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BUSINESS DAY, Wednesday, December 6 1989

COMMENT

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â\200\230A job for the police

OLICE have good reason to be
â\200\234worried about their public im-
, ' age. But when the outgoing
: police commissioner says the
police force is about to be subjected
to another vicious smear campaign,
he is mistaking symptoms for
cause.

To head off the commign he be-
lieves is coming, Gen Hennie de
- Witt states in advance that the SAP
~has no training camps for former
terrorists, has never forced people
. to become policemen and has not
trained people to be assassins. He
does not ask why people should be-
lieve such things, or why allegations
of police hit squads have not been
rejected outright by a loyal public.
The generals, and a succession of
politicians in charge of and ac-

countable for the actions of the po-

lice force, have only themselves to
blame. The politicians cloaked po-
lice activities in a veil of secrecy
and the police failed to solve a long
succession of killings of govern-
ment opponents. That combination
has produced a climate in which
rumours proliferate, suspicion
abounds and public confidence in
the police suffers, to the detriment
of thousands of honest policemen

doing a difficult, dangerous and

underpaid job. :

Where there is secrecy there is
bound to be suspicion. The secrecy

is ensured by section 27B of the'

Police Act. Introduced in 1979, it
forbids newspapers to publish un-
true reports about police activities
without having reasonable grounds
for believing the reports to be true.

As the onus of proof is on the news-

papers, whose staff face a R10 000

fine or a five-year jail term, or both,
if they get it wrong, newspapers

have been frightened off the sort of investigative reporting which might have exposed erring policemen, kept the force on their toes

and their public image wholesome.

Law and Order Minister Adriaan Vlok might consider that a law designed to protect the police from vilification has had exactly the opposite effect.

Where there is uncharacteristic inefficiency, there will also be suspicion. Case after case of brilliant detective work comes to the courts, but the police experts are strangely helpless in the face of political assassinations and a myriad of unexplained arson attacks on the homes

and cars of dissidents. The onus

here is on the police. If they wish to dispel the growing concern that the allegations and suspicions may not be unfounded, they will have to solve the murders, track down the

' arsonists, bring people to court and

secure convictions. They will also have to ensure that arrested people do not escape from police custody. The police image cannot be protected by law, or by secrecy. It will have to be rebuilt by policemen demonstrating that they are as determined to solve political attacks as they are other crimes. When all citi-

' zens patently enjoy police protec-

tion, and when all police activities are subject to public scrutiny, denials of skulduggery might be less necessary and more effective.

South Africa

A moment

ATALLIITN eS8 -

THERE was a moment outside Paris last week, during the conference at Marly le Roi, when it became clear to me that in South Africa, at this time of momentous worldwide dislocation, it is not enough to win the arguments. A heavy duty rests on every one of us to search diligently through the debris of communist ideology for conciliation. The realisation â\200\224 less than epiphany, more than an intellectual insight â\200\224 came as I listened to the flat South African accent of Albie Sachs, the broken-bodied victim of a car bomb whom I had regarded for nearly 30 years as a fanatic and a killer, a high priest of the doctrine of violent seizure of power â\200\224 what today we would call a Stalinist.

When he was freed from prison and immediately went to run on the beach (was it 1964? and was it Clifton?) I noted the fact without emotion. I cared nothing for the man, only for the principle that nobody should be imprisoned - without trial. Even when he was maimed by the bomb in Maputo, I refused to trivialise a life dedicated to revolution by making a display of shock. Live by the sword, I said, so die by the sword.

The rules of the conference and the laws of South Africa forbid me to quote Sachs but I found myself, astonished, in agreement with him. The people of this country have accumulated enough suffering to deserve freedom; none of us needs tyranny to replace tyranny. Somehow a way must be found, and soon, to make this country safe and free for all its people, and to bring our scattered children home.

