

THE CITIZEN  
Friday 30 September 1988

## Decision on UDF appeal reversed

BLOEMFONTEIN. — The appeal court in Bloemfontein yesterday upheld an appeal against a decision of a Natal judge who found that the declaration of the United Democratic Front as an affected organisation was of no force and effect in law.

Mr Justice J M Didcott in the Durban and Coast Local Supreme Court on May 8, 1987 found that the Registrar of affected Organisations was not entitled to take any steps against the UDF pursuant to the declaration in Proclamation 190 of October 9, 1986, read with the Affected Organisations Act of 1974.

Mr Justice Didcott ordered that the costs incurred by the UDF, the Durban Housing Action Committee, the Natal Organisation of Women and Mr Curnick Ndhlovu (chairman of the UDF's national executive committee) be paid by the government.

Yesterday Mr Justice Rabie, the acting Chief Justice, upheld an appeal by the State President, Government of South Africa and the Ministers of Law and Order and of Justice, he ordered the respondents, jointly and severally, to pay the costs, including those of two counsels for the State President and Government and two for the Ministers.

With the concurrence of Mr Justice Joubert, Mr Justice Hefer, Mr Justice Vivier and Mr Justice Steyn, he set aside the lower Court order.

Substituted therefore was one to dismiss the application with costs, including those of two counsels for the State President and Government and two for the Ministers, with the costs to be paid jointly and sev-

erally by the UDF and other applicants in the lower court.

An issue in the appeal was whether the State President — in Proclamation 30 of 1984 — had, or had purported to, transfer or assign the powers entrusted to the Minister of Justice by Section 8 of the Affected Organisation Act to the Minister of Law and Order.

The Judge said the position in the present case was that the State President did not indicate that he "approved of anything done by himself", but that he approved, following advice given him by the executive council, of the transfer of powers as contemplated in section 20A of the Republic of South Africa Constitution Act of 1961.

The reasonable and correct construction to place on Proclamation 30 was that the State President indicated that he was transferring the powers, duties and functions entrusted to the Minister of Justice by the Affected Organisation Act to the Minister of Law and Order.

He held, therefore, that the lower court erred when it declared Proclamation 30 to be of no force and effect.

On the question that the State President had failed to comply with the "audi alteram partem" rule, the court found that there was no ground to hold that oral evidence should be heard on the matter. — Sapa.



## THE CITIZEN COMMENT

# ANC blasts

A GREAT deal of disinformation is being spread about the recent spate of bombings.

In 28 days there have been 26 blasts.

Apologists for the African National Congress say the organisation may be blamed for some explosions for which it may not have been responsible.

The argument goes like this:

In some blasts there have been no casualties.

Therefore, the explosions may have been caused by White extremists who took care to ensure there were no casualties.

This is nonsensical.

Attacks on electricity pylons, electricity substations and railway lines will not generally cause death or injury, nor are they intended to do so.

In other cases, it is only the vigilance of people who detected the bombs in time that saved intended victims from death or injury.

Another suggestion is that White extremists may have set off some of the bombs to drive White voters into the Right-wing camp.

This is also nonsensical.

For one thing, it would be out of character for White extremists to set off bombs in White areas.

For another, the ANC is fully committed to taking the "armed struggle" to White suburbs, including White shopping centres.

If the bombings cause voters to move to the Right, then the extremists do not have to carry out any attacks; they can leave it to the ANC to do the dirty work.

Mind you, bombings do toughen White attitudes — and to that extent they may convince some voters that they've had enough of Black terrorism and they should turn to the Conservative Party to ensure their safety.

However, who could be tougher than the present government in fighting terrorism?

Besides, a change in government would not end terrorism.

Indeed, the chances are that there would be worse terrorism if the CP came to power, since by dropping reform and going back to apartheid, the CP would encourage greater bitterness among Blacks, greater frustration, and a greater sense of hopelessness. This would drive more Blacks into the ANC camp.

To our mind, it is clear that the bombs that are going off are being planted by the ANC, which is trying to disrupt the municipal elections on October 26.

And it is the ANC that is endangering the lives of people of all races and injuring many of them to make a political statement that will not change anything.

