

AP 2004-1-4-6

BUSINESS DAY, Tuesday, April 6 2004

Vitriolic attack

SIR — The letter, Shenge is part of rural problem (March 31), by ANC Youth League president Malusi Gigaba, contained a vitriolic and personal attack on Inkatha Freedom Party (IFP) president Mangosuthu Buthelezi.

African National Congress leaders have little understanding of the needs of rural people and the concern about their poverty and plight.

While he was chief minister of the erstwhile KwaZulu government, Buthelezi enhanced the quality of life of rural people. The many subsistence agriculture and food security projects he established survive to this day. Large-scale industrial parks employing thousands of people were established by him and continue to benefit rural people.

Stating that Buthelezi "served in a bantustan government" shows utter ignorance of the dynamics of history. Buthelezi was asked by the ANC leadership to take up the head of the KwaZulu government, to ensure that the grand scheme of apartheid could not be completed.

Buthelezi's constant defiance brought apartheid to its knees, which was admitted on two formal occasions — in his epoch-making February 1990 speech and at the Truth and Reconciliation Commission — by former state president FW de Klerk.

Rev KM Zondi MP

IFP national spokesperson

BUSINESS DAY, Tuesday, April 6 2004

BUSINESSDAY

Tuesday, April 6 2004

Exclusive: ANC wins

WITH less than 10 days to go before the country's third democratic election, political parties have entered the last frenzied stretch of electioneering.

It is a given that the ruling African National Congress (ANC) will again win easily on April 14 followed most probably by the Democratic Alliance, the New National Party and the Inkatha Freedom Party (IFP).

It has been an election campaign without any real new issues. The need to create jobs, reduce poverty and fight crime top the election pledges of all the main parties. Everyone tends to agree that the economy is on the right track, although there are variations in approach from opposition parties.

The real heat has come from the battle between the ANC and the IFP over the fate of KwaZulu-Natal. It is no secret that the ANC wants outright control over KwaZulu-Natal after a decade of joint governing. This is evident in rising tensions between President Thabo Mbeki and IFP leader Mangosuthu Buthelezi, with Mbeki accusing IFP members of terrorising his party's members, and Buthelezi warning of a one-party state taking shape under Mbeki.

Electioneering aside, it is unlikely that the IFP will disappear from either national or provincial government should the ANC, indeed, win the province. Neither party wishes to return to pre-1994 violence levels, and it is far more likely that a compromise will be reached — albeit with the loser serving as a junior partner — in the interests of peace.

The second big issue, at least in the minds of voters, is whether the ANC will win an outright two-thirds majority nationally. The recent SABC-Markinor poll placed the ANC's share of the vote at 70% and while this is only an estimate, it does herald the possibility that the ANC may be able to change the constitution without the support of any other party.

The question is whether, if achieved, this will have any real impact in the immediate future. Our

belief is that, probably, it won't though there are aspects of the constitution, notably its insistence that all provinces enjoy the same powers regardless of their ability to exercise them, that should be changed. In effect, the ANC has been able to change the constitution in the past five years, but has done so sparingly. The floor-crossing episode was the most controversial of these, but it did so in agreement with the DA.

There are, nevertheless, concerns among the voting electorate about the continued dominance of a single party, as evidenced by recent surveys. One noted that two in three South Africans believe the ANC wields too much political power. They see this as a threat to democratic principles because it erases the boundaries between party and state. It can also dampen the true democratic discourse required to find answers to SA's challenges.

It is not the fault of the ANC, however, that it is in such a strong position. True, Mbeki's disdain for public debate with critics does little to advance the democratic space in the country. But much can be done in his absence.

Sadly though, the opposition finds it difficult to profile policy choices without using government as a yardstick. And even when it does stand still, government is to be found squarely in the political centre on every issue that matters.

Certainly that is the case on the economy, where elections are almost always won or lost. It has made it almost impossible for any opponent to place a clear and viable economic alternative on the table long enough for it to be noticed.

SA needs a strong opposition, and the inroads the DA makes into the black vote will be the key feature of the opposition performance this election.

The ANC also needs a strong opposition, if only to ensure it does what it says it intends doing. But the key to that must centre on building simple but compelling economic policy alternatives.

BUSINESS DAY, Tuesday, April 6 2004

Mbeki seeks costs from Buthelezi

Battle fought on ministerial powers

Linda Ensor and Wendell Roelf

CAPE TOWN — The ante was upped yesterday in a Cape High Court battle between President Thabo Mbeki and Home Affairs Minister Mangosuthu Buthelezi over controversial immigration regulations, when Mbeki instructed that Buthelezi be held personally liable for costs.

"(My) instructions are ... Buthelezi has not conveyed the latest developments to him (Mbeki) and (we) must ... seek costs in his personal capacity ... (Buthelezi) is acting without cabinet authority," said Michael Donen SC.

Donen, representing Mbeki in a court action challenging the new immigration law, asked the court to set aside the regulations.

Presiding Judge Hennie Erasmus has to reach a decision today as the disputed regulations were to come into effect at midnight.

The issue is whether Buthelezi was entitled to promulgate immigration regulations when the cabinet was still deliberating on them. Buthelezi published the regulations under a Cape High Court order following an application by immigration lawyer Gary Eisenberg that he do so.

There were many disagreements within the cabinet about the regulations, particularly over which countries should be exempt from visa requirements.

The court ruling is likely to give clarity to the constitutional allocation of powers between Mbeki and his cabinet ministers.

The issue is whether a cabinet minister alone has the power to determine regulations under promulgated legislation or whether

this is the function of the cabinet acting collectively.

Earlier, Donen suggested that Buthelezi had "deliberately misled" the court and Mbeki by "deception or by omission".

He alleged that Buthelezi and his department had "dictated to the court to absurd lengths" in a bid to secure an interim court order and avert a collective cabinet process thrashing out the merits of the new regulations.

Donen said that by taking this route, Buthelezi was creating consequences for other government portfolios and had directly affected SA's international relations and national policy.

He submitted that Buthelezi had acted in an "improper manner" which, whatever its purpose, was unconstitutional.

Donen said Buthelezi was "bound to exercise his power to make regulations within the legislative mandate ... which emanates from the Immigration Act and the constitution," he said.

Buthelezi was obliged to adhere to co-operative governance principles, he argued, and submit to collective cabinet responsibility for national policy matters.

