

21/12/93 15/11/93

IFP hits back

AFRICAN National Congress leader Nelson Mandela had no right to criticise the KwaZulu Government's training of self-protection units while the ANC continued training Umkhonto we Sizwe cadres and failed to control its own self-defence units.

Inkatha Freedom Party Transvaal chief co-ordinator Hennie Bekker said

the training of the units needed to be put in perspective in the light of the killing of more than 3 000 IFP members and 350 IFP leaders since 1987.

"Mr Mandela dares to make remarks about these units in spite of the continued training of ANC MK units in foreign countries," Mr Bekker said. — Sapa.

1/10

FA-govt: It will need miracle, says Buthelezi

CITIZEN 15/11/93

THERE were still "very complex differences" between the government and the Freedom Alliance and it would be a miracle if they managed to reconcile them, Inkatha Freedom Party and KwaZulu Chief Minister Mangosuthu Buthelezi said on Saturday night.

"... it will really be a miracle if we find any rapprochement with the South African Government. They have stated repeatedly to us that whatever is agreed upon, has to get the green light from the ANC/SACP alliance," he told a Greek Chamber of Commerce

and Industries's Man-of-the-Year award ceremony in Sandton, north of Johannesburg.

He said he was astonished about State President De Klerk's announcement this week that most of the alliance's problems had been solved in bilateral talks. "I am just not aware of these."

"There are some of us in the Freedom Alliance who will be left behind in what has come to be called the democratic train or bus."

"This idea has also the blessing of the West. I am afraid I find that the fu-

ture for me does not appear very clear since I can see no peace in these circumstances," he said.

The IFP would, however, continue to negotiate, and further meetings had been scheduled for next week between the alliance and the government, he added.

Chief Buthelezi also launched a scathing attack on Mr De Klerk, saying he had lost respect for the president.

"Nothing has lowered my respect for president De Klerk more than these sleight-of-hand politics when he tells the world

that the constitution that is coming out of Kempton Park gives us a federation. The president is a lawyer by profession and he knows that what he is saying is not quite true."

Stung by Mr De Klerk's reported reference's to "builders and breakers" of democracy, Chief Buthelezi said that had not been a "builder" he would not have followed a policy of non-violence.

"And if I was a breaker I would have urged my people to take up arms and engage themselves in the armed struggle ...

"His (Mr De Klerk) words, that what he thinks and what his partners in the Record of Understanding think is the best thing for South Africa, savours of the old Baaskap which has been his party's policy for 45 years," he retorted.

It was also "extremely insensitive" of Mr De Klerk to suggest that Inkatha was creating tension in the country, knowing that more than 300 IFP leaders had been killed in violence.

"It indeed indicates just how little he cares about the lives of our members who are being serial killed in this violence and in the ethnic cleansing against Zulus in the East Rand. I am certain that if 100 members of the National Party were killed in this way, that a State of Emergency would have been declared long ago.

"The attitude of the State President makes me cry for our beloved country. I have always praised him for his courage in getting us out but I am saddened to acknowledge for the first time his incapability to get us away from the imminent abyss."

— Sapa.

1/10

Tough last week for multi-party negotiators

MULTI-PARTY negotiators today begin a tough last week in which they have to finalise a new constitution.

Time is running out, and some of the most contentious issues will be debated in the open for the first time in the coming days.

Bleary-eyed government and African National Congress negotiators were locked behind doors most of last week trying to agree on a transition constitutional package.

Inside the 21-party Negotiating Council at the World Trade Centre, progress slowed dramatically despite marathon daily sessions of up to 14 hours.

As a result, the chances are slim that a meeting of leaders to adopt the constitutional package will go ahead on Wednesday as planned.

A decision on the plenary meeting is expected late today, when senior negotiators will assess the day's progress at Kempton Park.

Friday has been suggested as an alternative.

Most negotiators agree, however, the plenary must take place before next Monday, when a

special sitting of Parliament to deal with the remaining transition legislation starts.