The ANC should understand one thing: It will never take over this country by force — and it will certainly not achieve any political objectives by its callous, indiscriminate acts of terrorism.

In keeping with the disinformation concerning the ANC, there are suggestions that the ANC is prepared to waive its stipulation of "no normal sport in an abnormal society" and, as a result, there is a chance that South Africa can get back into international sport.

However, while this supposed change is hailed as some kind of breakthrough and justification for talks with the ANC by Dr Danie Craven, the president of the SA Rugby Board, and his henchmen, the ANC itself has denied that South African sport has become integrated enough for it to drop its stand.

While there has been extensive integration in certain sports, an ANC source in Lusaka is quoted as saying, not enough has been done to warrant ANC support for an application for any sporting body to re-enter the international arena.

"The integration has been implemented for the wrong reasons. The integration in sports like soccer and athletics has not been intended to destroy apartheid but to promote professionalism," said the source.

And he added: "Our children are not allowed to play together and there is an uproar when a Black child wants to play in Pretoria."

Meanwhile, the bombs go off while Dr Craven prepares for a third round of talks with the ANC.

How awful.



# Bruised but unbroken ANC writer returns to fray

By Nicholas Beeson

Nearly six months after he was blown up in a car bomb attack and left for dead by suspected South African agents in Maputo, Mr Allie Sachs, the prominent ANC intellectual and writer, appears to be on the way to a remarkable recovery.

He survived the full impact of the blast from his boot-trapped Honda Civic, unlike his colleague and friend Ruth First, who was killed by a letter bomb in Maputo in 1982, and a series of other ANC members who have been pursued and killed worldwide.

Now in Britain and in hiding, as much from the smothering support of his friends as his enemies, Mr Sachs, aged 53, is making his comeback from a London flat.

Behind the grey-blue skip-

per wounds peppering his face, the loss of sight of his left eye and the injuries to his legs which have reduced his walk to an old man's shuffle, Mr Sachs is learning to adjust to his new handicaps with a cool detachment and occasionally a sense of humour which indicates that his lawyer-trained mind is still unscathed and undeterred.

"I don't believe in an eye for an eye, a tooth for a tooth or an arm for an arm," he said, as the empty tartan shirt sleeve dangled where his right arm used to be.

Mr Sachs had used his right hand to scribble illicit notes in prison and later to write his *Jail Diaries*, an account of his detention in South Africa in the early 1960s which gained him an international reput-



Mr Sachs: Colleagues' talk of vengeance upsets him. Because of his injuries he is teaching himself to write with his left hand and hopes later to master a word processor.

He first came to the attention of the South African

authorities in the 1950s when he joined the banned black nationalist movement and fled the country in 1966 to Britain where he read law at Sussex University and then taught at Southampton.

Britain is the shelter he returns to when his life is in crisis, he explained, but the last decade he has spent in Mozambique has been one of the most professionally rewarding of his life.

As one of several ANC strategists working on drafting a constitution for a post-apartheid society he had made himself particularly unpopular recently with the South African Government.

The document, which is beginning to circulate within South Africa, has especially angered Pretoria because of the liberal interpretation it has

given the ANC's Freedom Charter, which is frequently dismissed by the authorities as a cover for a communist manifesto.

"They (the South African Government) want to pre-empt any alternative vision of South Africa," he explained. "They think the problem will go away if they can eliminate the people who articulate ANC ideas."

But for Mr Sachs, who said the attempt on his life had strengthened his desire to see peace in South Africa, the ideological battle over South Africa's future is likely to become increasingly obscured by the rising level of violence perpetrated by the authorities through their ruthless campaign against dissent.

His own organization has also been blamed for a wave of

recent indiscriminate bombing attacks that have taken their toll in human life.

"I support the ANC's right to use violence at a political level to the extent that peaceful forms of protest have been eliminated," he said, looking distinctly uncomfortable with the slogan.

To many intellectual whites in the organization political ideology is simpler to explain than the effects of the ANC's guerrilla warfare which has left many South Africans with the same injuries as Mr Sachs.

"I got a letter from a friend, a very bloodthirsty letter, saying we are going to get them for this (the attack)."

"My friends were very angry. But the talk of vengeance upset me a lot. How can we descend to their level?" he asked.