David Unterhalter SC, for Buthelezi, said his client's powers to implement legislation were conferred on him by an act and were intended to be unfettered.

"They are not a matter for executive authority or of collective cabinet responsibility as the regulations are subordinate legislation and not national policy."

He argued that bringing subordinate legislation under the president's control would usher in a new unconstitutional presidential government. *With Sapa*

THE WITNESS, TUESDAY, APRIL 6, 2004

Mbeki, Buthelezi square up

High stakes battle over law

THE ante was upped yesterday in a Cape High Court battle between President Thabo Mbeki and Home Affairs Minister Mangosuthu Buthelezi over controversial immigration regulations, when Mbeki instructed that Buthelezi be held personally liable for costs.

"[My] instructions are ... Buthelezi has not conveyed the latest developments to [Mbeki] and [we] must ... seek costs in his personal capacity ... [Buthelezi] is acting without cabinet authority," said Michael Donen SC.

Donen, representing Mbeki in a court action challenging the new immigration law, asked the court to set aside the regulations.

Presiding Judge Hennie Erasmus has to reach a decision today as the disputed regulations are supposed to come into effect at midnight.

The issue is whether Buthelezi was entitled to promulgate immigration regulations when the cabinet was still deliberating on them. Buthelezi published the regulations under a Cape High Court order following an application by immigration lawyer Gary Eisenberg that he do so.

There were many disagreements within the cabinet about the regulations, particularly over which countries should be exempt from visa requirements.

The court ruling is likely to give clarity to the constitutional allocation of powers between Mbeki and his cabinet ministers.

The issue is whether a minister alone has the power to determine regulations under promulgated legislation or whether this is the function of the cabinet acting collectively.

Earlier, Donen suggested that Buthelezi "deliberately misled" the court and Mbeki by "deception or by omission".

He alleged that Buthelezi and his department "dictated to the court to absurd lengths" in a bid to secure an interim court order and avert a collective cabinet process deciding on the new regulations.

Donen said that by taking this route, Buthelezi was creat-

ing consequences for other government portfolios and directly affected South Africa's international relations and national policy.

He submitted that Buthelezi acted in an "improper manner", which was unconstitutional.

Donen said Buthelezi is "bound to exercise his power to make regulations within the legislative mandate ... which emanates from the Immigration Act and the Constitution" and adhere to co-operative governance principles.

David Unterhalter SC, for Buthelezi, said his client's powers to implement legislation conferred on him by an act were intended to be unfettered. "They are not a matter for executive authority or of collective cabinet responsibility as the regulations are subordinate legislation and not national policy."

He argued that bringing subordinate legislation under the president's control would usher in a new unconstitutional presidential government. — Business-Day- Sapa.

THE WITNESS, TUESDAY, APRIL 6, 2004

Individual voters have 1/35 000th of the power of a politician

Politics of service delivery



Politics

by
**LAURENCE
PIPER**

SOUTH African politics is "normalising", or so we are told. We have regular multi-party elections, where people can disagree and yet still speak and vote (mostly) freely. All this is true and obviously good. However, a closer look at the ways in which parties are conducting themselves in election 2004 suggests that things are not as "normal" as they seem - or perhaps even that being "normal" is not good enough.

I was recently at an election debate among the major parties in KwaZulu-Natal where the leader of the Minority Front, Amichand Rajbansal, accused the DA of the most "despicable electioneering in South African electoral history", warning the DA's "puppy" to beware the MF's "tiger". This "despicable electioneering" turned out to be an incident of name-calling familiar to anyone who has spent a lunch-time on a school courtyard.

Is this what election 2004 has descended to? A glorified bun-fight amongst the best and the brightest? Certainly the issues do not separate out the parties - they all list the same "Big Five": unemployment, HIV/Aids, poverty, crime and corruption, in roughly that order. Ideologically, too, there is a remarkable agreement. The ANC may have introduced the neo-liberal Growth, Employment and Redistribution (Gear) programme, but the DA and the IFP are among its biggest fans - with some tinkering here and some fine-tuning there.

Does this mean that the divisive issues and clashing visions of old have been replaced by petty bickering? Not

entirely. Increasingly, parties are selling themselves in a new way: as effective service providers to political consumers. Being the best value for votes is more and more the name of the game. This is the emergent meaning of "a people's contract to create work and fight poverty" or "real development now" or "South Africa deserves better".

There are two ways in which parties look to be more effective than their rivals: they present themselves as either more competent or more powerful, preferably both.

Being more competent typically means having better policies. Thus while all the parties talk about HIV/Aids, they also all claim that their plans of action are the best. At the same time as the DA promises free Aids drugs, the IFP talks about extending roll-out in KwaZulu-Natal and the ANC talks about how its policy is the most developed in the world.

However, in addition to competence, party delivery is presented in terms of power. One of the defining features of this election is the concentration of many political parties into two major political blocks, especially in this province. In the opposition corner is the DA and the IFP with their "Coalition for Change", and in the government corner is the ANC, NNP and probably the MF.

The key point here is that parties are making post-election, power-sharing deals an election issue. Effectively they're saying "vote for us as we will be in a position to get things done". This approach is at the heart of the NNP and MF's vote-getting strategy. (Indeed, in an attempt to take power-seeking to new levels, the MF has publicly promised to co-operate with either the IFP or ANC depending on which party gets more votes.)

These coalitions are not without their ironies. On the one side we have a party that used to be South Africa's main liberation movement joining hands with the party that used to oversee apartheid. On the other we have a party that used to champion Zulu traditionalists joining hands with the party that used to represent white, English-speaking business.

In 1994, such coalitions would have been incredible. In 2004, no-one notices. In the place of ideas, ideology and identity we have the politics of effective service delivery. If politics is the art of the possible, then 2004 electoral politics is the art of the practical.

Why is this the case? Some point to the global collapse of the old left versus right-ideologies with the demise of state socialism in 1989. But this can be only partly true. Not only are socialists still around (the SACP is part of the alliance, after all) but other ideologies like feminism and environmentalism

impact on the political environment. Add to this the rise of various religious fundamentalisms and you have a volatile mix of belief systems competing for adherents both here and abroad.

Some point to the generation of new voters, many of whom did not grow up under apartheid and thus do not have the same loyalties as their parents. Many parties have reported a good turn-out by younger voters "shopping around" at party events, keen on getting T-shirts and having a good time but not necessarily buying the party line.

