

Quota clause is back in Immigration Bill

Wyndham Hartley

Parliamentary Editor

CAPE TOWN — The African National Congress (ANC) kept provisions for work-permit quotas in the Immigration Bill yesterday — despite having decided the day before to scrap them — when it became clear late changes would see government in breach of a Constitutional Court deadline.

The ANC introduced substantial changes to Home Affairs Minister Mangosuthu Buthelezi's bill last week, including quotas to replace the market-driven process favoured by business. On Tuesday, it tabled amendments reversing its decision after the intervention of Trade and Industry Minister Alec Erwin, who argued that quotas were not investor friendly.

In a dramatic development yesterday when the National Council of Provinces (NCOP) social services committee met to vote on the bill and the ANC's proposed amendments, committee chairwoman Loretta Jacobus said that it would not be possible to approve the amendments and still make the June 2 deadline.

Stressing that the ANC was not reversing its decision to withdraw quotas, Jacobus said the measures would have to be retained until an amendment bill could be brought to Parliament.

The problem, which emerged overnight, was that President Thabo Mbeki is required to consider a bill for five days before signing it into law. Had the NCOP made the amendments, the bill would have had to go back to the

National Assembly, and this could only happen next Wednesday. That would mean that Mbeki would then have only two working days to consider the bill before the deadline.

Jacobus said a special appeal would be made to Buthelezi to bring to Parliament a "comprehensive" package of amendments "as soon as possible".

The developments left home affairs officials in a daze. Constitutionally, they will have to start implementing quotas because that will be the law. At the same time, they will have to develop an amendment bill scrapping them.

The ANC withdrew its amendment to the work-permit clause officially, and asked the Inkatha Freedom Party (IFP) to withdraw the amendments it had suggest-

ed. IFP MP Jeanette Vilikazi said she could not simply withdraw party amendments and needed to consult. The committee adjourned to allow her to do this.

When she returned there was clear evidence of IFP unhappiness because she refused to withdraw the amendments, which forced the committee to vote them down.

"Our amendments are 100% still on the table," Vilikazi said. "We cannot simply say yes for the sake of saying yes. Our dissatisfaction must be known."

All other parties in the committee agreed reluctantly to the plan to pass the bill without any changes so that the deadline could be met.

Comment: Page 9

BUSINESS DAY 23 MAY 2002

What a mess

TRADE and Industry Minister Alec Erwin must be tearing out what remains of his hair. After successfully intervening in the passage of the Immigration Bill on the issue of work permit quotas and securing an amendment effectively scrapped them they have now been reinstated. Erwin wanted to remove confusion so that the Immigration Bill would be investor friendly.

Now it has been shown that there is not enough time for the National Council of Provinces (NCOP) to make amendments, for the bill to be returned to the National Assembly, and then for it to go to the president with the mandatory five working days he needs to consider it before the Constitutional Court deadline expires. So the amendments scrapping the quotas have been dropped and the bill approved in exactly the same shape as by the National Assembly a week ago.

We are left shaking our collective head in wonder that such a key player as the trade and industry minister was out of the loop and had to make a last-ditch attempt to have changes made.

Did no one in government think that it was important for those responsible for attracting investment to be involved in the process? When it was decided that amendments should be made did no-one bother

to check them with lawyers?

The NCOP committee was poised to make the amendments suggested by the ANC without realising that by doing so it would place government in conflict with the Constitutional Court ruling that changes to immigration law had to be made by June 2. The earliest it could have reached the president would have been next Thursday leaving him only two days to consider it when he is legally required to have five.

What a mess.

The solution now is to enact the Immigration Bill in its tattered state and to urge Home Affairs Minister Mangosuthu Buthelezi, as soon as possible, to bring a comprehensive amendment bill.

That is all very well. But it simply is not healthy to pass laws on the understanding that they are bad and must be urgently changed at the first opportunity. What is Buthelezi to do now? Once enacted, his department is constitutionally obliged to implement. It will do this in the full knowledge that at some stage all the work on quotas will have to be scrapped.

Let us pray the amendment bill to come does not take another four years in the making. It will be a disaster for attracting skills and investment. We simply cannot afford it.

BUSINESS DAY

PO Box 1745, Saxonwold 2132, South Africa

Tel: (011) 280-3000

Fax: (011) 280-5505

e-mail: busday@bdfm.co.za

Thursday, May 23 2002

The right to life

ANY police officer, or ordinary citizen, who believes police are in any way endangered or unduly inconvenienced by the restrictions imposed by the Constitutional Court on the use of force when carrying out an arrest would have their minds put at ease by a reading of the relevant sections of the judgment, drafted by Judge Johann Kriegler, in the case finalised this week.

In a nutshell, the court has decided that shooting a suspect "solely in order to carry out an arrest is... not permitted unless the suspect poses a threat of violence to the arrestor or others, or is suspected on reasonable grounds of having committed a crime involving the infliction or threatened infliction of serious bodily harm and there are no other reasonable means of carrying out the arrest, whether at that time or later".

It is difficult to contemplate any other circumstances in which the taking of a life would be justified. To fail to set limits of this kind would, as Kriegler puts it, "leave room for the proverbial shooting of a fleeing child for having stolen an apple".

South Africans chose eight years ago to place great constitutional store in the right to life as the most basic human right. This judgment is just one step towards living up to that aspiration.

Just to clarify that the judgment does not do what some alarmists may be inclined to surmise, it states that "these limitations in no way detract from the rights of an arrestor attempting to carry out an arrest to kill a suspect in self-defence or in defence of any other person". What more can be asked for?

It is understandable that police officers, who operate in stressful conditions, and ordinary people for whom the level of crime makes living stressful, sometimes feel exasperated at the notion of "criminals enjoying more rights than victims".

There are two points that should not only mitigate that exasperation, but trump it completely. The first is

that the bill of rights exists, first and foremost, to protect the innocent against abuse (and, where so-called second-generation rights are concerned, neglect).

