

Kushube umoya ngezikhalo ze-ANC

ERIC NDIYANE

KUSHUBE umoya kwisiShayamthetho saKwaZulu-Natal izolo ngesikhathi umholi we-ANC kulesi sifundazwe, uMnuz S'bu Ndebele, etshela uNdunankulu uLionel Mtshali emehlweni ukuthi makabuyisele oNgqongqoshe abaxoshwa kungakapheli amahora angu-48 noma abhekane nokulahlekelwa yisikhundla sakhe.

"Sifuna kushaye uLwesithathu labo Ngqongqoshe sebebuyiselwe ezikhundleni ngoba baxoshwa ngaphandle kokubonisana. Uma uNdunankulu ehluleka

wukukwenza lokhu, uzobhekana nezinyathelo ezizomenza azisole," kusho uNdebele obezwakala ukuthi akasezwa lutho ngalolu daba.

Le nhlango yenze lesi siphakamiso ngoba ithi kuningi okudinga ukulungiswa kulesi fundazwe ngaphambi kokuba kuqhutshekwe nezinhlelo zikahulumeni.

UNdebele uqale inkulumo yakhe ngokulandisa isiShayamthetho ngezinto athe yizivumelwano ezaphulwa yinhlangano ye-IFP kulesi sifundazwe.

Uthe bese kuyisikhathi eside uKhongolose ebekezelele ukubukelwa phansi nokungahlonishwa

kwezivumelwano ezenziwa.

"Asifuni mhlango ngalolu daba kanti asizokwamukela lutho ngaphandle kokuzwa uNdunankulu etshela le ndlu ukuthi usebabuyisele. Sifuna kufike usuku lwangoLwesithathu isimo samalungu alesi siShayamthetho sesishintshile, lokhu kuzokwenzeka noma uNdunankulu uyathanda noma akathandi," kusho uNdebele.

UNdebele ubuye wathshela isiShayamthetho ukuthi inhlangano yakhe isiqalile ukuthola imiyalezo yokujabulela ukuthola kwayo amalungu amaningi kulesi

siShayamthetho avela kubaholi bakazwelonke abadlana noKhongolose.

"Manje sekufike isikhathi sokuba kwenzeke lezi zinguquko kuqala ngoba vele sesaphela isikhathi lapho bekunabantu abakhuluma ngokulolwa kwemikhonto," kuphetha uNdebele.

Emuva kwenkulumo yakhe kube sekuphawula amanye amalungu adlelana ne-ANC njengoMnuz Amichand Rajbansi we-Minority Front kanye noMnuz Tino Volker we-NNP, nabo abavele bakhwela bazelehlela kuMtshali ngendlela abathi uphethe ngayo isifundazwe.

"Mina ngithanda ukukhumbuza iPhalamende

ukuthi uMtshali wasitshela ukuthi nguye othunyelwe ukuba azoqondisa izinto kulesi sifundazwe kodwa kuningi osekona ke," kusho uVolker.

Ophendulele i-IFP kulokhu, uMnuz Narend Singh, wexwayise ngokuthi ngeke kwenzeke intando kaKhongolose. Uqhube wathi isiphakamiso seANC sikhombisa ukuthi kade abantu babefuna ukwenelisa imihobholo yabo.

"Lezi zimfuno yizona ezizoshubisa isimo kulesi sifundazwe kanti zingaba nabo ubungozi uma abantu bejaha ngoba befuna ukuzenelisa bona. Abantu balesi sifundazwe bavotela

i-IFP ukuthi kube yiyona ehola lo hulumeni kanti lokhu akukaze kushintshe," kusho uSingh.

Ubuye wakugcizelela enkulumweni yakhe nezintatheli ukuthi okufunwa yi-ANC ngeke kwenzeke ngalezi zinsuku ezinqunyiwe.

"Thina besisalindele izingxoxo ezenzeka ezingeni likazwelonke kulezi zinhlangano kanti besisahlela umhlango wabaholi bezinhlangano zombili, hhayi lokhu okushiwo wuNdebele. Asikugqizi qakala lokhu akushoyo ngoba kuqhamuka kubantu abafuna ukufeza izinhloso zabo," kusho uSingh.

ANC gives IFP ultimatum to rehire MECs

Move threatens provincial coalition

Xolani Xundu

Political Correspondent

THE African National Congress (ANC) has given the Inkatha Freedom Party (IFP) until tomorrow to reinstate the three fired ANC MECs and balance the executive with equal representatives, or it will form its own "progressive" coalition government in KwaZulu-Natal.