Some of the smaller parties expressed a fear at the weekend that the only way Wednesday's plenary can go ahead is if the two political heavies — the government and the ANC — force through the package without proper debate.

Already, at the end of a gruelling week last Friday, negotiators were showing signs of exhaustion.

Senior government negotiators are reportedly being fed vitamin pills by aides to cope with the punishing pace.

Today's draft agenda — "8.30 am to finalisation" — has no less than eight major issues up for debate.

Last week negotiators were unable to complete any day's agenda, and there is no reason to believe they will today.

First on the list is "judicial power and the administration of justice" — which has not been debated before, and promises to be heated.

An outraged Democratic Party has accused the government and the ANC of proposing a "politicised" constitutional court.

The DP gave notice on Friday it would walk out of democracy talks if the controversial joint government-ANC proposal was adopted.

Individual members of the South African Bar Association approached senior negotiators to discuss the issue at the weekend.

The proposed constitutional court will become the most important legal institution in the country, with the task of upholding the new constitution and Bill of Rights.

"The National Party ANC proposals ... are potentially extremely dangerous and could result in the most important court ever created in South Africa being politicised, centralised and hand-picked by a new government," DP justice spokesman Tony Leon claimed.

Other issues scheduled for debate today include: Languages; local government; regional boundaries, the draft Electoral Bill, and fundamental rights during the transition.

Another important issue, which the government and the ANC have reportedly not yet agreed on, is that of a deadlock-breaking mechanism.

The problem is what to do if both Parliament and a referendum fall short of the required majorities to

adopt a new constitution.

A similar issue of percentages wrecked the CODESA process.

Also outstanding are: the percentages needed for the national and provincial executives to take decisions, and the right of provinces to draw up their own constitutions.

Despite reports from government and ANC negotiators at the weekend that there had been broad agreement between them on a new police force and defence force, non-racial local government, 11 official languages, and a Bill of Rights, these issues still have to run the gauntlet of a public debate.

And past experience has shown that secret deals brokered behind closed doors do not always stand up to the glare of the TV cameras and the media.

Outside Kempton Park, there are the ongoing bilateral meetings between the Freedom Alliance and the government.

No-one involved believes it even remotely possible that the alliance can before Friday be brought aboard the Kempton Park process.

Inkatha Freedom Party president Mangosuthu Buthelezi said at the weekend there were still "very complex" differences between the government and the alliance, and it would take a miracle if they managed to reconcile them. — Sapa.

• See Page Four

1/23

4 NAT LEADERS SLAM MANDELA

CITIZEN
15/4/93

By Sapa and
Fred de Lange

FOUR National Party provincial leaders last night criticised African National Congress leader Nelson Mandela for his attacks on State President De Klerk, including his charges the president was indifferent to the deaths of Blacks in the townships.

In a speech at a rally in Natal, Mr Mandela branded Mr De Klerk a lame duck president for his inability to halt the carnage and said the country would see the last of the reformist president

at the April 27 election.

It was likely Mr De Klerk would serve in this government, as well as Afrikaner Volksfront leader, General Constand Viljoen, and Pan Africanist Congress president Clarence Makwetu — all of whom would probably attain the five percent requirement.

However, he told several "people's forums" at the weekend that the ANC was confident it would "bury" the NP at the polls, and went further by predicting that April 27 would be "the last time you'll ever hear from him (Mr De Klerk)".

He lambasted the State President at most of his forums, describing him as a "lame-duck" president, unable to take decisive action, and accusing him of "double-speak" by negotiating while waging war.

The SA Police's Internal Stability Division was singled out as "killers" responsible for "slaughtering our people", as was the KwaZulu Police, who were criticised for "persecuting our people".

The ANC would again demand the ISU be withdrawn from townships and be replaced by predominantly Black units.