It is not that long ago that the law, and the state agencies that administered it, including the police, were relatively free to abuse the rights of ordinary people.

Rather than worrying about the way the fleeing criminal benefits from our rights regime, sceptics should rather appreciate the way their (innocent) children, friends and other family members are protected from the potentially lethal consequences of unrestrained policing.

That is perhaps the more obvious point. The second is to wonder how our society, still terribly damaged by and susceptible to criminal violence, can ever change.

One view, held even by some leaders of the African National Congress government, is that answer lies in heavy-handed policing, "no mercy for criminals", the reintroduction of the death penalty and the like.

That, however, is an emotional response, and not an altogether rational one.

The other view is less gut wrenching, but more profound and based on what international criminological experience shows does work.

Drawing on the previous writing of other jurists, and using Kriegler's own language, the judgment makes this point: "Our government is the potent, the omnipotent, teacher. For good or for ill, it teaches the whole people by example.... The state is called upon to set an example of measured, rational and reasonable responses to anti-social conduct, and should never be seen to condone, let alone promote, violence against transgressors."

If it does use violence against transgressors — be they actual or suspected — no one should be surprised if members of society choose to follow that example.

Maduna says pardons are not 'mockery'

Minister accuses Tutu of hypocrisy

Wyndham Hartley

Parliamentary Editor

CAPE TOWN — Justice Minister Penuell Maduna has accused truth commission chairman Archbishop Desmond Tutu of hypocrisy for suggesting that the pardons made a mockery of the truth and reconciliation process.

There has been an outcry since President Thabo Mbeki granted the pardons last week, particularly about the claim that most of the 33 prisoners pardoned were members of either the African National Congress (ANC) or the Pan Africanist Congress (PAC).

There have been calls for the granting of presidential pardons to be more transparent. The pardoning of some who were denied amnesty by the truth commission has also been criticised.

Maduna, replying to a question from the leader of the opposition Democratic Alliance, Tony Leon, admitted some of those pardoned were denied amnesty by the truth commission.

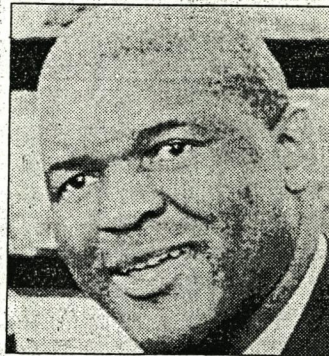
Maduna said others had not applied for amnesty and some were on parole at the time of the pardons. He said that the power to pardon was contained in the constitution and he had advised Mbeki public opinion favoured the release of the convicts.

Regarding the interests of society, the interests of the individuals and the level of remorse shown, Maduna said "they are not taken lightly".

Leon said many members of the public felt that the pardons were part of a "grubby deal" brokered by Eastern Cape premier Mankhenkesi Stofile, who went from prison to prison handing out application forms.

He also suggested that a disproportionate number of those pardoned were from the ANC and the PAC.

Leon said that there were indications that the membership of particular parties was enough



Penuell Maduna

to get an early release for serious crimes, "even murder".

Maduna said he had read what Tutu had said.

"It saddens me to note a tendency in that one to say one thing when praying, namely that we should be pardoned our own sins for indeed we pardon those who trespass against us — and then at the same time come out and say those who appeared before the (truth commission) have forfeited their right to approach the head of state," Maduna said.

"People are entitled to approach the head of state."

Maduna denied there was a disproportionate number of ANC members among the pardoned.

"They were ordinary human beings who used their rights, whether they are ANC or not."

He said there were more than a hundred others who had petitioned the president. Those who had succeeded were "singled out for no apparent reason".

Maduna could not say if more pardons were in the pipeline, but if further petitions were received they would be considered and if he came to the conclusion to recommend pardon, he would do so.

"They did not undermine the process of the (truth commission) at all.

"These are two processes. The one falling under the TRC Act and those who made application to the president."

THE NATAL WITNESS, THURSDAY, MAY 23, 2002

Now Ngubo is sued for defamation

SHARIKA REGCHAND
Court

NEW Prison management services head Russel Ngubo is being sued for R200 000 in damages for allegedly defaming a prison warder.

Ngubo denies the allegations in papers filed at the Pietermaritzburg High Court and the matter has been adjourned until October.

The application was brought by Funukubusa Alfred Mbangwa, who said that on July 24, 2000, a meeting was held at a hotel on the south coast to address staff-related problems at the Pietermaritzburg prison.

It was attended by two representatives of the office of the national commissioner, the acting provincial commissioner for the province and the city area manager.

During the meeting on the subject of disciplinary hearings, Ngubo is alleged to have said that there were cases against Mbanjwa but nothing had happened to him.

Ngubo is also alleged to have said: "Allegations of bribery in exchange for jobs were made against Mr F.A. Mbanjwa wherein a total sum of R16 000 is alleged to have been paid out by applicants to Mbanjwa".

Mbanjwa said the statements were defamatory and were made with the intention of injuring his reputation, implying that he is corrupt.

In reply Ngubo admits that he made the statements, but "the words were not uttered wrongfully or with the intention to defame. The words were uttered as an example of an outstanding case."

Ngubo says it is clear that what he said were allegations and that Mbanjwa's name was not the only one used as an example.

"The statement was made within the context of a meeting in relation to discussions of outstanding disciplinary and misconduct cases," he said.

THE NATAL WITNESS, THURSDAY, MAY 23, 2002

IFP LEADER IN COURT ON RAPE CHARGE

A SENIOR IFP leader appeared in the Eshowe Magistrate's Court yesterday on rape charges.

His appearance was marked by a heavy security presence and a small demonstration by about 25 members of the public who waved placards opposing bail. The protesters were dispersed after a few minutes by the leader's private security guards.

The charge against the man was brought by his former girlfriend after an incident on September 17, 2000 at Ulundi. It is alleged that the relationship soured between the two because of political differences and that the victim had already ended her association with him before the incident.