A more persuasive answer is linked to the very design of representative democracy itself. Here roles are clearly defined. We have leaders (politicians) and we have followers (voters). Other than that moment once every five years where we place a cross on a piece of paper, we followers typically have little to no impact on decision-making. This disempowerment means that ordinary people have little reason to participate in politics.

If you find this depressing don't even think about how influential your one vote is. It takes roughly 35 000 votes to get a seat in Parliament for your party, so at best you have the 1/35 000th of the power of a politician, and then only for one day. Plus, thanks to floor-crossing, individual politicians can take those seats and give them to other parties two years down the line, effectively disenfranchising 35 000 people in one salary raise.

If the major political role left to most of us is that of the voter, then it is not hard to see why many ordinary people feel uninterested in politics - especially those who were involved in (flawed) but generally more participatory resistance movements and trade unions. It is also not hard to see how, in election time, we become treated as political consumers by politicians wanting to sell us their party in exchange for votes.

Add to this the limited delivery of services since 1994 and you also have a somewhat disappointed electorate who want the government to do a better job with HIV/Aids, unemployment, poverty, crime and corruption. In this context, winning votes increasingly requires that parties present themselves both competent and powerful: as entities able to make the change that we ordinary people cannot make and yet pressingly need.

There are many reasons to celebrate election 2004. But there are also some worrying signs. The politics of "effective service delivery" highlights one of these: a healthy democracy needs ordinary citizens to be more than disempowered consumers or voting-fodder.

• Dr Laurence Piper teaches politics at the University of KwaZulu-Natal, Pietermaritzburg.



■ 'Pay your own costs in personal capacity and not as a minister'

CARLÉN DU PLESSIS

CAPE TOWN — A legal battle between Thabo Mbeki and Mangosuthu Buthelezi turned personal yesterday when the president told his legal team that the home affairs minister should be personally liable for the costs of the case.

Mbeki had applied to the court to declare Buthelezi's immigration regulations "invalid and of no force and effect".

The president's instruction came by phone to his lawyers while they were arguing the case late yesterday afternoon.

Michael Donen, Mbeki's advocate, said he was "gobsmacked" when his argument was interrupted by the message.

The president said the home affairs minister had not informed him that he would oppose Mbeki's application to have the immigration regulations set aside.

The president directed that Buthelezi proceed with the application and pay the costs in his personal capacity and not as a cabinet minister.



Mangosuthu Buthelezi



Thabo Mbeki

Legal experts estimated that the costs would amount to about R500 000.

Donen yesterday questioned Buthelezi's sudden decision to oppose the application to set aside the regulations.

He said the president was bringing his application on behalf of the cabinet, of which Buthelezi was a member.

"Where does he get the authority to oppose?" Donen asked.

Gary Eisenberg, an immigration lawyer, won a court ruling last month to force Buthelezi to publish the regulations. An agreement between the two parties was made an

order of court and Buthelezi published the regulations. But Mbeki and the cabinet wanted them to be substantially redrafted.

Donen accused Buthelezi of having acted from "ulterior or improper motives".

He said last month's court order should never had been made because it was "clearly orchestrated to avert the cabinet process that was already under way".

The minister had abdicated his powers to make regulations to the court, Donen said.

TO PAGE 2

'The president is a hypocrite and a liar'

ANGELA QUNYAL

CAPE TOWN — IFP leader Mangosuthu Buthelezi yesterday accused President Thabo Mbeki of being a hypocrite, of losing moral leadership, and of resorting to outrageous lies.

Buthelezi made his unprecedented personal attack on the president at an election rally at

Harding on the KwaZulu-Natal South Coast.

The ANC also geared up its campaign in the province, laying 20 charges of intimidation, disruption of political party events and assault against the IFP and its election partner, the DA.

Buthelezi said he was flabbergasted Mbeki had "for no rhyme or reason" attacked

him to discredit the IFP.

Mbeki last week branded Buthelezi a rightwinger because of the IFP's alliance with the DA, and also resurrected TRC findings that Buthelezi and the IFP were responsible for gross human rights violations during apartheid.

SEE PAGE 2

THISDAY



TUESDAY APRIL 6 2004

Sunday's rally will pay tribute to Chris Hani ANC's final push in KZN

SANDILE DIKENI

JOHANNESBURG — The battle lines are drawn in the war for the hearts and minds of voters in KwaZulu-Natal as the ANC prepares to launch its final offensive on the IFP's ten-year stranglehold on power in Ulundi.

The ANC in KwaZulu-Natal and its alliance partners will hold a major rally at the Princess Magogo stadium in KwaMashu on Sunday to commemorate the murder of South African Communist Party (SACP) leader Chris Hani 11 years ago, the party said in a statement yesterday.

The ANC's provincial leader, S'bu Ndebele, and SACP secretary-general Blade Nzimande will be the main speakers at an event expected to attract the party faithful in their thousands.

Hani was shot dead in his driveway in Dawn Park, near Johannesburg, in 1993 by a Polish immigrant, Janusz Walus, who was later jailed for murder together

with Clive Derby-Lewis, a leader of the old Conservative Party.

The assassination, during the negotiations for the country's transition, shook South Africa and immediately elevated the SACP leader to a folk hero and martyr.

The commemoration has been planned to coincide with the ANC's election bid to take political control of KwaZulu-Natal.

The emotive nature of the rally is in line with President Thabo Mbeki's declaration during the launch of his campaign that the ANC will spare nothing to remove the IFP from office in Ulundi.

Though the rally will be held far from the stronghold of KwaNongoma, it is close enough to the support base of the communist firebrand Harry Gwala to attract many of his hardline supporters.

Nzimande described Sunday's meeting as "the last offensive to win KwaZulu-Natal, but at the same time as we are

celebrating ten years of democracy".

"And in our celebrations we cannot but remember the most important person who led the process towards freedom. That person is Chris."

During the Siyanqoba rally at FNB stadium in Johannesburg on Sunday, thousands of ANC supporters roared in applause when Hani's name was mentioned.

Nzimande said this was an "acknowledgement that Chris still lives in the hearts and minds of millions".

The use of a slain icon at Sunday's rally is also part of the ANC's insistence on political tolerance, and an attempt to drive home the point that they will not be deterred by political violence.

