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BUSINESS DAY, Wednesday, August 7 2002

## ANC's internal rivalry leads to deaths, arrests

Fred Kockott

BITTER internal rivalry among factions, which led to a spate of assassinations and the arrests of more than 30 members on serious criminal charges, led to the collapse of the entire leadership of the African National Congress (ANC) in northern KwaZulu-Natal over the past two years.

This startling disclosure is contained in a fact sheet released by the party's provincial leadership yesterday following weekend reports that some top officials were "sitting on an explosive murder report" implicating some of its leaders in assassinations in the troubled region.

According to a media report on Sunday, the report being dealt with by the party's provincial ANC chairman, S'bu Ndebele, links at least one senior ANC leader to "drug trafficking, hiring hit men, arms smuggling and collusion with senior policemen who have stalled investigations into the murders".

Ndebele said yesterday that the article was a "sinister smear campaign".

Willies Mchunu, deputy speaker of the provincial legislature said: "We intend to use the report with the police to resolve the situation. It also serves as an internal document to guide us in addressing the situation."

The ANC fact sheet gave a summary account of steps taken by the ANC leadership in trying to resolve the violent leadership disputes, including a decision to disband the entire regional executive committee in July 2000.

A new "regional leadership" was since elected at a regional conference under the new realignment process of ANC structures, in late June this year, the fact sheet reads.

This effectively means that the entire ANC northern region, consisting of 29 branches extending through Greytown, Estcourt, Ladysmith, Bergville to Glencoe, has been without a leadership structure for two years.

Beeld, Woensdag 7 Augustus 2002

# ANC en NNP stry oor kwytskelding vir Boesak



Boesak

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 Willem Jordaan
 

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Kaapstad. – Die ANC en sy Wes-Kaapse regeringsvennoot, die NNP, het gister swaarde gekruis oor of dr. Allan Boesak presidensiële kwytskelding moet kry.

Die NNP meen kwytskelding is buite die kwessie, terwyl die ANC dit sou verwelkom.

Me. Sheila Camerer, die NNP se

hoofwoordvoerder oor justisie, het in 'n verklaring gesê kwytskelding aan Boesak kan nie toegelaat word nie.

"Die howe het bevind dat Boesak 'n skelm is. Hy het groot bedrae geld gesteel wat veronderstel was om die lot van armes te verlig en dit boonop gebruik om sy eie belange te dien. Pres. Thabo Mbeki bemoei hom te reg met die lot van armes en om kwytskelding aan 'n skelm soos Boe-

sak te gee, is strydig met alles waarvoor (Mbeki) staan," het Camerer gesê.

Boesak, wat in Mei 2000 vir drie jaar tronk toe gestuur is weens bedrog en diefstal, het onlangs om kwytskelding aansoek gedoen.

Gerugte doen die ronde dat hy bestem is vir 'n hoë regeringspos, moontlik in die diplomatie, maar die regering ontken dat hy só 'n aanstelling beplan.

Oor dié gerugte het Camerer gesê Boesak mag in geen omstandighede in aanmerking kom vir 'n regeringsaanstelling in die diplomatieke diens nie.

"As Boesak wel aangestel word, wat nie behoort te gebeur nie, is dit hopelik in Buite-Mongolië."

Mnr. Mcebisi Skwatsha, sekretaris van die ANC in die Wes-Kaap, het verontwaardig gereageer op Camerer se uitsprake en gesê Boesak is

soos enige ander Suid-Afrikaner geregtig op presidensiële kwytskelding as hy aan die vereistes voldoen.

Volgens Skwatsha sal die ANC kwytskelding aan Boesak verwelkom.

"Camerer vergeet 'n hele paar dinge waaraan ek haar moet herinner. In die eerste plek het Boesak sy vonnis uitgedien weens die misdade waaraan hy skuldig bevind is. Daar is geen rede waarom hy vir altyd

daarvoor moet boet nie.

"In die tweede plek wil ek Camerer daaraan herinner dat gevangenis in Suid-Afrika sentrums vir rehabilitasie is en dat Boesak deurtyd 'n rolmodel-gevangene was.

"In die derde plek vergeet Camerer klaarblyklik dat Boesak 'n waardevolle rol in die bevrydingstryd gespeel het en dat dit jammer sou wees as Suid-Afrika nou sy vaardighede verloor."