Sachs took the risk of dropping his ideological guard in the presence of his own ideological constituency; I could do no less. That night I rewrote the draft of my own contribution to the conference, abandoning the habit of brute intransigence â\200\224 total war in debate â\200\224

which is my personal style, and casting my arguments in a form that, I thought, might invite constructive response. As bluntly as I could, I spelled out my own central fear for the future: that liberty will be betrayed at the moment of liberation when the South African Communist Party, acting as a vanguard party of the revolution, and equipped

with considerable military resources, embarks on the second stage of its agenda to overthrow the new democracy.

The struggle against apartheid, which is the doctrine of the spawn of Hitler, has lasted so long that I really do not have the heart for another liberation struggle, this time against a regime headed by the spawn of Stalin.

All this needs to be kept in perspective. The conference was inherently unequal. It brought together leaders of the ANC and the SACP — Thabo Mbeki, Steve Tshwete, Pallo Jordan, Aziz Pahad, Jeremy Cronin — with leaders of Cosatu, the UDF and the MDM, and on the other side a disparate gaggle

of business leaders, academics, writers and journalists who might, at a pinch,

be described as liberal.

The liberals (some will hot forgive me for the label) lacked any mandate, —

either to negotiate or even to speak for others. While both the ANC-SACP group and the members of the MDM caucused regularly, the rest were individualistic to the point of self-indulgence and some were free spirits to the point of anarchy. Only the businessmen showed a capacity to get together, but as individuals.

The whole affair got off to a rocky start, the first day consumed by boring Marxist rhetoric from the outside speakers, and intransigent posturing by the inside spokesmen. That night I

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was close to flying home. On the second morning, given the rare honour to address the French Assembly and to engage in a public exchange of views with

the deputies of France, Murphy Morobe

of the UDF, Pallo Jordan of the ANC, and Jay Naidoo of Cosatu made ringing speeches designed to reinforce the desires of the deputies to impose sanctions; only the vice-chancellor of Wits, Professor Robert Charlton, demurred firmly. Both Wynand Malan

and Frederik van Zyl Slabbert fumbled:

ineffectually in trying to redress the balance without precipitating a civil

war.

Many of the rest of us, taken by sur-

prise, suspected a left-wing plot, espe-

cially since the French persisted in referring to us all as 'the South African delegation', but it turned out to be simply the consequence of the imbalance of forces. Trust was restored and by the end of the week, Thabo Mbeki was publicly inviting Murray Hofmeyer, chairman of JCI, to speak for us all.

Perhaps I was mistaken to think that it was Sachs who broke the initial log-jam, but whatever the reason, the debate was joined, and it deepened throughout the week. There was no

agreement, but much illumination. -

Lines of stress, even fissures, appeared where they were least expected; unplanned alliances emerged (on one occasion, disconcertingly, between me and the ANC's Pallo Jordan).

What follows is not a report on the conference, but a distillation of my own observations - my tentative conclusions:

Firstly, the liberation of Eastern Europe has shattered all post-war paradigms, but for the left it has been devastating. Old-style communism is as dead as God was once said to be, and nobody is a Stalinist - any more. The

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meeting

communist world is embarked on a transition, historic in its scope, towards democracy and while the South African left obviously cannot shape that immense process, neither is it immune. Liberals, I suspect, would be wise to stand back, and give the best members of the left the space they need to work out a new definition of themselves. South African socialists, like all socialists, are groping towards ideas of liberty, and we should not throw obstacles in their path.

Secondly, I think ideological dominance has shifted from the SACP and the exiled ANC to the internal forces of Cosatu, the UDF and the MDM. The 'insiders' are closer to the reality of South Africa than the ANC exiles, more familiar with the terrain of apartheid, more able to see tactical possibilities, more independent and creative in their thinking. They are - certainly

tougher, more flexible and more optimistic, and I think more formidable than most outsidersâ\200\235. 3

The implication, of course, is that the government, if it really does seek negotiations, might find advantage in letting the sophisticated and subtle exile leaders come home. If nothing else, it would weaken their ties with the opportunists who have climbed on the international anti-apartheid bandwagon to make a living out of the destruction of this country, and who care nothing for our people.