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If a man does away with his traditional ways of living, and throws away his good customs, he hath first make certain that he has something of value to replace them.

# COMMENT

## Buthelezi's peace plea

CHIEF Gatsha Buthelezi's plea to the African National Congress (ANC) to join a peace pact that will stop violence within political groups inside South Africa opposed to apartheid smacks of ignorance and stupidity.

Buthelezi may be able to hoodwink his followers who are daily beating up innocent people who refuse to join his organisation, but to try and extend that sleight of hand to the ANC amounts to a masterful act of self deception.

The ANC knows without doubt that Buthelezi speaks with his "master's voice" and that his role, (granted him by Pretoria) to appear as an independent leader, is calculated to break down solidarity of anti apartheid groups within South Africa.

Buthelezi should perhaps relay the message to his masters in Pretoria, if they do not as yet know it, that the ANC is in the business of fighting the Botha regime and not sitting down for talks with his lackeys.

It is an insult to the black people of South Africa for Buthelezi to pose as a peace maker when daily his misguided Zulu followers are doing all they can to assist the survival of the apartheid structure by hitting at the very groups which are striving to break it.

The ANC is a banned organisation in South Africa precisely because it genuinely wants to see an end to apartheid. Buthelezi is able to command his forces to run riot, kill and maim and remain free, precisely because he is in league with what the Botha regime stands for.

Clearly, Buthelezi's appeal for the ANC to join his so-called peace pact is an attempt to sell the idea to the world that he is a leader worth taking note of and one who might play a useful role in bringing about an end to the violence in South Africa.

Well, Buthelezi should be told that if he wants to see an end to the violence, the people to talk to are the likes of Botha who are after all the instigators of the unrest, and have it within their powers to make decisions which will bring peace.

Moreover Buthelezi knows that the ANC as a banned organisation cannot send a delegation to South Africa to gain first hand account about how to stop the violence.

It is high time that Buthelezi and other stooges of the South African government stopped using the ANC as a scapegoat and concentrate on enjoying the last crumbs from the master's table before black rule comes.

When that time comes, people like Buthelezi will know what it means to try and run with the hare and hunt with the hounds. The Botha regime will no longer be there to pay them handsomely for beating their black brothers and sisters who want to see changes in the country.

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LONDON.



# Hard words from the chief, but peace is still all go

By CARMEL RICKARD,  
Durban

THE crucial Pietermaritzburg "peace settlement" between Inkatha and the Congress of South African Trade Unions is still in place following a Shaka Day rally outside Pietermaritzburg at the week-end.

The rally, seen as a preliminary test of commitment to the settlement, presented Inkatha president Mangosuthu Buthelezi with his first major public opportunity for comment on the settlement, to the people who will be bound by it.