THE NATAL WITNESS, WEDNESDAY AUGUST 7, 2002

## **ANC admits to murderous infighting**

**From page 1**

Complaining that neither the provincial nor national leadership acted on information given to them about the murders, Zwane said a senior woman member of the provincial legislature put a price on his head and other ANC leaders in the region.

After the "hired gun" confessed to him about the plot, Zwane said he reported the matter to provincial and national leadership, but they did nothing.

Instead, the confessor was killed, Zwane said.

Willies Mchunu last night declined to comment on the veracity of Zwane's allegations and said the SAPS special investigative unit is the most competent authority to investigate such matters.

"That is why it has been set up," said Mchunu, adding that one of the reasons a new task team was appointed was that of all the previous arrests, only one case has resulted in a prosecution to date.

*Parties claim proposed legislation 'infringes on the rights of the people'*

## Floor-crossing thrashed out in court

**"GLUTTONOUS"** and "irrational" were among the terms used in the Constitutional Court yesterday to describe legislation allowing public representatives to cross the floor and retain their seats.

"It is a cynical, unprincipled and gluttonous attempt to capitalise on the split in the Democratic Alliance for short-term gain only," said Jan Heunis, senior counsel for the United Democratic Movement,

African Christian Democratic Party and Pan Africanist Congress.

The three parties, along with the Inkatha Freedom Party and KwaZulu-Natal Premier Lionel Mtshali, are contesting the constitutionality of a package of legislation allowing MPs, MPLs and local councillors to defect to other parties.

The Institute for Democracy in SA (Idasa) and the Research Unit for Legal and Constitutional Interpretation of the universities of the

Western Cape and Stellenbosch have joined the case as *amici curiae* — friends of the court — to assist the court.

Heunis said the legislation infringes upon the legal and moral rights of the people.

"It has everything to do with the preferences of politicians as opposed to the preferences of voters," he said.

"The court's duty is to protect the voice and the choice of the elec-

torate."

The legislation is a scheme designed to achieve a doubtful objective — to deal with the split in the DA, he said.

"It has no legitimate government purpose, but only the self-serving purpose of the governing party, who stand to benefit most from it."

During Heunis' argument, Chief Justice Arthur Chaskalson pointed out: "We are not considering whether this is a good or a bad law

... but only if it is constitutional."

Heunis said the legislation is unconstitutional on a number of grounds. These include that it destroys the constitutionally mandated system of proportional representation.

The whole principle of proportionality rests on the premise that if a public representative no longer wants to toe the party line, he or she can resign, Heunis said.

If the Constitution intended pro-

portional representation only to be intact immediately after an election, it would be absurd. The legislation undermines the express will of an election, he said.

In any case, the legislation will probably be replaced by something recommended by a task team led by Van Zyl Slabbert before the 2004 elections, Heunis said.

Counsel for the government is to present counter-arguments today.

— Sapa.



BUSINESS DAY, Wednesday, August 7 2002

## WHAT WE ARE

## Should state take path of basic income grant?

GOVERNMENT's scepticism over a proposed basic income grant of R100 a month for all South Africans is justified.

The proposal comes from a committee which was appointed by Social Development Minister Zola Skweyiya and led by Prof Vivienne Taylor, his special adviser.

Although the cabinet has not yet given a final yes or no, Finance Minister Trevor Manuel has repudiated the grant as unaffordable economic "populism", while government communication CEO Joel Netshitenzhe says the cabinet's "philosophical approach is different".

It cannot be denied that government has a moral responsibility to confront poverty. The critical question is whether this should be done through tax transfers, such as the one proposed, or through employment.

One problem with the grant proposal is its cost. The Taylor committee said "potential tax increases" to finance it were not within its brief.

However, even if the committee's modest estimate of a net cost of R24bn was correct, this would push government spending up from 28% of gross domestic product to 31% — whereas Manuel promised to reduce it.

This would be only the beginning of a commitment that risks undermining government's entire fiscal strategy, and in particular, its signal achievement of cutting the budget deficit.

Once Manuel had conceded a universal grant, he would be under pressure to increase the sum to stay abreast of inflation at least — irrespective of whether economic growth was rapid enough to keep generating the necessary increases in tax revenue.

For government to undertake a huge and open-ended fiscal project of this nature would be a huge risk at the best of times.

It would be irresponsible, given that no one has any real idea of the size of the demands which HIV/AIDS could make upon the fiscus for years to come.