Thirdly, the international standing of the ANC is simply astounding. We were treated by the French government as no South Africans since the Smuts era have ever been treated. We were sponsored by Danielle Mitterrand, wife of the French President, courted by the President of the Assembly, Laurent Fabius, feted and feasted by the Prime Minister, Foreign Minister, Cultural Minister and diplo-

T A meeting with a US
black leadership grou
the White House ast
month, President George
Bush appeared to revive the no-
tion killed by Secretary of
State James Baker and other
senior advisers earlier this year
that it might be helpful to
invite President F W de Klerk to
Washington. The balloon re-
mained firmly earthbound.

Bush had tried to float it after
listening to Richard Hatcher, the for-
mer Mayor of Gary, Indiana, and a
member of the Rev Jesse Jackson's
inner council, lay into his adminis-
tration SA policy as a continuation
of constructive engagement.

Hatcher, speaking on behalf of the
delegation, replied that whatever De
Klerk's achievements to date, he
would not be welcome until all politi-
cal prisoners, including Nelson Man-
dela, had been released, all South
Africans had the vote and blacks
were no longer required to carry
identity documents matching their
race.

Of course, by the time such condi-
tions prevailed, especially the bit
about enfranchisement, the purpose
of De Klerk's coming here would be
fairly moot.

After all, the idea behind inviting
him is to encourage Pretoria to take
the very steps that Hatcher et al
would set as preconditions for his
visit. Bush made it clear he dis-
agreed with the delegation's position
and asked it to submit its views in
writing. This may have been evi-
dence that the President was serious.
On the other hand, it may simply
have been a means of avoiding un-
pleasantness.

Without doubt, Bush's natural pre-
disposition would be to want to see
De Klerk. He is a great believer in
one-on-one diplomacy and likes to
communicate with foreign leaders
directly, whether by personal note,
or telephone or in face-to-face meet-
ings. The real question, however, is
how such contact would benefit De
Klerk. Beyond the thrill of being ush-
ered into the Oval Office, he could
expect to gain very little from an

visit to US would

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SIMON BARBER in Washington

hour or so with his American counterpart. When it comes to policy on SA, Bush has next to nothing in his

gï¬\201t

Over the past decade or so, the US has erected its own kind of Berlin Wall around SA. Unlike the real one,

. this wall is not about to be carved up

for souvenirs. With the exception of the over-zealous customs agents who seem to have developed a taste for tricking naïve South Africans into violating the Comprehensive Anti-

" Apartheid Act (CAAA) in front of

hidden cameras, the American

equivalents of East Germanyâ\200\231s vo- Â°

pos, or border guards, are not under the central governmentâ\200\231s control. On the contrary, they dictate US policy.

In theory, at least, De Klerk is

* within sight of creating the circum-

stances that would enable Bush to remove the CAAAâ\200\231s sanctions. Boiled down to their essence, those circumstances are the release of all political prisoners and detainees, the unbanning of political organisations, the lifting of the emergency and the start of â\200\234good faithâ\200\235 negotiations on a new constitution. The repeal of the Population Registration Act would also be nice, but as the CAAA is written, would not be essential if the other provisos were met.

If and when the President judged that De Klerk had done the neces-

sary, the law permits him to issue an executive order lifting the CAAAâ\200\231s sanctions. Congress, under a process of dubious constitutionality, would then have 30 days to enact a resolution of disapproval. This would require majorities in the House and the Senate. Unless Bush had been excessively optimistic in his evaluation of SAâ\200\231s changed circumstances, it is entirely conceivable that, in the Senate at least, such a majority would not be forthcoming. The order would stand.

All of which, it could be argued, would militate in favour of De Klerkâ\200\231s coming to Washington. Bush could discuss with him in detail what it would take for an executive order to be issued and the South African might, in his persuasive way, be able to help convince a few swing votes in the Senate not to disapprove the order once the President made it.