THE NATAL WITNESS, THURSDAY, MAY 23, 2002

Maduna: Tutu 'hypocritical' in pardons row

CAPE TOWN — Justice Minister Penuell Maduna has accused TRC chairman Archbishop Desmond Tutu of hypocrisy for suggesting that recent pardons made a mockery of the truth and reconciliation process.

There has been an outcry since President Thabo Mbeki granted the pardons, particularly around the claim that most of the 33 were members of either the ANC or PAC.

Maduna, replying in Parliament to a question from Democratic Alliance leader Tony Leon, admitted some of those pardoned were denied amnesty by the TRC. He said others did not apply for amnesty and some were on parole. He said the power to pardon is in the Constitution.

Leon said many people feel the pardons were part of a "grubby deal" brokered by Eastern Cape Premier Mankhenkesi Stofile.

Of Tutu, Maduna said: "It saddens me to note a tendency... to say one thing when praying, namely that we should be pardoned our own sins — indeed we pardon those who trespass against us — and then ... say those who appeared before the [TRC] have forfeited their right to approach the head of state."

— Business Day.

THE NATAL WITNESS, THURSDAY, MAY 23, 2002

ANC keeps work permit quotas in bill

CAPE TOWN — The ANC kept provisions for work permit quotas in the Immigration Bill yesterday, despite having decided a day earlier to scrap them, when it became apparent that late changes would see government in breach of a Constitutional Court deadline.

The ANC introduced substantial changes to Home Affairs Minister Mangosuthu Buthelezi's bill last week, including quotas to replace the market-driven process favoured by business. On Tuesday it tabled amendments reversing its decision after the intervention of Trade and Industry Minister Alec Erwin.

In a dramatic development yesterday when the National Council of Provinces Social Services committee met to vote on the bill and the proposed amendments, committee chairwoman Loretta Jacobus said it would not be possible to approve the amendments by the June 2 deadline.

Stressing that the ANC is not reversing its decision, she said quotas will have to be retained until an amendment bill can be brought in.

The developments left Home Affairs officials in a daze. They will have to start implementing quotas while developing an amendment bill to scrap them. — Business Day.

THE NATAL WITNESS, THURSDAY, MAY 23, 2002

of Ms Geizer.

A. J. FISHER
Pietermaritzburg
(by e-mail)

IFP and the capital

FOLLOWING the recent statements by certain individuals on the imminent decision on the future of the KZN capital, I would like to hereby call upon all peace-loving and democratic Zulus to rise up and defend their image and good name that some irresponsible loose cannons within the IFP are bent on tarnishing.

We all know that no one benefited from political violence. On the contrary, scores of people were left destitute and scores of orphans were left with no one to support them. This resulted in unprecedented levels of crime and other social ills, which have threatened to destabilise and undermine our emerging democracy.

These individuals, who claim to be championing the interests of the IFP and Zulus in general, should be identified and isolated as they portray Zulus and the IFP as people who cannot be governed by democratic principles. The issue of two provincial parliaments has been very costly for the hundreds of people who live below the poverty line and whose interest is in development and putting bread on the table. The call by his majesty, King Goodwill Zwelithini, at the opening of provincial parliament early this year to decide the issue of the provincial parliament was not just a publicity stunt but a call to reason.

We are well aware of the fact that the process of taking this matter to finality has been consultative and democratic, hence whoever objects to the recommendations of this process and threatens the country with political violence should not be allowed the platform to do so.

I hereby call upon all Zulus in the province to distance themselves from the people who's interest is to take this country 10 years backwards and move forward with those who uphold the development agenda for the poor.

CONCERNED ZULU
Pietermaritzburg
(by e-mail)

THE NATAL WITNESS, THURSDAY, MAY 23, 2002

Immigration bill

BOTH the need for skills in this country and the inadequacy of the present system under which skilled workers from overseas can be recruited and granted work permits, have been patently obvious for years. For years, however, the ANC has been using every trick in the book to obstruct the passage of much-needed reform to the present Aliens Control Act.

Eventually, with a deadline imposed by the Constitutional Court looming, they forced the hand of Home Affairs Minister Mangosuthu Buthelezi to accept a bill based on a quota system. This was a fiction of their politicking with no basis in reality. A system in which the bureaucracies of no fewer than three government departments would be involved to establish what skills were needed where and set quotas for immigrants to meet those needs was obviously a sure and certain guarantee of constipation and inaction.

Suddenly, however, when the ANC minister of Trade and Industries raised exactly the same objections as IFP minister Buthelezi, the ANC did a volte face and four days later scrapped the provision for work permit quotas. It now accepts the latter's preferred system of corporate permits which will allow investors themselves to decide what skills they require and apply for their needs to be met — on payment of a levy.

It is a relief that the statute book has been delivered from an unworkable piece of legislation. But the whole process has been one of posturing, politicking, obfuscation and obstruction, which does Parliament in general and the governing party in particular little credit.

SOWETAN Thursday May 23 2002

Row over pardons a strategy to force blanket amnesty

Dumisani Makhaye

THE hullabaloo over the pardoning of 33 prisoners by President Thabo Mbeki is an attempt to delegitimise the Government elected by an overwhelming majority of South Africans.

It is an attempt to shift the focus of power away from elected bodies to unelected and non-representative structures. Those who fear the verdict of the electorate will always try to find their niche in unelected bodies.

Mbeki has merely exercised his prerogative to pardon prisoners who had applied to be pardoned. All necessary channels and protocol were followed. But in South African democracy, elected bodies, including Parliament and the

executive, do not have unfettered power. There is recourse through the courts.

Former leaders of the Truth and Reconciliation Commission (TRC), especially Bishop Desmond Tutu and Alec Boraine, have unleashed an unprecedented attack on the decision to pardon the prisoners. Their claim that this will undermine the TRC amnesty committee's decisions is the height of misinformation and disinformation.