If the ultimatum given to premier Lionel Mtshali at the legislature yesterday is not acceded to, it would mean an end to the ANC-IFP coalition agreement signed in 1999. It might also signal an end to the Democratic Alliance (DA) and IFP coalition agreement.

However, the IFP may also decide to leave the ruling of the province to the ANC and its partners like the New National Party (NNP), the Minority Front and the newly formed Peace and Development Party.

ANC provincial spokesman Mtholephi Mthimkhulu was adamant yesterday that the African Christian Democratic Party and the United Democratic Movement would also support the ANC.

If they side with the ANC, it will give the party the required 41 votes to effect changes in the 30-member legislature.

Mtshali spokesman Mahlathi Tembe said the premier would not pre-empt the talks between ANC President Thabo Mbeki and his IFP counterpart, Mangosuthu Buthelezi, scheduled to take place sometime, by commenting on the ANC ultimatum.

However, Mthimkhulu said "the ANC is one organisation and what we are doing is (to implement) an ANC position".

The two parties have been engaged in battle since the ANC was allocated four instead of six of the 12 cabinet seats. Their relations were strained in December when

Mtshali axed two of the four ANC MECs and replaced them with DA members.

Mthimkhulu said the ANC would form a coalition government that was "genuinely committed" to KwaZulu-Natal and not the IFP-DA alliance, which was preoccupied by positions of power. "The matter has to be resolved by the legislature and as a majority party we are confident will win. If Mtshali and the IFP does not want to act, we will resolve it," he said.

The ANC demand was "very reasonable and rational", said Mthimkhulu. If the IFP responded positively to the ultimatum the question of leadership in government and the legislature would be renegotiated.

However, it was premature to say the IFP would be kicked out of the provincial government as the ANC was still committed in working with it for the development of the people of KwaZulu-Natal.

Meanwhile, there are reports that the next floor-crossing window for both national and provincial levels will be in 2005 and not in September as had been suggested.

Responding to this speculation, justice committee chairman Johnny de Lange said the law provided for a window in the second year after an election and in the fourth year after a poll.

This applied to all floor-crossing windows except the first one which had just passed.

The committee piloted the law onto the statute book. De Lange said that the country was in the fifth year after the 1999 general election so there could not be a September window for defections.

However, at municipal level, there would be another opportunity to cross the floor before municipal elections in 2005. *With Wyndham Hartley*

Buthelezi to appeal to Constitutional Court over immigration law delays

Chantelle Benjamin

Legal Affairs Correspondent

LAWYERS battled into the night yesterday in the Cape Town High Court over SA's troubled immigration legislation after Home Affairs Minister Mangosuthu Buthelezi lodged notice with the Constitutional Court of his intention to seek leave to appeal.

An appeal would suspend last month's high court judgment, which struck down key regulations, ironically making it possible for the new act, the Immigration Act, to come into force with its regulations until a decision was made on the appeal or the appeal was heard.

As a result, immigration lawyer Gary Eisenberg, who brought the challenge in the high court, applied yesterday for the court to place in operation the order despite any application to the Constitutional Court.

The high court yesterday refused the home affairs department permission to appeal against the ruling on March 11 by Cape Judge President John Hlope and Judge Deon van Zyl that regulations — which were supposed to come into effect at midnight that night — along with the new Immigration Act, were ultra vires and unconstitutional.

The ruling was suspended until yesterday pending a decision on the leave to appeal. Up to that point that new act was in force with the Aliens Control Act.

The Immigration Bill has been



Home Affairs Minister Mangosuthu Buthelezi

eight years in the making and has had a long and bumpy history.

The regulations to accompany the act, published on November 25 last year, were found to be "unlawful and inconsistent with the constitution of the Republic of SA" and therefore invalid by the Cape Town High Court on February 17 this year.

The court said the immigration regulations could not be considered to be in force as President Thabo Mbeki had not yet determined a date for them to come into effect by publication in the Government Gazette. This was corrected and the regulations were published in the gazette.

On February 25 a state law ad-

viser cautioned the National Assembly's home affairs committee that the new immigration regulations necessary for the new Immigration Act to come into force on March 12, might be open to a successful court challenge as they did not appear to be transitional.

The department had insisted the regulations were a transitional mechanism and would be replaced in terms of Section 7 of the Act, which requires an advisory immigration board be set up within 90 days of the legislation coming into force.

On March 11, a day before the bill was to come into effect, the Cape Town High Court declared the regulations invalid and unconstitutional because Buthelezi failed to invite public comment prior to promulgation of the new regulations.