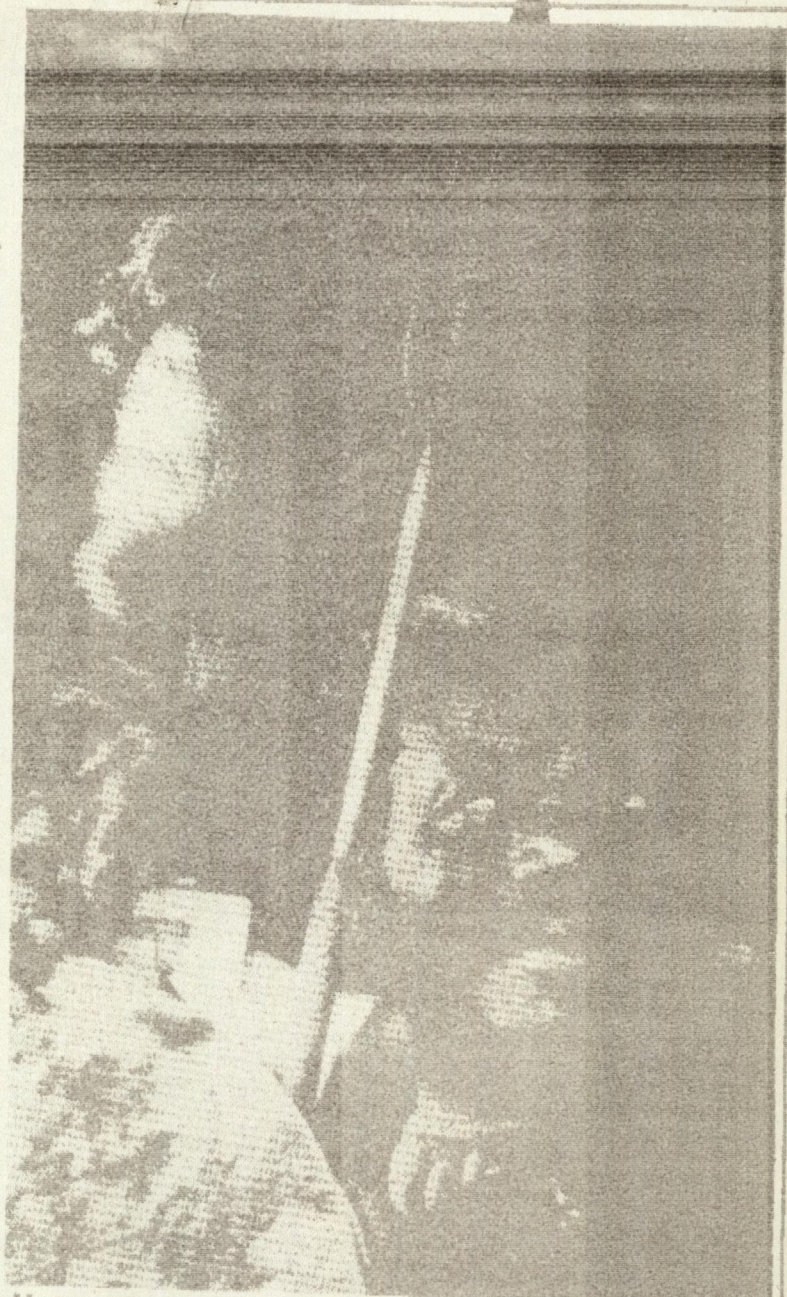
However, there was some concern about the possibility of violence, particularly that there could be trouble after the meeting. In the past there has been violence following large rallies of this kind, with each side saying it was instigated by the other. Several organisations approached Pietermaritzburg mayor Mark Cornell for a meeting, intending to ask for his help in negotiating an increased police presence. However, Cornell declined to meet them, saying it was a political matter in which he did not want to become involved.

In his speech at the rally, Buthelezi referred to another expression of concern about the gathering: independent MP Jan van Eck was reported to have become involved with a petition asking that the meeting be moved to another venue because of the violence which might erupt.

Buthelezi said, "Certain white elements, in cahoots with some of our people, have again been stirring the pot of anarchy. The suggestion was made in the so-called petition that our gathering here in this way will cause further violence. Clearly such people are the initiators of the hideous violence that has cost the lives of so many innocent people. The so-called petition is no less than an effort to incite people to acts of violence."

After this tongue-lashing, and an attack on those who "fanned the flames of violence (through) trading insults and vilification campaigns", Buthelezi spoke strongly in favour of the settlement: "We have come in the name of peace to wave the olive branch" — a message which KwaZulu MP Velaphi Ndlovu feels "really reached the people".

Judging from the fact that only "minor things" happened after the ral-



Mangosuthu Buthelezi ... "We have come in the name of peace"

Picture: D MOODLIER, Afrapix

ly, it seemed the peace message was beginning to be accepted, he said.

"It is difficult to achieve total peace in a day. The violence has lasted a long time and many lives have been lost but the message is getting down to everyone," he said.

"The message on Shaka Day was that if there is a problem you must not take it (out on) someone else; you must confront the person involved. Our policy is based on negotiation, on talking. You must tell each one: you cannot correct someone's mistakes by fighting him."

Ndlovu echoed remarks of Buthelezi that the ball was now in the court of the African National Congress and the United Democratic Front, with whom Inkatha believed there should also be a settlement.

"If they do not support this settlement it will fail," Ndlovu said.

On their side, Cosatu lawyers spoke of the fear of violence prevalent in the area near the rally site and that many people had left their homes

afraid of an outbreak of fighting.