Although the Democratic Alliance's proposals for an income



JOHN KANE-BERMAN

*It cannot be denied that government has a moral responsibility to confront poverty*

grant are more modest than those of the Taylor committee — the party suggests it be confined to people with annual incomes below R7 500 rather than given to everyone — some of the same objections apply.

Transfer payments to the poor might make sense in a country with low unemployment — the concept of a social safety net held up by a strong economy. SA's situation is different.

The labour absorption capacity of the formal sector of the economy — on which income tax can be levied — has declined from almost 90% of those joining the labour market in 1960 to half that proportion today.

On the expanded definition of unemployment, jobless people now outnumber those with jobs in the nonagricultural formal sector by nearly 1-million.

With unemployment — at 42% on the expanded definition — rising and employment falling,

in the end there simply may not be enough people strong enough to hold up the net. As Netshitenzhe said, a different philosophical approach is needed.

Such an approach was in fact adopted by government six years ago in the growth, employment, and redistribution (Gear) plan.

Although it was very unpopular among trade unionists, communists, and parts of civil society, and is now supposedly a failed thing of the past, Gear encapsulated that different approach.

With the wisdom of hindsight, we can see that Gear's employment forecasts were far too optimistic. That does not mean the policy was misconceived.

But there have been two persistent problems. One is marketing. If President Thabo Mbeki had spent as much time marketing Gear within SA as he has spent marketing the New Partnership for Africa's Development (Nepad) abroad, Gear might have attracted less hostility.

Second is government's own contradictory actions, which have done more harm to Gear than have that policy's ideological opponents. A policy so heavily reliant, necessarily, on private investment cannot succeed if crippled by interventions that undermine the economic freedom, predictability and confidence on which such investment depends.

Mining charters, procurement demands, threatened lending requirements, u-turns in immigration law, internet regulation, stop-start privatisation, wage and labour regulation, quotas here, percentages there — the list seems endless.

The Gear approach remains the best answer to all the arguments poverty lobbyists can muster. But a strategy of tackling poverty by creating the right policy setting for private sector job creation will not progress very far from the starting point — unless pursued consistently rather than in so ambivalent, haphazard, and half-hearted a fashion.

■ Kane-Berman is CE of the SA Institute of Race Relations.



# Legal body criticises floor-crossing law

Donile Ngqiyaza

Law Courts Correspondent

A LEGAL research organisation has attacked SA's contentious floor-crossing legislation, saying it was not enacted within a reasonable period of time and was, therefore, invalid.

The Research Unit for Legal and Constitutional Interpretation also attacked the package of laws on the grounds that it was in conflict with the principle of rationality. The contested legislation would, if passed, allow elected public representatives to cross the floor without losing their seats — something that opposition parties have criticised as a subversion of democracy.

Advocate Anton Katz, who was addressing the Constitutional Court yesterday, outlined a number of scenarios that could have arisen for both members of parliament and the electorate, if floor crossing were allowed.

"Allowing floor crossing could significantly affect the choices made by voters," he said.

One of these, he said, was that they could abstain from voting, holding the view that the choice they make "will in any event be subverted" by the measure.

Another possibility was for the voters to decide not to vote for a big party, in the fear that such a party would obtain a "two-thirds or 75% majority both through election and floor crossing and by means of floor crossing after the election". Such a step would allow the majority party to amend the Constitution on its own.



Protestors from the Inkatha Freedom Party, the United Democratic Movement and the Pan Africanist Congress gather a few metres outside the Constitutional Court during debate on floor-crossing legislation yesterday.

Picture: MARTIN RHODES

Earlier, legal representatives for the United Democratic Movement (UDM) attacked the package of laws as "cynical, immoral and inconsistent" with the Constitution's foundational values.

UDM lawyers said the package was a "legislative scheme designed to achieve a doubtful objective inspired by political expediency".

Simultaneously, Justice and Constitutional Development Minister Penuell Maduna has condemned "in the strongest possible terms", destructive protests in and around Johannesburg on Monday.

Violent incidents marred a protest march organised by the Inkatha Freedom Party (IFP) Youth Brigade against the defec-

tion legislation. The march resulted in the arrest of 17 people on charges ranging from assault to robbery and rape.

Supporters of the Pan Africanist Congress, the UDM and the Azanian People's Organisation also joined in the march.

Maduna characterised the protester's actions as "lunatic behaviour".