The act has been broadly criticised. For example the justice department did not support the idea of an independent immigration court, and there has been opposition to the 2% levy placed on the salaries of foreigners.

There are some, however, who believe it is a better piece of legislation than the present act, which offers only one class of work permit instead of the four outlined in the new act.

According to Deloitte & Touche Immigration manager Lino de Ponte, the new act was promulgated in the middle of last year and has been operating with the regulations of the Aliens Control Act.

Holomisa wants probe of bid-winning Gijima

CAPE TOWN — United Democratic Movement (UDM) leader Bantu Holomisa has asked Public Protector Lawrence Mushwana to investigate the "questions and allegations" surrounding Gijima Info Technologies Africa.

In a letter to Mushwana, Holomisa said the company was reported to have bid successfully for government and parastatal information technology tenders worth R1,9bn.

"A major tender prerequisite is that the bidder must supply a tax

clearance certificate, which certifies that the (bidder) is fully compliant with the SA Revenue Services (SARS).

"It has now emerged, according to the Financial Mail (of) April 4, 2003 ... that Gijima is in tax arrears since June 2000 and owes SARS more than R2m.

"The company does not comply with the explicit tender requirements for the bids that it won," Holomisa said.

The report said its "investigation" of Gijima uncovered

evidence that it used "underhand tactics to secure tenders, including the use of false documents", and misled those who made decisions on tenders.

"The Financial Mail has established Gijima has been in tax arrears, since June 2000, on its income tax, Value Added Tax, pay-as-you-earn tax and skills development levies. The (publication) has learnt that SARS has initiated legal steps against Gijima."

According to the Financial Mail article, the company owed

more than R2m in back taxes, interest and penalties.

The UDM leader called on Mushwana's office to investigate the matter immediately. The scope for abusing taxpayers' money through awarding government and parastatal tenders to bidders who did not qualify was immense, Holomisa said.

Despite taxpayers' money potentially being at risk of abuse in tender processes, these bids were mostly far removed from public scrutiny, he said. *Sapa*

IN BRIEF

No fault with municipal donations to political parties, manager testifies

THE manager of a large Free State municipality told the Public Protector yesterday he saw nothing wrong with a local council donating money to a political party. "To me the African National Congress and the council is one, because the party have a two-thirds majority (in the council)," Dihiabeng municipal manager Ruben Evans said in a public hearing in Bloemfontein. He said he could find no laws forbidding local council donations to a political party. *Sapa*

TAC wants global action to back antiretrovirals

THE Treatment Action Campaign (TAC) has called for an international "day of action" to support its call for a public sector antiretroviral AIDS treatment plan. It urged overseas supporters to organise demonstrations such as those at SA diplomatic missions in their countries on April 24. "We also encourage protests and hard-hitting question-and-answer sessions to be organised for SA ministers and government representatives." The TAC embarked on a civil disobedience campaign last month. It has seen scores of activists arrested after occupying a Cape Town police station, and the disruption of an address by Health Minister Manto Tshabalala-Msimang. *Sapa*



Tshabalala-Msimang

Irregular licences indictment of process — DA

THE fact that more than half of all driving licences issued since 1998 were thought to have been issued in an irregular manner, was an indictment on the process that had been followed, the Democratic Alliance (DA) said yesterday. It also made a mockery of the effort of thousands of honest motorists who stood in queues to obtain their new licences, the party said. *Sapa*

Mbeki to host Great Lakes leaders in Cape Town

PRESIDENT Thabo Mbeki will host heads of governments in Cape Town tomorrow. The foreign affairs department said yesterday Mbeki, as African Union chairman, would meet Joseph Kabila, President of the Democratic Republic of Congo, Rwandan President Paul Kagame, Ugandan President Yoweri Museveni and Tanzania's President Benjamin Mkapa. *Sapa*

HRC to follow-up on beauty clinic complaint

THE SA Human Rights Commission (SAHRC) said yesterday that it would study a complaint to see if there were prima facie violations to investigate alleged racism at the Pearl of Beauty clinic in Welgemoed. SAHRC spokeswoman Phumla Mthala was responding to reports that a beauty therapist student was refused an internship because she was coloured. *Sapa*

NNP urges crackdown on traffic departments

THE New National Party (NNP) has called on Acting Transport Minister Jeff Radebe to launch a commission of inquiry into irregularities at traffic departments. "It is high time that the minister gets to the bottom of the ongoing corruption and fraud regarding driver's licences so that it can be rooted out once and for all," said NNP spokesman Keppies Niemann. *Sapa*