While we all respect the TRC's work Tutu and Boraine must not be allowed to have an exaggerated opinion of themselves. They cannot pretend that the TRC stood above or outside the racial conflict. It only reflected those racial conflicts.

The TRC was itself riddled by these

conflicts. On crucial issues a vote count in the TRC meetings reflected a high level of polarisation among commissioners drawn from the old order and those who operated outside the apartheid structures. It also included those who maintained an equidistance between national liberation and apartheid.

Decisions taken by the commission and its committees that were controversial. One of those decisions was the granting of amnesty to Trevor Tutu, the bishop's son, for a bomb scare at an international airport. South Africans of goodwill accepted that decision and did not see anything underhand in it.

The other was the withdrawal of amnesty granted to 34 ANC leaders.

This was seen by many as a strategy to force the hand of the ANC Government to grant blanket amnesty, including and especially to the killers of Chris Hani and the Eugene de Kocks of this world, to appease the white ultra-right. Amnesty was granted even to those who committed acts that would have been crimes even under apartheid laws.

The heated debate is part of a strategy to force a blanket amnesty, especially to the white right-wingers. It is a move that says you cannot trust the Government and the President because they were elected by an "untrustworthy" black majority.

It's time for this Government to assert its legitimacy by doing what is

right for South Africa. It has a mandate to govern. Those who question its legitimacy and mandate and would rather things were done differently, must offer themselves to the electorate for a mandate to govern differently.

The pardons are not a reflection of the political arrogance of the ruling party and the Government. The ANC will remain generous, like all real victors. But the ruling party will have to strike a balance between generosity and the people's expectations for it to govern effectively.

It cannot please those who are opposed to democratic transformation.

(The writer is a member of ANC national executive committee and these are his personal views.)

SOWETAN Thursday May 23 2002

How much longer away

By Charity Bhengu

POLICE incompetence has left a seven-year-old South African child marooned in Zimbabwe for four years.

The South African authorities blame the Zimbabwe authorities, who in turn say they do not know why the matter has not been resolved.

The girl, named Precious by social workers, was abducted and smuggled into Zimbabwe from South Africa in 1999. She is in an orphanage.

Zimbabwe consul-general Mr Godfrey Dzairo was mystified about why it has taken so long to solve such a simple case.

There should have been no problem in resolving the matter, especially when the suspects were convicted and Zimbabwe police established that the child is South African, Dzairo said.

Maybe there is a fact that we are not hearing about, or a fact that has not come to the fore. I will investigate this.

The SAPS say they work within the jurisdiction of South Africa, guided by international laws and protocols, and cannot just go to Zimbabwe.

We cannot impose on the sovereignty of another country for what ever reason.

However, they were able to go there to take photographs of the child, which they gave to Sowetan.

Police spokeswoman Senior Superintendent Mary Martins (Engelbrecht) said that the investigation to establish the whereabouts of the child had been completed, but the South

African police were dependent on the cooperation of the Zimbabwe authorities to solve the case.

Although the child is kept in Zimbabwe, we can't go and fetch her without proof of identity or the necessary documentation, Martins Engelbrecht said.

Several people came forward last year, one producing a photograph resembling Precious, and said they wanted to take DNA tests to prove that the girl was theirs.

The tests have not yet been conducted.

Captain Fanie van Daeveler of the SAPS Missing Persons Bureau, assisted by the International Centre for Missing and Exploited Children in Africa (ICMEC), started an investigation in 1999. The investigation involved Interpol, which located the child last year.

ICMEC spokesman Mr Chris Sibasa said the child must have been about four years old, but the exact age could not be confirmed when she was smuggled out of South Africa. She was too young to give information about her identity.

Van Daeveler said: "We have not abandoned the case. We have been trying to communicate with the Zimbabwe police through Interpol, but have received no positive response."

Last year, Zimbabwe authorities delayed their investigation because of the turmoil there during the elections.

We need them to finish their investigation and give us the go-ahead before we can move in to take blood tests and eventually take the child away.

BUSINESS DAY, Thursday, May 23 2002

Quota clause is back in Immigration Bill

Wyndham Hartley

Parliamentary Editor

CAPE TOWN — The African National Congress (ANC) kept provisions for work-permit quotas in the Immigration Bill yesterday — despite having decided the day before to scrap them — when it became clear late changes would see government in breach of a Constitutional Court deadline.

The ANC introduced substantial changes to Home Affairs Minister Mawgsothuthu Buthelezi's bill last week, including quotas to replace the market-driven process favoured by business. On Tuesday, it tabled amendments reversing its decision after the intervention of Trade and Industry Minister Alec Erwin, who argued that quotas were not investor friendly.

In a dramatic development yesterday when the National Council of Provinces (NCOP) social services committee met to vote on the bill and the ANC's proposed amendments, committee chairwoman Loretta Jacobus said that it would not be possible to approve the amendments and still make the June 2 deadline.

Stressing that the ANC was not reversing its decision to withdraw quotas, Jacobus said the measures would have to be retained until an amendment bill could be brought to Parliament.

The problem, which emerged overnight, was that President Thabo Mbeki is required to consider a bill for five days before signing it into law. Had the NCOP made the amendments, the bill would have had to go back to the

National Assembly, and this could only happen next Wednesday. That would mean that Mbeki would then have only two working days to consider the bill before the deadline.

Jacobus said a special appeal would be made to Buthelezi to bring to Parliament a "comprehensive" package of amendments "as soon as possible".

The developments left home affairs officials in a daze. Constitutionally, they will have to start implementing quotas because that will be the law. At the same time, they will have to develop an amendment bill scrapping them.

The ANC withdrew its amendment to the work-permit clause officially, and asked the Inkatha Freedom Party (IFP) to withdraw the amendments it had suggest-

ed. IFP MP Jeanette Vilikazi said she could not simply withdraw party amendments and needed to consult. The committee adjourned to allow her to do this.