# Relations between Van Schalkwyk, Rasool sour

Western Cape ANC leader apparently feels 'increasingly marginalised'

Linda Ensor

*Political Correspondent*

CAPE TOWN — Relations between Western Cape premier Marthinus van Schalkwyk and African National Congress (ANC) provincial leader Ebrahim Rasool have been strained, sources say, with Rasool allegedly feeling that his coalition partner is not consulting with him enough.

Rasool has apparently felt "increasingly marginalised" by Van Schalkwyk, the leader of the New National Party (NNP), who took over the premiership from Peter Marais.

Marais was forced to stand down in the midst of a string of allegations of sexual harassment.

Whereas the ANC often found Marais' utterances embarrassing, the party appreciated the fact that he understood that the coalition government was a partnership.

"Marais consulted Rasool on everything," Business Day was told. "Since Van Schalkwyk took over, there has been increasing uneasiness," say the sources.

But Van Schalkwyk's spokesman Riaan Aucamp, dismissed the allegations saying "nothing could be further from the truth. The coalition government is working extremely well".

In what appeared to be an attempt at damage control, Rasool also denied there was "any danger to the coalition or any rift in the provincial government".

"It is not surprising these allegations arise on the eve of the walkover legislation being tested in the Constitutional Court. There are desperate people trying to undermine the example of stability, delivery and good governance set by the Western Cape government," he said.

"Our coalition agreement of

co-operation does not make us fear differences and debate between the ANC and the NNP. But in this case there is nothing that warrants any concern."

The Democratic Alliance (DA) also found that Van Schalkwyk did not act in a collaborative manner within the alliance, but instead, drove his own agenda.

DA leader Tony Leon experienced similar problems when the Democratic Party merged with the NNP, accusing Van Schalkwyk of maintaining a separate power base within the alliance to further his own political aspirations.

Leon said Van Schalkwyk had refused to disclose the NNP's finances and would also not close down party structures.

Van Schalkwyk's reliance on an inner circle or "binnekring" with whom he surrounds himself and consults about everything — including the likes of Shaun Vorster and Renier Schoeman — is a source of concern even within his own party, sources say.

The NNP has traditionally had a rigidly hierarchical structure with a strong leader at its apex, ruling in a dictatorial manner.

Van Schalkwyk brought into office his trusted team of advisers and spokesmen, which he had used while still in Parliament.

He also announced a restructuring and an increase in the number of departments, which he said was logical and efficient.

But DA leader in the provincial legislature, Helen Zille, criticised the development as expanding the gravy train.

Zille estimated that the carry-over of NNP staff would add R2m to the annual salary bill. Van Schalkwyk conceded that the departmental restructuring would entail a once-off cost of R5m and R25m annually thereafter.

BUSINESS DAY, Wednesday, August 7 2002



THE NATAL WITNESS. WEDNESDAY AUGUST 7, 2002

## Residents claim mayor living in fear

MOOI River residents claim Mpo-fana Municipality Mayor Mncedisi Mthethwa is living in fear for his life after he was chased by a knife-wielding youth who accused him of evading questions at a public meeting recently.

Despite the ANC's denial, allegations persist that last Wednesday its regional leadership, led by secretary Shakes Cele, was sent to the area to defuse rising tension between the mayor and a group of youths, who are allegedly unhappy with the mayor's leadership style.

"We are not aware that the mayor was chased with a knife. It is news to us. It has never been reported to us by the ANC structure in the area or any person," said Cele.

Mthethwa also denied that he was chased with a knife and that he is living in fear.

However, he said he separated two drunk people who were embroiled in a scuffle and drew knives against each other at the community meeting, which was attended by more than 1 000 people.

"No, no. I was never chased with a knife. What happened was that there were two drunk people who produced knives and wanted to stab each other. I then called off the meeting because if anything happened, it was going to be my problem," said Mthethwa.

Sources said the mayor ran through the back door of the hall as an angry youth charged towards him with a knife.

The mayor was reportedly called by Bruntville residents to explain progress arising from a memorandum presented to him for KZN Economy Affairs MEC Mike Mabuyakhulu more than a month ago.

"People asked why the mayor did not report to them on the progress after he met Mabuyakhulu at the council's chamber. They accused him of being an autocrat," said a source.

The residents asked Mabuyakhulu to devise a strategy to revitalise the town's economy.

ANC regional leaders including Cele, organiser Aubrey Lukhele and working committee member Mervin Dirks said they will investigate the matter.

"If it's true that the Mooi River mayor was chased with a knife, the law will have to take its course." If someone is found guilty of the attack, the party will expel him, they said. — Witness Reporter.