While there was less violence than many people had feared, they had heard of several incidents after the rally. However, they had received no official reports on which to base a formal complaint to Inkatha.

A Cosatu official said he was "cautiously optimistic" about the settlement holding. "We do not foresee any problem from our side. Although we can see some people are still attacked, the message is getting through on our side."

"The rally was a sign that there has been some improvement from their side. We were not expecting that a rally of 12 000 people could be held with so few incidents reported afterwards."

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ANC president Oliver Tambo

# ANC urged to join pact

**CHIEF Mangosuthu Gatsha Buthelezi**, black nationalist and leader of the rightwing tribal organisation Inkatha, in South Africa, has urged the African National Congress (ANC) to join a peace pact to end two years of violence within the anti-apartheid movement.

Chief Buthelezi asked the ANC to adhere to a peace

agreement signed at the beginning of September between Inkatha and trade union leaders allied with Inkatha's main rival in the black community, the pro-socialist United Democratic Front (UDF) umbrella organisation.

The pact was signed on September 2 by representatives of the Congress of South African Trade Unions

(COSATU) following the de facto banning of the UDF since February.

Chief Buthelezi issued his call for peace to between 15,000 and 20,000 Zulus at a meeting for the annual commemoration of the murder of Zulu King Shaka in 1828.

"The people in this area need more than two organisations to

establish an agreement. They need agreements to be forthcoming from the ANC. They need agreements to be forthcoming from the UDF," he said.

Natal province, of which Pietermaritzburg is the capital, has been the scene of a black struggle over the past two years between the Inkatha movement and young militants or

"comrades" of the UDF.

The ANC is thought to have given off-stage approval to the Inkatha-COSATU pact in which both sides condemned violence and pledged to settle their differences through dialogue.

These differences are far from being minor ones. Inkatha is strongly opposed to foreign economic sanctions against South Africa in the belief that black people will suffer most from them. The ANC and the UDF have both expressed unreserved support for sanctions.



# Prog leader wants Mandela freed, ANC unbanned

By Tony Stirling

THE Progressive Federal Party's new leader, Dr Zach de Beer, has called upon the State President to release jailed ANC lead-

er, Nelson Mandela unconditionally, and at the same time unban

his organisation.

An article in the PFP newspaper, Progress, quotes Dr de Beer as saying that not only must Mr P W Botha release Mandela, but he must give him "political space."

"To release Mr Mandela when his own organisation and so many others are banned and proscribed will help South Africa nothing," said Dr De Beer.

Dr De Beer also indicated that he believed that Mr Botha should be prepared to release Mandela unconditionally. He said that while the State President had said he thought it would be "unwise" for Mandela to return to jail, Mr Botha was still setting pre-conditions for his release.

"In this, as in so many matters now, Mr Botha is without any clear direction," said Dr De Beer.

## Organiser

He suggested that the State President — caught between supporters who genuinely wanted justice and development on the Right — was acting like a party organiser.

"But the present South African situation, and more especially Mr Mandela's release, are not matters that lend themselves to the calculations of the party organiser. They call for statesmanship, vision and courage.

"Mr Mandela must be given space. He must be allowed to mobilise support for his political programme by all peaceful means," said Dr De Beer.

Under these conditions release of Mandela might prove fruitful.

Dr De Beer said Mr Botha had to find the courage to tell Mandela that he was being released, and to say it was time to "stop dying separately" and "start living together," leading to a situation where Mandela would be invited to the negotiation table.

## Invitation

Dr De Beer said he did not know if Mandela — who was unlikely to accept a conditional release — and his advisers would be prepared to accept such an invitation — but that if Mr Botha handled the matter in this way he would free himself of the "albatross of apartheid."

The PFP leader said there had been two encouraging developments recently.

Firstly, the visible failure of the Tricameral Parliament had shown it up for what it was — window dressing for continued apartheid, thus demonstrating the need for a new constitutional approach.

The second was the circulation by the ANC of a draft constitutional document, which appeared to be a significant departure

from the Freedom Charter, in an apparent move away from mass nationalisation towards an economy "with scope for free enterprise" and away from a totalitarian form of government towards a "multi-party democracy."



Dr ZACH de BEER  
... "encouraging developments" recently.