When she returned there was clear evidence of IFP unhappiness because she refused to withdraw the amendments, which forced the committee to vote them down.

"Our amendments are 100% still on the table," Vilikazi said. "We cannot simply say yes for the sake of saying yes. Our dissatisfaction must be known."

All other parties in the committee reluctantly agreed to the plan to pass the bill without any changes so that the deadline could be met.

Comment: Page 9

BUSINESS DAY, Thursday, May 23 2002

Mbeki criticises Eastern Cape for not delivering services

Zingisile Mapazi

Sapa

EASTERN Cape government has come under fire from President Thabo Mbeki for failing to deliver public services — saying that undermined the spirit of the country's constitution and its policies.

Addressing a delegation of Anglican bishops from Southern African countries in Kempton Park, Mbeki spoke on current issues, including economic affairs and governance, both nationally and in the continent.

He said the country was faced with "a serious problem of institutional incapacity" and lacked proper institutions to oversee the smooth carrying out of government policies.

"For instance, we have weak local government structures, some of which are unable to even generate enough funds to pay their employees in provinces such as the Eastern Cape."

Mbeki's comments follows a recent incident where the province's eight tuberculosis hospitals were nearly closed down as a result of a shortage of funds, in spite of the fact that the provincial health department has

underspent more than R40m.

Mbeki said corruption, which was not unique to SA, needed the efforts of every citizen to deal with as tough legislation and policing were not enough without the involvement of everyone, including the church.

As for the Zimbabwean economic situation, Mbeki said impressions that President Robert Mugabe was the sole cause of the problem were incorrect as the country's economic problems had resulted from its economic policies as far back as 1980.

In an attempt to eradicate poverty, the Zimbabwean government fixed prices of commodities so as to make them affordable to the poor, and subsidised its citizens out of its own pocket.

Within three years Zimbabwe was unable to pay its foreign debt and has since defaulted.

He said the best way of eradicating poverty was not by giving away cash grants but through providing skills which would in turn increase employment.

This was central to the establishment of the New Partnership for Africa's Development and the African Union, which is due to be launched in Durban next month.

BUSINESS DAY, Thursday, May 23 2002

What a mess

TRADE and Industry Minister Alec Erwin must be tearing out what remains of his hair. After successfully intervening in the passage of the Immigration Bill on the issue of work permit quotas and securing an amendment effectively scrapped them they have now been reinstated. Erwin wanted to remove confusion so that the Immigration Bill would be investor friendly.

Now it has been shown that there is not enough time for the National Council of Provinces (NCOP) to make amendments, for the bill to be returned to the National Assembly, and then for it to go to the president with the mandatory five working days he needs to consider it before the Constitutional Court deadline expires. So the amendments scrapping the quotas have been dropped and the bill approved in exactly the same shape as by the National Assembly a week ago.

We are left shaking our collective head in wonder that such a key player as the trade and industry minister was out of the loop and had to make a last-ditch attempt to have changes made.

Did no one in government think that it was important for those responsible for attracting investment to be involved in the process? When it was decided that amendments should be made did no-one bother

to check them with lawyers?

The NCOP committee was poised to make the amendments suggested by the ANC without realising that by doing so it would place government in conflict with the Constitutional Court ruling that changes to immigration law had to be made by June 2. The earliest it could have reached the president would have been next Thursday leaving him only two days to consider it when he is legally required to have five.

What a mess.

The solution now is to enact the Immigration Bill in its tattered state and to urge Home Affairs Minister Mangosuthu Buthelezi, as soon as possible, to bring a comprehensive amendment bill.

That is all very well. But it simply is not healthy to pass laws on the understanding that they are bad and must be urgently changed at the first opportunity. What is Buthelezi to do now? Once enacted, his department is constitutionally obliged to implement. It will do this in the full knowledge that at some stage all the work on quotas will have to be scrapped.

Let us pray the amendment bill to come does not take another four years in the making. It will be a disaster for attracting skills and investment. We simply cannot afford it.

Beeld, Donderdag 23 Mei 2002

Oos-Kaap se regering kry klap van Mbeki

Ziegfried Ekron

Port Elizabeth. – Die reeks flaters van die Oos-Kaapse regering het gelei tot 'n ongekennde aanval op die provinsiale administrasie deur pres. Thabo Mbeki.

Mbeki het gister in Kempton Park 'n afvaardiging van die Anglikaanse Kerk toegesprek toe hy skielik uitgevaar het teen dié provinsie se swak dienslewering. Hy het die Oos-Kaap uitgesonder as 'n provinsie waar ernstige krisisse weens regeringsflaters ontstaan het.

Hy het aan die biskoppe van verskeie lande in Suider-Afrika gesê swak diens deur staatsamptenare is strydig met die Grondwet en regeringsbeleid. Hy meen "institusionele onbevoegdheid" en 'n gebrek aan geskikte bestuurstrukture staar die land in die gesig.

Mbeki het veral die Oos-Kaapse gesondheidsdepartement uitgesonder en gesê die land het swak plaaslike en provinsiale regeringstrukture, waarvan sommige nie eens genoeg geld bymekaar kan skraap om hul werknemers te betaal nie.

Mbeki se toespraak het gekom net 'n dag nadat nog 'n leemte in die Oos-Kaapse diensleweringbeleid aan die lig gekom het.

Die provinsie se onderwysdepartement is vroeër vandeeweek aan die kaak gestel as die departement in die land wat die minste van sy geld vir vigsopvoedingsveldtogte gebruik het.

Beeld, Donderdag 23 Mei 2002

Maduna kap Tutu ná stelling oor 33 se vrywaring

Christi van der Westhuizen

Kaapstad. – Aartsbiskop Desmond Tutu bid dat sondes vergewe word, maar hy dink mense wat reeds voor die Waarheid-en-Versoeningskommissie (WVK) verskyn het, mag nie om kwytskelding vra nie.