The IFP have insisted they are not the source of violence, pointing a finger at the ANC instead. Both parties have recently forsworn violence and urged their supporters to show restraint.

KwaMashu will need a lot of restraint on Sunday.

HANI REMEMBERED: Blade Nzimande will be one of the main speakers at the rally in KwaMashu on Sunday.

THE MERCURY

Tuesday April 6 2004

SIPHO KHUMALO
POLITICAL STAFF

AN UNPRECEDENTED war of words between IFP and ANC leaders raged in court and on political election platforms yesterday.

Addressing an election rally in Harding, IFP leader Mangosuthu Buthelezi lambasted ANC leader and president Thabo Mbeki for being an "ideologue and hypocrite" who ducked real issues and harboured "bizarre ideas" on HIV/Aids.

He heaped criticism on Mbeki, saying the ANC had chosen to run away from debating "substantive and real" issues facing the country.

This attack came on the day that a stand-off in court between the two leaders turned ugly.

The IFP leader's legal team said in the Cape High Court that if Mbeki had not liked what the Minister of Home Affairs was doing, he should have fired him and not dragged him through court.

Buthelezi's team moved to bar Mbeki from pursuing further legal action against the minister, saying the principles of co-operative government stated that he should first try to solve the dispute internally or approach the Constitutional Court.

The argument came minutes after Mbeki had sent instructions to his legal team to ask the court to order Buthelezi to pay the legal costs of litigation about immigration regulations out of his own pocket - something that legal experts said was unheard of.

In Harding, meanwhile, Buthelezi



MANGOSUTHU BUTHELEZI
Scathing attack on President

NOW READ
CLASSIC POWER
STRUGGLE: PAGE 2

said: "The ANC chose to run away from debating these issues (HIV/Aids, crime, unemployment, poverty and corruption) and resorted first to ideology and then to smear tactics, resuscitating the old campaign of lies and vilification against me."

He said that although he had avoided attacking the president in public, he had been personally attacked by Mbeki.

"The attack on me was launched by President Mbeki himself. I have never attacked President Mbeki," Buthelezi said. "I have always respected him because he is the president of the country, and the president of the ANC."

To cheering crowds, Buthelezi said he had walked the full path of reconciliation and had avoided attacking

Mbeki, even when the entire world had been ridiculing him.

"I have always dealt with issues, not with people. I have always played the ball, not the player. I did not attack the president for his bizarre idea that HIV does not cause Aids, which paralysed government action for about three years, causing uncalled-for human suffering and many unnecessary deaths of our people."

"The world was ridiculing him and, because of his position, was ridiculing our country, but I did the honourable thing and kept my mouth shut," he said.

Similarly, said Buthelezi, he did not attack the president when Mbeki embraced "the so-called diplomacy of silence in relation to Zimbabwe".

He said this forced "all of us to be silent while Zimbabwe crumbled under our own eyes, because of the strangling of its democracy piece by piece".

Buthelezi also accused Mbeki of being a hypocrite for having attacked him because of the findings of Truth and Reconciliation Commission.

The commission had found that Buthelezi had been politically liable for gross human rights violations in the former KwaZulu homeland, which had been under his jurisdiction.

However, Buthelezi successfully challenged the TRC's findings, resulting in some of them being removed from the final report.

"He attacked me as the person who presided over the Inkatha Movement... I only wonder how he can be such a hypocrite because if I was the man the TRC portrayed me to be then how could he have kept me for five years in his own cabinet," he said.

THE MERCURY
Tuesday April 6 2004

Buthlezi v Mbeki: a power struggle



ESTELLE ELLIS
Johannesburg

IF PRESIDENT Thabo Mbeki did not like what the minister of home affairs was doing, he should have fired him and not dragged him through court.

This was the latest salvo from Mangosuthu Buthelezi's legal team yesterday as what was called a "classic power struggle" turned ugly.

Buthelezi's counsel, David Unterhalter SC, moved to bar Mbeki from pursuing further legal action in the Cape High Court against the minister, saying the principles of co-operative government stated that he should first try to solve the dispute internally or approach the Constitutional Court.

Unterhalter's argument came just minutes after Mbeki sent urgent instructions to his legal team to ask the court to order Buthelezi to pay the legal costs of litigation about immigration regulations out of his own pocket. Legal experts said this was unheard of.

The latest stand-off between Mbeki and Buthelezi had its origins about a month ago when Cape Town immigration specialist Gary Eisenberg filed an application compelling Buthelezi to publish immigration regulations that were the

product of an extensive process of public consultation.

Buthelezi first opposed the application, but then agreed to an order that would compel him to publish the regulations and proposals made by the cabinet at that stage. He promptly had the regulations delivered to government printers by his special adviser, Mario Ambrosini, and the regulations were published in the *Government Gazette* on the same afternoon.

As soon as the regulations were published the 30-day countdown before they came into operation started. This stopped a process by the cabinet, which had grave concerns that some of the new rules were highly unconstitutional, to amend the regulations.

Court order

Mbeki then approached the court for a clandestine court order suspending the order to which Buthelezi consented to and later filed an amended legal challenge - this time asking the court to declare the published regulations invalid.

Last week Buthelezi agreed to abide by the decision of the court saying that, as a cabinet minister, it was not in his power to oppose Mbeki's court action. The apparent ceasefire did not last for long.

Yesterday started on a dramatic note as Mbeki's legal team, led by Michael Donen SC, filed documents with Judge Hennie

Erasmus accusing Buthelezi of abusing the process of court, deliberately misleading the public and the president, attempting to subvert the cabinet and acting in bad faith.

Up to then court papers had a more diplomatic tone.

Unterhalter then asked the court for time to convey this to their client. They returned with a declaration of legal war. After lunch, Unterhalter told the court that Buthelezi no longer wished to abide by the decision of the court, but wanted to oppose the application.

The heart of the legal action argued yesterday was what Unterhalter described as a "classic power struggle".

Mbeki's legal team said that the Immigration Act did not give Buthelezi the power to put regulations into operation without first getting the consent of the cabinet. Buthelezi's legal team said he could.

About an hour later chief state legal adviser Enver Daniels handed Donen a fax in which Mbeki fired back. He asked the court to order Buthelezi to pay the costs of all of the litigation about this matter in person - an unprecedented request in South African legal history.

Unterhalter struck back, accusing Mbeki of wanting "a form of presidential government" where the president and cabinet had control over almost all exercises of power.