The trouble is, such a scenario is

- impossibly rosy. From a domestic

political standpoint, the benefits that might accrue to the administration from lifting, or even modifying, existing sanctions before there is a complete transfer of power in SA, are not only vastly outweighed by the inevitable outcry â\200\224 they do not exist.

There is no constituency for promoting â\200\230positive change in SA. By contrast, at least 15% of the electorate would regard any alleviation in sanctions as a direct affront. There would be one hell of a fight with the vopos in the House of Representatives, plus a lot of street theatre and yet more countervailing legislation adopted by states and municipalities. In short, there would be an uproar, and the Bush administration holds no opinion so dearly that it is prepared to do battle for it.

But assume De Klerk did convince

' the President to be bold and the Sen-

ate to uphold his boldness. Would SA really be any better off, or American policy as a whole any more salutary than it had been before? Aside from the resumption of direct flights between New York and Johannesburg, the answer is, probably not.

" US investment in SA is already

. about as uncomfortable and isolated

as John le Carre's spy who came in from the cold. The reason is not only, nor perhaps even principally, conditions on the ground, or the CAAA and threats of worse. Increasingly, it is harassment at the local, home base level as state, county and city authorities, and the activists who drive them, seek out and bludgeon

anyone with even the slimmest

connection to SA.

The real w.vfos guarding the anti-apartheid Wall are at the grassroots level. Pending a constitutional showdown far more bloody than any set to that might be contemplated with Congress on the sanctions issue, they are entirely beyond the administration's reach.

As of January 1, any company offering shares for sale in the US will be obliged, under penalty of law, to disclose in its prospectus any dealings it, its parent or subsidiaries, might have with persons or groups

located in SA's.

Who says so? Not the federal government, but the electorate of California who voted in favour of a referendum proposition to that effect in November last year. Because anyone who offers stock in this country obviously wishes to offer it in California (as a country, it would have the 13th largest economy in the world), what Californians think on this issue applies nationally. Or rather, internationally, as foreign co spam whose shares are sold in the US in the form of American depository receipts (ADRs) are covered, too.

What this means is that any public company that so much as buys from, or lends to, a US firm which

- has operations in SA will have to

announce that fact, thus laying itself open to charges by the vopos that it is helping maintain a lid.

The consequences of this, in places such as Los Angeles, San Francisco, New York and Miami's Dade County, are severe and include loss of highly lucrative municipal contracts. Elsewhere, firms may get off lighter, merely being shaken down by local officials and activists for grants, jobs and loans. And, of course, clean's

companies are rarely above using a competitor's â\200\234taintâ\200\235 to gain an edge.

The American vopos have thus seen to it that whatever Bush, or even their brethren in Congrws, might decide, their Wall stays. Therefore US trade with, and investment in, SA (and by unplicatlon southern Africa generally) can only continue to shrink, regardless of what happens to the CAAA and other sanctions laws.

De Klerk would be wasting lns time to come here.

HARARE â\200\224 Will the party stick to socialism? This was the headline over an article in a Zimbabwean newspaper about the formation of the United Zanu (PF) Party whose first congress is to take place from December 18 to 22.

It will be a mammoth affair with some 4000 delegates and guests from all over the world including the leaders of other Frontline states and liberation movements.

The answer to the question is yes, though endless debate could go on about what is meant by socialism particularly in view of what is happening in Eastern Europe.

But the constitution of the new party, which brings together Mr Ro-

| bert Mugabeâ\200\231s old Zanu (PF) and

Mr Joshua Nkomoâ\200\231s PF-Zapu, lists as one of the aims and objects:

â\200\234To establish and sustain a socialist society guided by Marxist-Leninist principles but firmly based on our_historical, cultural and social

experience, and to create conditions for economic â\200\230independence, increased productivity and equitable distribution of the wealth of the nationâ\200\235.