Dié aanval op Tutu kom van dr. Penuell Maduna, minister van justisie en staatkundige ontwikkeling, wat gister in die nasionale vergadering 'n vraag beantwoord het van die DA oor die 33 Oos-Kaapse gevangenes wat pres. Thabo Mbeki verlede week kwytsgekeld het.

Mnr. Tony Leon, DA-leier, het in sy vraag verwys na Tutu se kritiek dat kwytskelding soos verlede week gedoen is, gaan lei tot 'n algemene amnestie. Tutu meen dit sal die WVK-proses ongeldig maak waarin mense amnestie gekry het in ruil vir die waarheid oor hul dade gedurende apartheid.

Altesame 22 van die 33 het aansoek gedoen om amnestie by die WVK, maar dit is geweier.

Maduna het gesê hy het Tutu se verklaring oor die kwytskeldings



Maduna



Tutu

bestudeer. "Dit maak my hartseer om 'n neiging op te merk by daardie een (Tutu) om een ding te sê wanneer hy bid – naamlik dat ons ons eie sondes moet vergewe omdat ons inderdaad diegene vergewe wat teen ons sondig – en terselfdertyd te sê diegene wat voor die WVK verskyn het, het hul reg verbeur om hul staatshoof te nader (om amnestie)."

Die WVK se proses is "nie ondermyn nie", het Maduna gesê. Daar is "twee prosesse" waarvan die een in gevolge die WVK-wet gedoen is en die ander die grondwetlike reg is van iemand om die president te nader om kwytskelding. Die WVK het sy werk gedoen en afgehandel.

Daar is geen wet wat sê iemand wat voor die WVK verskyn het, mag nie die president versoek om kwytskelding nie, het Maduna gesê.

In sy skriftelike antwoord in die parlement gister het Maduna gesê algemene amnestie is steeds 'n moontlikheid, maar daarvoor moet gedebatteer word. Die kwytskelding van die 33 gevangenes is egter nie die begin van 'n algemene amnestie nie.

Die openbare mening was "ten gunste" van die 33 kwytskeldings, het hy gesê. Die besluit is nie "ligtelik" geneem nie. Hy het sy aanbeveling gegrond op 'n oorweging van die belange van die samelewing, die belange van die oortreders, die mate van spyt, die administrering van geregtigheid en, waar van toepassing, die slagoffers van die dade.

THE MERCURY
Thursday, May 23, 2002

Parties meet about capital

CHRISTELLE TERREBLANCHE

SECRECY surrounds a high-level meeting today at an undisclosed venue in KwaZulu-Natal between the Inkatha Freedom Party and the ANC, to address the souring of relations between the two parties.

In a bid to resolve the growing tensions that built up through differences over the immigration bill, the issue of traditional leaders' powers in local government, the capital of the province and fears that violence might once again erupt at grassroots level, the ANC has apparently been pushing for the bi-lateral discussions for weeks.

ANC spokesman Smuts Ngoniyama played down the significance of the event, saying it was a routine meeting, while IFP spokesman Musa Zondi denied knowledge of it.

However, well-placed sources indicated that the ANC delegation would be led by deputy president Jacob Zuma and ANC national chairman Kgalema Motlanthe in an attempt to resolve the conflict. It was hoped that IFP leader Mangosuthu Buthelezi would lead his party's team to the 15-a-side meeting.

An ANC source said the agenda would be topped by tensions within the province, governed jointly by the IFP and ANC. Another source emphasised the conflict around the seat of the legislature, currently in the IFP heartland, Ulundi.

An IFP source said they would put the emphasis on resolving conflict around the differentiation of powers, including IFP's insistence on greater provincial powers and line function control.

THE MERCURY

Thursday, May 23, 2002

MBEKI'S BRAINCHILD FACES MASSIVE RESISTANCE CAMPAIGN

Cosatu action plan to scupper Nepad

BHEKO MADLALA

PRESIDENT Thabo Mbeki's New Plan for Africa's Development (Nepad) could be thrown into turmoil after the Congress of South African Trade Unions vowed to mount an all-out campaign against it, saying it advanced the interests of international financial organisations.

The economic regeneration plan for Africa is the brainchild of Mbeki, Nigerian President Olusegun Obasanjo and Senegalese President Abdoulaye Wade.

The blueprint, which has already received support from British Prime Minister Tony Blair, is expected to be presented to the upcoming G8 summit in June, ahead of the launch of the African Union.

Political analysts have warned that the lack of domestic support for Nepad in South Africa, the prime mover behind the initiative, could have a ripple effect and trigger copy cat stances elsewhere in the continent.

Cosatu yesterday came out

strongly against the plan, raising fears that the giant union could throw a spanner in the works of the initiative. The union, which is also part of the ANC-led tripartite alliance, said it was in consultation with other trade unions from Africa and was organising an all-Africa trade union summit to discuss the plan, with a view to mounting a campaign against it.

"We accept the need for a plan for the development of Africa to put an end to dictatorship, war, corruption and transform the conditions of the people. But we believe that such a plan must be driven by the people of Africa," said the spokesman for Cosatu, Mr Patrick Craven.

Involvement

Craven added: "We therefore consider it essential that a process of civil society involvement takes place so that Nepad reflects the wishes of the people of the continent, not just government and international financial organisations which we fear has been the

case up until now with Nepad."

Craven said executive members of Cosatu were to meet next week and the issue of Nepad was going to feature prominently.

"We are concerned that Nepad continues with neo-liberal policies which entrenches the dominance of international businesses over the economies of Africa. Cosatu would only support a plan whose priority would be to tackle unemployment, diseases and the widening gap between the poor and rich countries."

Political analyst Mr Dumisane Hlophe warned last night that the unions' stance could severely damage the plan's prospects of acceptance. He asked why Mbeki had chosen to criss-cross the length and breadth of the world to drum up support for the plan when he had not sold it enough domestically.