Beeld, Dinsdag 6 April 2004

Bank gaan nie pond vleis by NNP eis ná firmas se skenkings

Die NNP se aandeel aan die geld wat Absa aan politieke partye geskenk het, is net so aan die bank terugbetaal om skuld te delg wat die party ná die verkiesing in 1999 opgebou het.

Mnr. Nick Cairns, Absa-woordvoerder, het gister gesê dié bank gaan nie probeer om die uitstaande bedrag op 'n skuldlas wat aanvanklik sowat R6 miljoen bedra het, by die NNP terug te kry nadat verskeie groot maatskappye die afgelope tyd geld aan die party geskenk het nie.

"Die NNP betaal steeds terug aan die skuld, en ons is tevrede met die reëling. Bykomende betalings is onnodig. Die skuld is nie afgeskryf nie," het hy by navraag gesê.

Volgens Cairns sal die bedrae wat Absa aan politieke partye geskenk het, nie bekend gemaak word nie omdat die bank dit as 'n vertroulike ooreenkoms met 'n kliënt beskou.

Om dieselfde rede is die bank nie bereid om die stand van die NNP se geldsake of die omvang van die party se skuldlas te bespreek nie.

Me. Carol Johnson, NNP-woordvoerder, het gister by navraag gesê dit is nie haar party se beleid om geldkwessies in die openbaar te bespreek nie.

Die NNP se skuldpenarie was in die nuus in 2001 toe die party uit die DA gestap het. Inder tyd is verneem dat Absa regstappe oorweeg het om die geld van die NNP terug te kry.

'n Vriendskaplike ooreenkoms is uiteindelik tussen die bank en die party beding.

- Jan-Jan Joubert

Beeld, Dinsdag 6 April 2004

'Buthelezi mislei president en hof met bevel oor wet'

Llewellyn Prince

Kaapstad. – Die minister van binnelandse sake het opsetlik die hooggeregshof en die president mislei vir 'n hofbevel om immigrasiewetgewing in die *Staatskoerant* te publiseer.

Só het adv. Michael Donen SC., advokaat vir pres. Thabo Mbeki, gister geargumenteer in 'n aansoek van Mbeki om 'n hofbevel van 8 Maart ter syde te stel.

Mbeki wil hê regulasies vir die immigrasiewetgewing wat mnr. Mangosuthu Buthelezi in die *Staatskoerant* gepubliseer het, moet ongeldig verklaar word.

Luidens hofstukke het Eisen-

berg en Vennote, 'n Kaapse prokureursfirma wat ook as verweerder in die aansoek genoem is, die hofbevel teen die minister aangevra.

Donen het gesê dié hofbevel was 'n georkestreerde plan om die kabinet te mislei. Dit skend die kabinet se uitvoerende gesag in die formulering en instelling van nasionale beleid.

Hy het gesê die hof is misbruik en die bevel ongrondwetlik.

Donen het gesê nie Eisenberg of die minister kan nie die aansoek teenstaan nie.

Volgens hom kon die minister Eisenberg se aansoek vermy het, maar het hy 'n hofbevel verkies om die regulasies te publiseer. Slegs Mbeki en die kabinet kan so 'n besluit neem omdat dit talle

departemente raak, het Donen aangevoer.

"Die minister het gevolge vir ander departemente geskep. As hy nie die Grondwet wou aanvaar nie, moet hy uit," het Donen gesê.

Buthelezi het Mbeki per brief ingelig dat Eisenberg die hofbevel aangevra het, maar nie dat hy toestemming daarvoor gegee het nie.

Adv. David Unterhalter SC, vir die minister, het gesê die aansoek is 'n geskil tussen staatsliggame.

Hy reken die Grondwet sê geskille moet onderling probeer besleg word voordat staatsliggame hof toe gaan.

Die saak voor regter Hennie Erasmus duur voort.

Beeld, Dinsdag 6 April 2004

ANC skep spanning in KZN, sê IVP

Party vies oor ministeriële afvaardiging

Adriaan Basson

Ulundi. – “Die ANC is die gemene deler as dit by politieke geweld in Suid-Afrika kom. Hulle baklei nie net met die IVP nie, maar met ander partye ook.”

Só het mnr. Blessed Gwala, KwaZulu-Natalse woordvoerder van die IVP, gister gesê ná 'n dringende vergadering tussen afvaardigings van die ANC en IVP hier.

Mnr. Mosiuoa Lekota, minister van verdediging, het die vergadering voorgestel om te verduidelik waarom hy en me. Cheryl Gilwald, adjunkminister van justisie en staatkundige ontwikkeling, vir die duur van die verkiesing in Ulundi gaan wees.

Volgens Lekota het pres. Thabo Mbeki hulle en nog ander kabinetslede in KwaZulu-Natal ontplooi om seker te maak die verkiesing verloop sonder geweld of intimidasie.

Die Ulundi-streek is 'n IVP-vesting en die ANC het dit vroeër duidelik gemaak dat hy

daarheen gaan om te bewys daar is geen *no go*-gebiede in die land nie.

Mnr. Charles Ngakula, minister van veiligheid en sekuriteit, het verlede naweek ANC-plakkate in Ulundi opgesit. Die IVP het hom verkla dat hy en sy helpers IVP-plakkate sou afruk, maar die ANC het dit ontken.

Gwala het die ANC gister daarvan beskuldig dat hulle “onnodige spanning” in die gebied veroorsaak. Volgens hom is dit nie die ANC-lede van Ulundi wat pla nie, maar “ANC-mense van buite wat lyk of hulle wil ingryp”.

By gister se vergadering het die IVP groot ongelukkigheid uitgespreek oor die afwesigheid van 'n IVP-ampsdraer in die ministeriële afvaardiging.

Volgens Gwala het Lekota gesê hul besoek is 'n regeringsinisiatief en het niks met politieke ry te make nie. “Maar as dit 'n regeringsbesoek is, waarom is niemand van die IVP hier nie?”

Lekota het gesê mnr. Mangosuthu Buthelezi, IVP-leier, is ook deel van die afvaar-

diging, maar dat hy in ander dele van die provinsie ontplooi sal word.

Gwala hou vol dat die IVP nie in geweld glo nie.

“Die IVP is kwaad dat Ulundi 'n *no go*-gebied genoem word.”