**SOWETAN** Wednesday August 7 2002

## Comment

### The case for giving the poor Aids drugs

**L**AST week, we were thrilled, albeit for a short while, when we learned that Dr Manto Tshabalala-Msimang, the national health minister, will not stand in the way of KwaZulu-Natal's plan to widen the scope of its Aids treatment plan.

The reason for our short-lived joy derives from the way in which the government appears to be squandering the goodwill that greeted its April 17 statement on Aids. Its continued reluctance to provide anti-Aids drugs is becoming hard to fathom.

Every day, as calls for these drugs to be dispensed to other Aids sufferers beyond pregnant mothers and victims of sexual assault, it appears that the government is burying its head in the sand.

Most indications suggest that Aids will get worse before getting better. The disease appears to be rearing its ugly head where it was thought to be on the retreat. It is not getting better in worse-affected areas in Africa. The disease is becoming resistant to most of the available anti-Aids drugs. Though the cost of drug therapy is coming down, it is not doing so fast enough - at least, not for Africans who are among the worst affected. True, some of these drugs have disastrous side effects.

On the brighter side, hope of an Aids vaccine is growing. Optimists say we might have it within five years. But, like condoms and abstinence, the vaccine, if found, will merely prevent the non-infected from catching HIV. While a slight glimmer of hope is rising that new drugs might be found that will prevent the spread of the disease, these remain years away from African sufferers.

Still, none of these factors provide compelling reasons for why the government - the better-resourced in Africa - continues to refuse to extend treatment to poor sufferers who rely on the public health system.

Affordability is a real problem. But in our case it appears exaggerated. The insistence that cost is what is standing in the way of wider treatment makes sense only if the intention is to rely on taxpayers' funds to purchase patented drugs and not explore other ways of making drugs widely available. The latter include accessing the global Aids funds and making cheaper copies of these drugs.

Time has come to step up efforts to make these drugs available to poorer South Africans. The continued reluctance to do so is making this government look more and more as an uncaring one.





UDM president Bantu Bonke Holomisa, MP Motsoko Pheku and Madala Abram Mazizi at the Constitutional Court in Braamfontein yesterday.

PHOTO: PETER MOGAKI

## Court 'will not rule on merits of law'

**T**HE Constitutional Court would only consider the constitutional validity of the defection legislation and nothing further, Chief Justice Arthur Chaskalson said yesterday.

"We are not considering whether this is a good or a bad law, or whether it is politically unwise or not."

Chaskalson made this remark during the hearing of an application by four political parties and KwaZulu-Natal Premier Lionel Mtshali to have the floor-crossing legislation declared unconstitutional.

Those present at the hearing included United Democratic Movement leader Mr Bantu Holomisa, Pan Africanist Congress deputy leader Mr Motsoko Pheko and chief whip Ms Patricia de Lille. Justice Minister Penuell Maduna arrived shortly before the lunch.

Mr Jan Heunis, senior counsel for the UDM, PAC and African Christian Democratic Party, argued that if political representatives no longer wanted to toe the party line, they could resign rather than defect.

If the Constitution intended proportional representation only to be intact immediately after an election, it would be absurd. The legislation undermined

the express will of an election, he said.

"The legislation had one purpose - to facilitate the dilemma of the National Party (after its split from the Democratic Alliance) and at the same time to reap benefits for the governing party."

In any case, the legislation would probably be replaced by something recommended by a task team led by Mr Frederick Van Zyl Slabbert before the 2004 elections, Heunis said.

The team is to make recommendations about a new electoral system before the end of the year.

Even without a constitutional clause prohibiting defection, crossing the floor would still not be permissible, Heunis said. The proportionality principle had to be maintained, and if crossing the floor was allowed, that would be destroyed.

His junior counsel, Mr Michael Osborne, said that in six of the nine provinces no proper mandate was given for the vote in the National Council of Provinces for legislation that allowed national and provincial lawmakers to defect to other parties.

The hearing continues. - Sapa



Party admits assassinations caused collapse of northern KZN structures

# ANC's murderous in-fighting

FRED KOCKOTT  
and ZOUBAIR AYOUB

**A**NC factional violence, which led to a spate of assassinations and the arrest of more than 30 members on serious criminal charges, led to the collapse of the entire leadership structure of the ANC in northern KwaZulu-Natal over the past two years.

