, be devolved to the local government sphere. This will enable this sphere of government to play a meaningful role in the poverty reduction programmes and in the fight against HIV/Aids. Appropriate resources and capacity building programmes will accompany the devolution of power. Local government will also be expected to assist the poor to organise themselves against poverty of power, influence and information. The emphasis here is to bring about the existence of pro-poor local good governance. Local government should be more open to participation by the poor and must be accountable to them. The role of the provincial government will be to monitor and support local government to exercise its expenditure function in a more pro poor approach and to ensure that resources intended for the poor are not diverted to other purposes. Local government will be assisted to build partnership with organisations of the poor and with civil society organisations so as to

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encourage greater transparency and accountability.

On January 23 and 24, 2002 we had a cabinet retreat with several objectives including clarifying the core competencies of the province and local government, as well as finding ways and means of strengthening co-ordination and relationships between the province, amakhosi and local government in order to enhance service delivery and co-operative good governance in KwaZulu-Natal and to plan for the year ahead.

The provincial cabinet agreed that in the areas of improving governance we need:

1. To urgently establish a provincial, traditional leadership and local government forum to provide an avenue for the exchange of views on issues of common interest. It will also allow for consultation before engaging the national government on these matters. We have already delayed the launch of this forum and we should establish it before the end of June 2002.
2. There was a need to produce a discussion document on the constitutional and legislative provisions relating to provincial, traditional leadership and local government powers, functions and relationships.
3. The provincial government must exercise its policy making and legislative competencies including the drafting of enabling legislation that will regulate local government competencies. It was acknowledged during the deliberations that the provincial government is constitutionally mandated to establish, support, monitor, build capacity, supervise and regulate local government.
4. We need a workshop as soon as possible with local government on provincial and local government competencies and relations. The alignment of national priorities, provincial priorities (as outlined in the provincial growth and development strategy) and the municipal and amakhosi priorities is absolutely critical. It is when we have integrated service delivery, aligned development plans and objectives and coherent governance that we can eradicate poverty and inequality.

### **Traditional leaders**

My government is working jointly with amakhosi to improve the lot of amakhosi and their people. In this regard the department of traditional and local government affairs has launched several programmes. A one week University of Zululand certified course covers conflict resolution, land administration, public finance, leadership & Fellowship, Community Development, Judicial and Environmental Management. The department of traditional and local government affairs funds these programmes to an amount of R100 000. Two hundred and fifty one amakhosi participated in the programme, which began in September 2000 and was successfully completed in September 2001.

Training was provided for 110 traditional administrative personnel who have electricity in their traditional courts. The course covered computer training, public relations, basic bookkeeping, human resource management and an introduction to local government and district administration. This programme has provided the relevant trainees with the capacity and expertise to effectively utilise the information management equipment such as computers and printers, photocopiers and fax machines provided to electrified traditional courts.

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An amount of R200 000 was spent on training 104 traditional authority secretaries who do not have electricity in their courts. The focus of the course was office management.

### **The provincial constitution**

If we can tackle satisfactorily the three major crises confronting us, which are HIV/Aids, unemployment and poverty and crime, we can begin setting the province in motion towards a better future. It is clear that these three crises can only be tackled by all political parties working together and enlisting the support of our provincial citizenry, stakeholders and role players. Only a new spirit of unity of intent and purpose can bring about results in dealing with these three crises. I hope that the renewed spirit of unity amongst the members of the legislature can also lay the foundation for the drafting of a new constitution for our province. This is also a recurring issue in the discussions held in the legislature and I have addressed it on previous occasions. I want to address it again, giving it greater clarity.

I will add to my clarification a good dose of bluntness. This is a serious issue that should be tackled seriously. Writing a constitution is a serious affair, which must be based on serious reasons and serious purposes. In 1996 we produced a constitution for the serious purpose of maximising the full measures of powers and functions our province could enjoy under the most liberal and open interpretation of the then governing interim constitution. It was also a tool through which our province expressed its aspirations for greater future autonomy. The interim constitution also provided extensively for a new local government model and regulated the position, role and functions of our monarchy. It also dealt with a broad variety of other matters ranging from the provincial civil service to cultural councils, a provincial electoral system and the House of Traditional Leaders. These were all serious matters of great future import.

Under the present constitution there is little space left to address many of these matters. We must create consensus around the list of matters and agenda items for which we believe a constitution may be required. Constitutions are not written in committees. Their drafting must always proceed from a fundamental understanding amongst the political parties on what they intend to achieve through constitution drafting. Once such fundamental agreement is achieved, committees may start dealing with the actual drafting of the constitution, and the acquisition of proposals and processes to make the constitution a reality.

We are committed to the process of drafting a constitution. We have asked all political parties to engage in discussions at the highest possible level to determine the content of the constitution and to establish that there is sufficient serious agreement in principle on a serious list of serious agenda items to justify the great efforts involved in the drafting of a serious constitution. We are not willing to ridicule our province by adopting a constitution which copies verbatim the national constitution, with the sole exception of changing the provisions relating to the composition of cabinet to allow for a greater number of ministers to be appointed. We are committed to making this provision part of a package of provisions that could rightly deserve to be called a constitution. If our intention is that of merely extending the number of cabinet ministers, then we don't need anything more than a one liner constitution, the drafting and negotiation of which requires no special dedicated process.

It is our intention to ensure that all political parties discuss through bilateral and multilateral negotiations a list of items they feel ought to be addressed through a constitution. I am sure that issues such as the institution of monarchy, the role of our House of Traditional Leaders and different legislative structures, legislative procedures, executive structures and executive procedures may be part of such an agenda. Once political parties reach agreement on a tentative list of items to be included in a constitution, my office will seek a preliminary legal opinion which it

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will make available to the legislature and its relevant committees to ensure that all the items which political parties intend to address through a constitution do indeed fall within the narrow and limited area of provincial constitution-making. This will ensure that our efforts in drafting a provincial constitution proceed from a basis that enhances the possibility that the final outcome of the process may receive the certification of the Constitution Court.

The first step is for political parties to engage in discussions that create a climate of serene reflection on constitutional matters in the province. It is also important that political mechanisms are set in place to resolve disputes amongst political parties and thus enable them to reach a preliminary agreement. Obviously, the 1996 Constitution can offer a baseline for discussions between and amongst political parties, once political parties and members of the legislature reach a clear understanding of how much the framework in which a constitution can be drafted has changed because of the new national constitution and the Constitutional Court judgement which narrowed the area in which provincial constitution-making can take place.

In this way we can give to our constitution-making process a serious start, and we can ground it on the technical level of discussions to which it rightly belongs. We must make sure that this process is driven by political agreement. The process should not only be a political exercise. It must indeed be an exercise in constitutionalism aimed at improving the province's constitutional makeup and institutional life.

## **Conclusion**

In conclusion, I would like to emphasise that I have acknowledged challenges that face us as a South African nation as well as citizens of KwaZulu-Natal. I zeroed in on poverty, HIV/Aids, unemployment, crime, infrastructural investment and good governance. These factors act as either causal variables or correlates to HIV/Aids and poverty. I have challenged the citizens of this province to weather the storm of the above manifested challenges through decisiveness, discarding all prevarications and duplicity. Through the legislature I would like to promise the people of KwaZulu-Natal that my government is committed to do whatever is possible within our stretched efforts and resources. Excuses have been banished from this province. Action, reflections and learning and action again shall from now onwards become our distinguishing mode and ethos of operation.

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