Volgens hom is die politieke spanning in die provinsie “nie so hoog nie”, maar was 'n IVP-leier wat verlede week in Esikhawini, naby Richardsbaai, doodgeskiet is, “die eerste slagoffer in die provinsie sedert die verkiesingsdatum bekend gemaak is”.

Mnr. Zabazendoda Vincent Makhoba (33), 'n IVP-tesourier in die Mhlathuze-streek, is verlede Donderdagaand doodgeskiet terwyl hy saam met sy vrou en kind TV gekyk het.

Humeure het eergister by sy begrafnis opgevlam toe IVP-ondersteuners wraak wou neem op sy moordenaars, wat volgens hulle ANC-ondersteuners is.

“Die saak is nou by die polisie. Mense moet enige inligting aan die polisie gee en nie die reg in eie hande neem nie,” het Gwala gesê.

The Star ... Tuesday, April 6, 2004

ANC turns to courts to stop intimidation, assaults

Several intimidation and assault charges have been laid against the Inkatha Freedom Party and the Democratic Alliance.

The ANC has brought about 20 charges against the parties in KwaZulu Natal concerning their behaviour in the run-up to the elections.

This was confirmed yesterday by KwaZulu Natal head of ANC security, Bheki Cele.

One charge led to the arrest of an IFP councillor in Pomeroy, a former no-go area in the KwaZulu Natal Midlands, on Saturday.

Local police said yesterday that the councillor was released on a warning and would appear in court next Tuesday.

Cele said a woman wearing an ANC T-shirt was pulled into a bottle-store and assaulted during electioneering.

"Luckily the police were there and pulled the woman out of the bottle-store.

"We told her to lay a charge but she was scared because she was told that she would be killed. But she did lay the charge later," he said.

Cele said his party was also

unhappy that IFP posters had been plastered on the outside walls of the ANC's office in nearby Tugela Ferry.

"This is unacceptable, as the ANC office is private property. The ANC pays rent for it."

Cele said a meeting had been called with the local IFP and police members, where it was decided that the posters would be removed.

"But I went back (later in the day) and the IFP posters were still there.

"I was told that the IFP said somebody would die if the posters were removed," Cele said.

Safety and Security Minister Charles Ngakula told a radio station

yesterday that he was concerned about the number of incidents of intimidation in the province.

He said people were living in fear due to the levels of intimidation. These had led to tensions in the province being "quite high".

However, Ngakula gave the assurance that security forces would be able to handle any eventuality.

The IFP was not immediately available yesterday to comment on the allegations and the charges. - Sapa



Tuesday April 6 2004 **SOWETAN**

ANC brings out big gun

THE ANC yesterday gave its clearest signal yet that it intends wresting control of KwaZulu-Natal from the Inkatha Freedom Party in next Wednesday's third all-race elections.

At the same time, the ANC, which rules seven of the country's nine provinces, made it clear it will not allow General Bantu Holomisa, the leader of the United Democratic Movement, to snatch victory in Eastern Cape – a UDM stronghold.

The ANC said last night it is deploying Nelson Mandela, the former president and beloved leader, in KwaZulu-Natal today for two election events. Until now, Madiba has played the role of fundraiser for the party.

KwaZulu-Natal is one of the most hotly contested regions in the elections.

According to the ANC, Madiba would be at be at Clermont's Terror Lekota Stadium at 11am this morning. He will then proceed to the Mt Edgecombe grounds in Siphosethu Road, Phoenix, at 11.30am.

Mandela's deployment to the province comes just days after the IFP and the Democratic Alliance stamped their authority in the province by holding a joint rally in Durban at the weekend where they both vowed to bring about a new majority in the nation.

Tomorrow, Mandela is off to Eastern Cape for what is widely seen to be a move by the ANC to stop Holomisa in his native former Transkei. – *Sowetan*

Tuesday April 6 2004 **SOWETAN**

ANC lay 20 charges against IFP and DA

MEMBERS of the African National Congress have laid about 20 charges of intimidation, assault and disruption of political events against other political parties in KwaZulu-Natal in the run-up to the April 14 election, the party said yesterday.

Provincial head of ANC security, Bheki Cele, said the charges had been laid against members of the Inkatha Freedom Party and the Democratic Alliance.

The latest charge led to the arrest of an IFP councillor in Pomeroy, a former "no-go" area for the ANC in the KwaZulu-Natal Midlands, on Saturday. Local police said on Monday that the councillor was released on a warning and would appear in court today.

Cele said the ANC had been conducting an election campaign in the town when a woman wearing an ANC T-shirt had been pulled into a bottle store and assaulted.

"Luckily the police were there and pulled the woman out of the bottle store. We told her to lay a charge, but she was scared because she was told she would die. She did lay the charge later," he said.

Cele said his party was also unhappy about IFP posters that had been plastered on the outside walls of the ANC's office in nearby Tugela Ferry.

"This is unacceptable. The ANC office is private property. The ANC pays rent for it," Cele said.



He said a meeting had been held with the local IFP and police members, where it was decided that the posters would be removed.

"But I went back (later in the day) and the IFP posters were still there. I was told that the IFP said somebody would die if the posters were removed," Cele said.

Safety and Security Minister, Charles Nqakula, told a radio station on Monday he was concerned about the number of incidents of intimidation in the province.

Nqakula said people were living in fear due to the levels of intimidation, and that tensions in the province were "quite high".

The IFP was not immediately available for comment. — Sapa

Tuesday April 6 2004 **SOWETAN**

Mbeki tackles Buthelezi

President asks court to seek costs from Home Affairs minister

By Waghled Mshach

PRESIDENT Thabo Mbeki engaged in a court battle with his Home Affairs Minister in a bid to set aside immigration regulations due to come into effect at midnight tonight — upped the stakes and demanded that Prince Mangosuthu Buthelezi be ordered to personally foot the bill for the proceedings.

The president asked his lawyers in the Cape High Court to seek costs from Buthelezi, also leader of the IFP, because the minister had allegedly acted without a Cabinet mandate.

Mbeki's decision comes in the wake of Buthelezi's decision last night to oppose the President's application to set aside the publication of the regulations around the Immigration Act. Initially, Buthelezi had indicated he would not oppose the President's application.

If the Court grants Mbeki's request, it could put Buthelezi out of pocket to the tune of tens of thousands of rands.