The draft constitution which will go before the congress for approval reflects a retreat from some of the more doctrinaire elements contained in the constitution of the old Zanu (PF) which were adopted at the 1984 congress.

No more is there reference to a political order under the vanguard leadership of the workers, peasants and intellectuals.

Instead the new party will aim â\200\234to create conditions for the establishment of a democratic, political

* and social order which shall guaran-

in perpetuity that the Govern-

ment of the State shall be answer--

able to the people through periodic

elections based on universal adult

suffrageâ\200\231)
Rule of law

The proposed new constitution
also lists a new aim â\200\224 â\200\234To uphold
and apply fully the rule of law,
equality before the law and the
civil, social liberties and equality of
opportunity for all people in Zim-
babwe regardless of race, tribe, sex
or religionâ\200\235.

Political observers here believe
the amended objectives reflect the
moderating influence of Mr Joshua
Nkomo, whose party, while pro-
claiming loyalty to the socialist
concept, is widely regarded as being
happier in the promotion of free
enterprise.

Leading members of Zapu are
also known to have serious reserva-
tions about the creation of a one
party state and this may account
for the softer aim of â\200\234seeking to
establish a one party state in Zim-
babweâ\200\235 as against the former objec-

tive â\200\234to establish a one party state
under the vanguard leadership of
Zanu (PF)â\200\235.

It has already been agreed in
terms of the unity pact signed two
years ago that the new party will
be led by Mr Robert Mugabe as

president and first secretary.

Corruption

Mr Nkomo and Mr Muzenda will
both be vice-presidents with the
rank of second secretary.

The supreme policy-making body
will be the National Peopleâ\200\231s Con-

gress which will be convened every

five years.

Under it will be a Central Com-

mittee of 160 members, whose job -

will be to implement policies and
decisions taken by Congress.

â\200\230The Central Committee will elect
22 full members of the Politburo as

Mr Robert Mugabe ... a retreat
from doctrinaire elements.

B

Zimbabweans may. see a
softer brand of social

Mr Joshua Nkomo ... has a moderating influence.

Of particular interest to many
analysts will be the approach
of the new party to the contentious
Leadership Code, which was sup-

to ensure that the nation's political
leaders were not only socialist
in name but also in deed.

However, the

changes -
of five Ministers
and the degree of cynicism and dis-
illusionment prevalent in Zimbabwean
society will lead to bitter debate
at the congress on this issue.

Socialists by day and capitalists
by night is how many people re-
gard the party and the
bound to get an airing.

The constitution requires every
member of the party to behave hon-
estly and honourably in all deal-
ings with the party and the public
and lays down disciplinary proce-
dures for those who fail to observe
policies, rules and regulations.

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FERARS have been expressed that the violence which has
ravaged Mpumalanga, the Umelndusi areas, and the rural
areas surrounding Johannesburg recently, may be a forerun-
ner of what is to come in townships throughout Natal
and the Christmas season,

T, This prediction correct? in the wake of a 2 week which has

1 week of deaths, injuries and arson attacks on pri-
vate property and the involvement in the may-
day, & one-day worker strikes of protest against the
violence and the steady flow of refugees into churches and
white homes,

And there is little hope at this stage that peace
will be between the United Democratic Front/Congress of

South African Trade Unions and Inkatha, which were
settled in October following Mandela's decision to pull

out are likely to get back on track before Christmas.

Detachment. Party regional director Mr Roy Ainslie,
who is directly involved in monitoring the unrest, said
that the violence in the township is not as bad as
around Durban and rural areas. Diane Coster
said that north and south of
the city was showing no

Hope for the future
in other townships are in

LC

Little hope of peace as violence

violence in the press, mounting allegations of South

sign of abating.

figures recorded by the
PP the most monitoring
group since mid-November
show Mpumalanga to be
the worst it has with 17

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{8}, Port Shepstone (%) #nd
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ows hands.

Said Mr Algstie:
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