This startling disclosure is contained in a fact sheet released by the ANC provincial leadership at a press briefing called in response to a weekend report in the *City Press* that senior ANC officials were "sitting on an explosive murder report" implicating its leaders in assassinations in the troubled region.

According to the *City Press*, the report, currently being dealt with by KZN ANC chairman S'bu Ndebele, links at least one senior ANC leader to "drug trafficking, hiring hitmen, arms smuggling and collusion with senior policemen who have stalled investigations of the murders".

Dismissing the article as a smear campaign, Ndebele yesterday said that, far from withholding information, the ANC has been co-operating with police and has supplied the reports based on its own investigations in Steadville, Ladysmith.

"We intend to use the report with the police to resolve the situation and as an internal document to guide us in the future," said Willie Mchunu, the Deputy Speaker of the KZN Legislature.

While the fact sheet released to the media said "about 30 arrests from both factions were made in June 2001" — a year after special police investigations into the matter were started — it failed to disclose what charges the members faced, who they are, what positions they held or the outcome of prosecutions to date.

Instead the fact sheet gave an account of steps taken by the ANC

leadership in trying to resolve the violent leadership disputes, including a decision to disband the entire regional executive committee of the ANC in northern KZN in July 2000.

A new "regional leadership" has since been elected at a regional conference "under the new realignment process of ANC structures, in late June this year", the fact sheet reads.

This effectively means that an entire northern KZN region, comprising 29 branches of the ANC extending through Greytown, Estcourt, Ladysmith, Bergville, to Glencoe, was without a leadership structure for the past two years.

## Crimes include arms and drugs smuggling

Other steps taken by provincial ANC leadership include the appointment of an internal ANC commission of inquiry comprising national MPs Bheki Cele, Nathi Nhleko and Magwaza Mapahla in February 2001, a visit by former Safety and Security minister Steve Tshwete, and the appointment of the SAPS special investigating task team led by an Inspector Ramdin, assisted by SANDF members, in July 2001.

Following successful arrests, the ANC said the special investigation team was withdrawn in December 2001, and that another SAPS special unit, led by a Captain Sibiya, was dispatched last month to investigate outstanding cases of violence.

The *City Press* claims the spate of killings saw several local ANC leaders fleeing Ladysmith and Steadville, including the former Ladysmith regional chairman Mangethe Zwane, former ANC councillor Madoda Khathide, Steadville township branch chairman Mpume Mbatha and regional organiser Enoch Ngcobo.

Turn to page 2



THE MERCURY  
 Wednesday, August 7, 2002

LEGISLATION MOCKS CONSTITUTION, COURT TOLD

# Floor-crossing law 'is irrational'

CHARLES PHAHLANE  
 Johannesburg

**T**HE defection legislation was irrational and flouted the provisions of the constitution, lawyers representing parties contesting the floor-crossing legislation have argued.

Advocate Jan Heunis, representing the UDM, which started this constitutional court challenge, said moral and ethical values inspired the constitution and that the constitution should not be altered for the "cynical, unprincipled and gluttonous" ends of the ruling party.

Heunis said the NNP federal council decided to provisionally suspend participation in the DA after it was guaranteed by the ANC that it would assist them in changing the constitution. The defection laws were then quickly promulgated after they were passed by parliament.

With regard to the window

periods provided, it was clear that there was not going to be another window period because the Van Zyl Slabbert commission, looking into a new electoral law which would allow elected representatives to defect, would be in place.

Mr Anton Katz, representing the Research Unit for Legal and Constitution Interpretation, said the Loss or Retention of Membership of National and Provincial Legislature Act was irrational because it provided for two window periods which did not exist.

The defection law says elected representatives can cross in the second and fourth year of an elected term, and since it does not use a calendar year, one starts counting from June 1999, the date of the last election.

This results in two window periods, one in 2000 - which has already passed - and one in September 2002 to 2003. Katz argued that these two periods do

not exist. But Justice Zakeria Yacoob said that there seemed to be three window periods, with an additional one the suspended period in June. Katz said this pointed to the irrationality of the Act.

"It is just as ridiculous to say there are three (window periods) when two do not exist. If these window periods do not exist then the whole pack of cards that goes with this legislation must go," Katz said.

The IFP argued that the defection laws amounted to changing the result of an election in a manner not contemplated when the election took place. Mr Maurice Pillemer said crossing-of-the-floor could be introduced only if it was at the beginning of an election, so that voters knew there was a chance that their vote might go to another party.

The government and the ANC will present their arguments today and the court may pass judgment after that.