The Court battle has been playing itself out against the backdrop of an equally acrimonious election contest between the ANC and Buthelezi's Inkatha Freedom Party in the minister's stronghold of KwaZulu-Natal (See page 4).

"The President has advised the legal team and the court that Minister Buthelezi has not conveyed this latest development to him and they must therefore proceed with the application and seek costs from the Minister in his personal capacity because he had acted outside of Cabinet," said Advocate Michael Dohen.

Dohen is acting for Justice Minister Penuell Maduna who in turn is representing Mbeki in court.

Mbeki has challenged the immigration regulations published by Buthelezi as unconstitutional and incapable of proper implementation.

The immigration law has been the subject of bitter fighting between Buthelezi and his Cabinet colleagues over the past few years. The Home Affairs Minister has been accused of publishing regulations that favour Westerners and not those from neighbouring African countries.

In argument yesterday, Dohen said Buthelezi did not have the power to publish the regulations because it had been the subject of Cabinet scrutiny at the time.

Dohen also added that the law impacted on departments falling under other Ministers, including the issuing of study permits under education; medical treatment permits under health; establishment of liaison offices in foreign countries under foreign affairs; and business and work permits under labour and trade and industry.

Dohen argued that Buthelezi had "misled" the President and the court by claiming he had acted under a court order to publish the regulations. However, the court order had been instituted by the Minister himself, said Dohen.

In reply, Buthelezi's lawyer, Advocate David Unterhalter, told the court that if Mbeki had not agreed with the way the immigration law had been

handled, he should have fired Buthelezi.

Unterhalter added that Mbeki had not acted properly by not exhausting the dispute resolution mechanism in the Constitution which governs the relations between various state organs.

He also argued that the President had come to the "wrong court" because only the Constitutional Court was empowered to deal with disputes between various organs of state. Buthelezi had acted under a mandate from Parliament, as all ministers are entitled to do, said Unterhalter.

The High Court hearing is a sequel to an application brought by Cape Town immigration lawyer Gary Eisenberg to force Buthelezi to publish final immigration regulations. Buthelezi published these, precipitating the current court battle. Unless the High Court sets aside the regulations, they will come into effect at midnight tonight. The case continues today.

BUSINESS DAY, Tuesday, April 6 2004

Mbeki a 'hypocrite', says Buthelezi in fight for KwaZulu vote

Sphiwe Mboya

THE public spat between President Thabo Mbeki and Inkatha Freedom Party (IFP) leader Mangosuthu Buthelezi continued yesterday when Buthelezi accused the president of being a hypocrite.

In a scathing attack on Mbeki, Buthelezi told IFP supporters gathered at Mtomuhle sports field in KwaZulu-Natal that was he baffled as to why Mbeki had trusted him as the

ELECTION 2004

country's home affairs minister.

Mbeki has accused Buthelezi of leading a party that has violated human rights in KwaZulu-Natal.

His salvo comes amid a robust last-minute push by both parties to win a majority of votes in the IFP-controlled province during their weekend rallies.

Mbeki reiterated at the weekend that the African National Congress (ANC) wanted to rule the province.

But Buthelezi retorted: "We (Buthelezi and Mbeki) walked together the path of reconciliation, to ensure our people would never be divided again by violence and intimidation, but when push came to shove he

(Mbeki) undermined what we have done in the past five years."

In an eight-page speech, Buthelezi questioned Mbeki's position on HIV/AIDS and Zimbabwe, and the ANC's failure to deal with crime, unemployment, poverty and corruption.

The IFP leader said Mbeki had based his "spurious allegations" against him on the Truth and Reconciliation Commission's (TRC's) report, which he claimed was full of lies.

Buthelezi said he took the TRC to

court and it was forced to admit that its findings about the IFP being guilty of human rights abuses in KwaZulu-Natal was "nothing but propaganda and vilification".

Buthelezi defended the IFP's coalition pact with the Democratic Alliance, saying it would offer both parties "much greater strength to bring about effective policies and good governance" in KwaZulu-Natal, because "we all deserve better than what the ANC has to offer".

THE WITNESS, TUESDAY, APRIL 6, 2004

They're not the only ones with grievances, say other parties

ANC files 20 intimidation charges

SIBONELO MSOMI
and ADRIAAN BASSON

THE ANC said yesterday it has filed 20 charges of intimidation against its main rivals, the IFP and the DA.

The charges relate to sporadic incidents in the province, including intimidation, assault and prevention from conducting free political activity.

ANC provincial spokesman on safety and security, Bheki Cele, said his party's latest case was on the weekend when the a woman who was allegedly wearing an ANC T-shirt was assaulted in Popperoy. He said an IFP councillor was arrested in connection with the incident.

Naidoo said police often register charges laid by political parties

against their rivals relating to damage of posters, intimidation and blocking other parties from canvassing. He said the charges have been laid all over the province.

On Thursday last week, IFP-aligned Inkosi Ziwengu Lushaba was released on free bail at Port Shepstone Magistrate's Court after he allegedly pointed a firearm at ANC member Muzi Shezi, who was campaigning in the area under Lushaba.

The ANC alleged that they met Lushaba to discuss political activity in the area but the leader allegedly said he would not allow their "door-to-door canvassing in his area". The party has threatened to report this to Justice Minister Penuell Maduna.

The DA and IFP also said they have laid charges against the ANC but

they did not have figures at hand.

DA spokesman Andrej Kormuth mentioned a mural painted by the ANC on municipal property.

Meanwhile, IFP KZN spokesman Blessed Gwala said yesterday that "The ANC is the common denominator when it comes to political violence ... They not only fight with the IFP, but with other parties as well."

He was speaking after an urgent meeting between delegations of the ANC and IFP. Defence Minister Mosiuoa Lekota suggested the meeting to explain why he and Deputy Justice Minister Cheryl Gilwold will be in Ulundi during the elections.

Lekota said President Thabo Mbeki deployed them and other members of cabinet in KwaZulu-Natal to make sure the elections take place without

violence or intimidation.

The Ulundi region is an IFP stronghold and the ANC earlier indicated that it would be going there to prove that there are no "no-go" areas in the country.

Gwala accused the ANC yesterday of creating "unnecessary tension" in the area. He said the ANC members in Ulundi weren't the problem, but "ANC people from outside who seem to want to intervene".