"Why go for foreign acceptance before domestic acceptance? There has been so much insistence on winning the likes of Blair. We have a situation where a few presidents decide what it is good and that that is the way to go," he said.

THE MERCURY
Thursday, May 23, 2002

ANC MPs clap as Maduna slams Tutu

CHRISTELLE TERREBLANCHE
PARLIAMENTARY BUREAU

ANC MPs cheered as Justice Minister Penuel Maduna berated Archbishop Desmond Tutu over his weekend stand against presidential pardons to failed amnesty applicants.

Maduna was responding in parliament to an urgent question on the 33 pardons by the leader of the opposition, Mr Tony Leon.

Maduna said it saddened him to hear the archbishop say one thing when he prayed, asking for people's sins to be forgiven, and then to want the president to forfeit the right to pardon convicts.

"There is no law that says once you are denied amnesty by the TRC you cannot be pardoned like ordinary offenders," Maduna said amid clapping from ANC benches.

Tutu, the former truth commis-

sion chairman, said the pardoning of failed amnesty applicants "could make a mockery out of the TRC". In an interview with Independent Newspapers, Tutu said if it was true that those pardoned included several people refused amnesty by the TRC, it would seem to be "the thin end of a general amnesty wedge".

Leon asked Maduna to give the names of those denied amnesty by the TRC but pardoned by Mr Mbeki and to explain what recommendations the Justice Department made about the "amnesties".

Maduna again denied the pardons could be equated with a general amnesty and gave the names of 22 whose TRC amnesties were refused and four whose amnesty applications were granted in part.

He denied an allegation by Leon that only ANC and PAC members were granted pardons.

THE MERCURY
Thursday, May 23, 2002

Ngubo sued for defamation

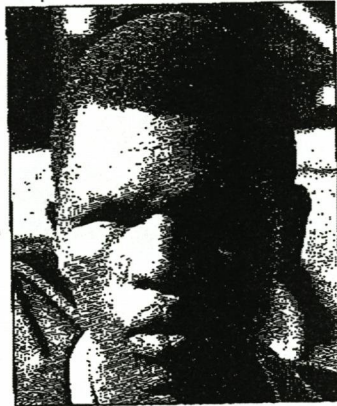
INGRID OELLERMANN
PIETERMARITZBURG BUREAU

SENIOR Pietermaritzburg prison official Russel Ngubo, recently in the news over a pending murder charge as well as being under investigation by the Jali Commission, is also being sued for defamation by a fellow prison warder in the Pietermaritzburg High Court.

The R200 000 damages claim has been lodged by prison warder Funukubusa Alfred Mbanjwa who alleges Ngubo made a defamatory statement about him during a meeting with top officials of the Department of Correctional Services at the Karidene hotel on July 24 2000.

The meeting was held to address problems at the Pietermaritzburg prison and was allegedly attended by officials including the national and provincial commissioners and the Pietermaritzburg area manager.

Mbanjwa alleges that during the meeting while the reporting on



RUSSEL NGUBO
Facing defamation charge

"investigations and disciplinary hearings" Ngubo said there were "a lot of cases" against him (Mbanjwa) but "nothing has happened to him".

He also allegedly said allegations of bribery in exchange for jobs were made against Mbanjwa wherein a

total of R16 000 was allegedly paid out by applicants to Mbanjwa.

Mbanjwa alleges the statement was "wrongful and defamatory", harmful to his reputation and was intended to mean - and would have been understood by those present as meaning - that he (Mbanjwa) was corrupt and dishonest.

Ngubo - who is defending the action - said in reply that his words were uttered in the course of a formal and official meeting, the main purpose of which was the discussion of outstanding disciplinary issues and pending cases against officials. They were not uttered with the intention of defaming Mbanjwa. He said Mbanjwa's name was not the only one mentioned.

Ngubo said further it was also made clear that these were only allegations which had not been properly and comprehensively investigated at the time.

The case was postponed yesterday to October 16.

THE MERCURY
Thursday, May 23, 2002

IGNORANCE OVER ULUNDI

THE letter by Doug Alexander which appeared on page 9 of The Mercury dated May 15 2002 cannot go unchallenged.

In the first place the writer displays acute ignorance of the current discourse around the capital and seat of legislature of KwaZulu-Natal.

Through the visionary leadership of Dr Buthelezi Ulundi was established as the seat of the erstwhile KwaZulu government.

When one scrutinises what Prince Mangosuthu Buthelezi did, one notices that there was some foresight in the sense that integrated rural development was taken into cognisance.

Ulundi as the capital of KwaZulu government would develop into a giant economic hub which would attract tourists from around the globe because of its rich history and cultural heritage.

The infrastructure within the precincts of the legislature

and the administration building was well-tailored for service delivery and development.

With the establishment of a railway/road route that would link Ulundi with the Maputo corridor and Durban, and some other tarred roads cutting through the natural game reserves and joining the Port of Richards Bay, and with other roads linking Ulundi with the Midlands of KwaZulu-Natal, Ulundi would really be a major hub of economic activity and a robust tourism destination.

I think we would all agree that the people who were hard hit by apartheid laws are those who live in the rural areas.

They were left totally disadvantaged.

Doug Alexander unfortunately disregards this crucial fact.

He speaks like a person who has knowledge of neither

Ulundi nor Pietermaritzburg. Is he aware of the infrastructure that we have at Ulundi?

Is he aware that in Pietermaritzburg officials and members of Parliament have no accommodation to stay in?