At the meeting yesterday, the IFP expressed its dissatisfaction with the absence of an IFP official in the ministerial delegation. Gwala said Lekota explained that their visit was a government initiative and had nothing to do with politics. "But if it is a government visit, why is nobody of the IFP here?" he asked.

Gwala maintained that the IFP does not believe in violence. "The IFP is angry that Ulundi is called a 'no-go-area'." He said political tension in the province "wasn't as high", but an IFP leader who was shot dead in Esikhawini near Richard's Bay "was the first victim in the province since the date of the elections was announced".

Zabazendoda Vincent Makhoba (33), an IFP treasurer in the Mhlathuze region, was shot dead on Thursday night. Tempers flared at his funeral on Sunday when IFP supporters threatened to take revenge on his murderers, whom they believe to be ANC supporters.

"The case is now with the police. People should give information to the police and should not take the law into their own hands," Gwala said.

The Star, Tuesday, April 6, 2004

Immigration 'power struggle' turns ugly

By ESTELLE ELLIS
Special Writer

Mbeki makes unprecedented request that Buthelezi pay cost out of own pocket

If the president did not like what the Home Affairs minister was doing, he should have fired him and not dragged him through court.

This was the latest salvo from Mangosuthu Buthelezi's legal team yesterday in a "classic power struggle" turned ugly.

Buthelezi's counsel, David Unterhalter SC, moved to bar President Thabo Mbeki from pursuing further legal action in the Cape High Court against Buthelezi. He said the principles of co-operative government stated that he should first try and solve the dispute internally or approach the Constitutional Court.

His argument came within minutes after Mbeki sent urgent instructions to his legal team to ask the court to order Buthelezi to pay the legal costs concerning the immigration regulations out of his own pocket.

Legal experts last night said

this was unheard of.

The latest stand-off between Mbeki and Buthelezi had its origins about a month ago when Cape Town immigration specialist Gary Eisenberg filed an application compelling Buthelezi to publish immigration regulations, which were

'Not even the use of Latin can dignify that kind of conduct'

the product of an extensive process of public consultation.

Buthelezi first opposed the application, but then suddenly agreed to an order that compelled him to publish the regulations and the proposals made by the cabinet at that stage.

He promptly had the regulations delivered to the printers

and the regulations were published in the *Government Gazette* on the same afternoon.

As soon as the regulations were published, the 30-day countdown before they came into operation started.

This prevented the cabinet - which had grave concerns that some of the new rules were highly unconstitutional - from amending the regulations.

Mbeki then approached the court for a clandestine court order suspending the order to which Buthelezi consented to, and later filed an amended legal challenge - this time requesting the court to declare the published regulations invalid.

Last week, Buthelezi agreed to abide by the decision of the court, saying that, as a cabinet minister, it was not in his power to oppose Mbeki's court action. The apparent ceasefire did not last for long.

Yesterday morning started

on a dramatic note as Mbeki's legal team, led by advocate Michael Dönn SC, filed documents with Judge Hennie Erasmus accusing Buthelezi of abusing the process of court, deliberately misleading the public and the president, attempting to subvert the cabinet and acting in bad faith.

Up to then, the court papers had a more diplomatic tone.

"We are forced to draw an uncharitable conclusion that this order (preceding the publication of the regulations) was orchestrated to subvert cabinet either by accident or by terrific good fortune," Dönn said.

He said Buthelezi had deliberately kept Mbeki in the dark about the litigation between the Home Affairs Department and Eisenberg.

The next thing the president knew there was this court order that the regulations be published. Not even the use of

Latin can dignify that kind of conduct," Dönn said.

Unterhalter then asked the court for time to convey this to their client.

They returned with a declaration of legal war. After lunch, Unterhalter told the court that Buthelezi no longer wished to

'What is decided in this case would impact on every piece of legislation'

abide by its decision, but wants to oppose the application.

Eisenberg, who was cited as a party in the application, by now had faded into almost obscurity as it became clear that what the court was faced with was a power struggle of enormous proportions.

The heart of the legal

matter argued yesterday was described by Unterhalter as a "classic power struggle".

Mbeki's legal team said the Immigration Act did not give Buthelezi the power to put regulations into operation without first getting the consent of the cabinet. Buthelezi's legal team said he could.

About an hour later, chief state legal adviser Enver Daniels handed Dönn a fax in which Mbeki fired back.

He asked the court to order Buthelezi to pay all the costs of litigation on this matter in person - an unprecedented request in South African legal history.

Unterhalter struck back, accusing Mbeki of wanting "a form of presidential government" where the president and cabinet have control over almost all exercises of power.

"This is not only about the Immigration Act. What is decided in this case would impact on every single piece of legislation passed by parliament," Unterhalter said.

Tuesday April 6 2004 **SOWETAN**

The President is a hypocrite – Shenge

PRESIDENT Thabo Mbeki has again been accused of being a hypocrite, this time by IFP leader Mangosuthu Buthelezi, who was addressing an election rally in KwaZulu-Natal yesterday.

Buthelezi said Mbeki at the time had attacked him because of the findings of the Truth and Reconciliation Commission (TRC), which "he has obviously made his own and has ratified".

The TRC found that Buthelezi was politically liable for gross human rights violations in the areas of KwaZulu-Natal that were under his jurisdiction during the anti-apartheid struggle.

"He attacked me as the person who presided over the Inkatha movement, which was identified by the ANC as the major perpetrator of human rights abuse. The ANC held me politically

accountable for such human rights abuses. I only wonder how he can be such a hypocrite because if I was the man the TRC portrayed me to be, then how could he have kept me for five years in his own Cabinet."

On Sunday, DA leader Tony Leon said Mbeki was a "ruthless hypocrite" to accuse the IFP of intolerance. He said at a joint IFP-DA rally in Durban

that the ANC was the most intolerant party. The DA had been on the receiving end of ANC abuse and disruption during its election campaigns in the Eastern and Northern Cape.

Buthelezi, the home affairs minister, told an IFP election rally at the Mtomhle sports field outside Harding, south of Durban, yesterday that he would not be dragged into responding to

"such lies". The people of Harding were victims of ANC violence, and the ANC was the main perpetrator of violence.

He said the IFP had taken the TRC to court, and the TRC was forced to change its findings and publish a statement which clearly stated that it did not have the methodology to investigate the dynamics, origin and scope of black-on-black conflict. — *Sapa*