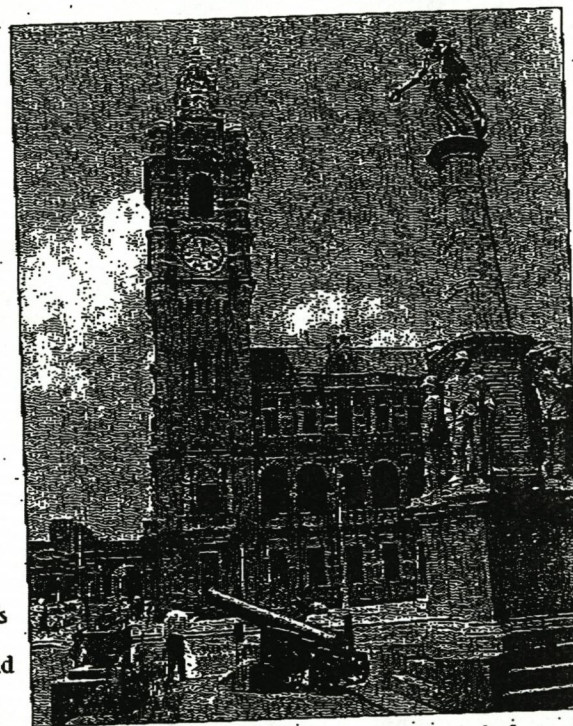
They have to sleep in the hotels because there are no flats.

I believe that the Alexanders of this world should do themselves a great favour. They should give the people of KwaZulu-Natal a chance to be the arbiters in the matter of where the seat of legislature or the province's capital is situated.

I do not think people would have to rely on self-imposed spokesmen of Doug Alexander's calibre.

PROF NHLANHLA
MOSES KHUBISA

IFP Member of the KZN
Legislature - Eshowe



CAPITAL CHOICE: The battle over the capital of KwaZulu-Natal has been raging since 1994. The ANC and other political parties want Pietermaritzburg, as pictured, as the capital, but the IFP has always been in favour of Ulundi as the capital.

THE MERCURY
Thursday, May 23, 2002

Expulsions from Zimbabwe mount

SOUTH Africa deported 2 345 Zimbabweans at the weekend in a sign of an intensifying crackdown on Zimbabwe's illegal aliens.

Reports said the latest deportees brought to 11 181 the number of Zimbabweans deported from South Africa since January this year, compared to 8 603 in the same period last year.

South African police told Zimbabwe's independent Daily News that the Zimbabweans had been taken by train from Johannesburg to Messina and then transported across the border in trucks. Most of them were rounded up in Hillbrow.

Mr Dennis Chitsaka, the Zimbabwean principal immigration officer at the Beit Bridge border post, said South African immigration authorities were planning to acquire equipment to enable them to fin-

gerprint every deportee so that once they were expelled, they would be blacklisted and barred from re-entering the country.

The South African army has set up a 24-hour checkpoint 2km from the Beit Bridge border point. Last year the government threatened to deport about 15 000 Zimbabwean immigrant farm workers.

Up to 600 Zimbabweans are also being deported from Botswana and Malawi every day. Most of them are illegal border jumpers fleeing from their country's economic ruin inflicted on their country by Mugabe's government.

Most cannot afford the high cost of living in their country which is dramatised by record high inflation of 116%, 60% joblessness and frequent shortages of basic commodities. - Independent Foreign Service.

THE MERCURY

Thursday, May 23, 2002

GAMBLING MEMBERS' BILLS PAID BY TAXPAYERS

KZN board's 'wasteful' expenses

XOLISA VAPI

THE taxpayer-funded expense bills of some members of KwaZulu-Natal's gambling board, which include payments for fancy laptop computers and life insurance cover, are considerably higher than those of their counterparts in Gauteng, the Western Cape and the Eastern Cape.

This has emerged from an investigation by provincial Auditor-General Barry Wheeler who has uncovered evidence of irregular, wasteful and fruitless expenditure by six members of the gambling board.

Fees paid to five of the board members for attending meetings totalled over R1 million in the year 2000/01 financial year. A sixth member was paid an extra R13 875 for consulting in a private capacity to the board although he did not have a proper legal contract, Wheeler found.

The board members, all of whom are in an acting position since their terms expired more than a year ago, are also in possession of taxpayer-sponsored laptop computers collectively worth R115 859, which the auditor-general said did not form part of their remuneration.

Only former board chairman Alan Doorasamy has returned his laptop.

The board members named in the report are chairman Victor Nzimande, Prof Bruce Stoble, Mr Solly Sibeko, Mr Ashwin Trikamjee and Mrs Londiwe Mthembu.

Their expenses have triggered angst in the auditor-general and Premier Lionel Mtshali's offices, which have also complained about the board members' excessive fees for overseas trips and frequent board meetings at Durban's five-star hotel Hilton Hotel.

Although the board has offices with a boardroom in Pietermaritzburg, one member said they had preferred meeting at the Hilton for the last three years because there was nobody to make tea if they met on a Saturday at the Natalia

government building in Pietermaritzburg.

Mtshali's office and Wheeler were concerned about the several meetings being held – at taxpayers expense – as a result of adjournments.

The board held 42 meetings in the 2000/01 financial year. This means over R600 000 was paid to board members in addition to hiring a boardroom at the Hilton. In the following financial year, the board held 43 meetings with about 60 planned for the 2002/03 financial year.

"Supporting documentation could not be produced to confirm that ad hoc board meetings were always justified, effective and economical," Wheeler remarked. His report showed that the KZN gambling board's fees were substantially more than that spent by Gauteng, Western Cape and Eastern Cape.

Where KZN spent R1 million in board fees, Gauteng had a bill of R397 221, Western Cape R324 000 and Eastern Cape R98 696.

"This expenditure appears to be excessive," he said, adding that it was the board members' duty to "deliver what they are paid for".

On the life-insurance cover paid for board members between November 2000 and May this year, Wheeler said the payments were irregular as they were not part of their approved remuneration and allowances.

"The executive authority (premier's office) should determine whether financial misconduct has occurred with a view to recover R3 660 from the official responsible for the payment," Wheeler said.

The board members are said to have explained that the life cover insurance was for injury while carrying out gambling board duties; and Mtshali's office has apparently accepted their explanation. Asked to comment on the report, board chairman Victor Nzimande said it would be inappropriate to talk about a matter that provincial director-general Khaliphile Sizani had dealt with.