But he assured police-

men who received him as he alighted from his helicopter on an Ixopo sports ground that those officers who supported South Africa's transition and worked in the interests of the people would be welcome in a new force.

He warned those who "kill our people" that they would lose their jobs.

Mr Mandela was at pains to reassure White, Indian and Coloured communities that the ANC was the only truly non-racial organisation which would ensure prosperity and security to all.

It would guarantee all

the basic freedoms, including the right to property.

"Ironically, Whites in this country, particularly Natal, regard the ANC as Enemy Number One, despite our policy," he told a luncheon with Ixopo townsfolk.

Whites in Natal still supported "Black puppets who are creations of apartheid ... while we're talking peace, they're talking about training for civil war."

"Give us a chance and you will support one organisation. That is the ANC."

Yesterday morning, Mr Mandela stopped at a Methodist Church service in Pietermaritzburg's Coloured Woodlands suburb, where he was received by a choir and revealed that he was a member of the Methodist Church.

He described his short visit as "one of the happiest moments of my life".

The ANC president travels to several other venues in Natal's Midlands today. Among these will be a visit to the scene of his 1961 arrest in Howick. — Sapa.

1/5

FW, govt in war against Blacks

Citizen 15/11/93

— Mandela

IXOPO. — ANC president Nelson Mandela alleged yesterday that State President De Klerk's police force was supporting Inkatha in waging war against the African National Congress to prevent next year's democratic elections.

"The government, including De Klerk, is conducting a war against Blacks. That's something he must accept," he told several hundred supporters in rural Ixopo during one of a series of "people's forums" in Natal.

He further claimed police were colluding with

the Inkatha Freedom Party "against the democratic movement in this country".

"That's why they're arming them (IFP) — to cripple the democratic movement ... and prevent the April 27 elections."

He made these allegations in response to complaints of police bias from an Ixopo resident. The rural Ixopo community is currently in the grip of a fierce IFP/ANC conflict which claimed six lives

just a week ago.

On Saturday, the ANC

president alleged Mr De Klerk did not care for Black lives and was not welcome in any government.

"If this is so, we don't want him to be in government at all," he said.

He later explained that the ANC was committed to a government of national unity and would have to accept Mr De Klerk in a future government if the NP attained five percent voter support.

TO PAGE 2

1/11

NP slams Mandela

FROM PAGE 1

on April 27 when it went to the polls in the first all-race election.

The four provincial leaders said in a statement, Mr Mandela's remarks were disturbing.

"Another element which disturbs us about Mr Mandela's recent remarks is the untold damage which they can do to the delicate constitutional process and the cause of national reconciliation," they said.

It was clear that Mr Mandela's attacks on President De Klerk were a calculated attempt to diminish the stature and influence of Mr De Klerk.

"Obviously the ANC perceives President De Klerk and the National Party as the greatest stumbling block in their attempts to achieve some of their unacceptable political goals.

"Although hard-hitting attacks are part of the rough and tumble of any election campaign, political leaders in our volatile society have a special responsibility to ensure that their rhetoric does not encourage violence or undermine our common goal of national reconciliation."

The statement was signed by acting NP Transvaal leader Roelf Meyer, Cape leader Dr Dawie de Villiers, Natal leader George Bartlett and Orange Free State leader Kobie Coetsee.

"We . . . believe that Mr Mandela crossed the line of acceptable political comment with remarks which he made. Remarks such as these raise serious doubts about Mr Mandela's judgment and his ability to play a constructive leadership role in the new South Africa."

The NP leaders also charged that Mr Mandela's statements were increasingly racist.

"He repeatedly sets Blacks against Whites and accentuates Black/White divisions — despite the lip service which he pays elsewhere to non-racialism."

Mr Mandela had re-

jected the participation of the National Party in the proposed government of national unity.

"By so doing, he was not just making a political point. He was, in fact, ignoring the total rationale for such a government, as well as the cause of national reconciliation which it is meant to promote," the statement said.

The leaders strongly rejected any insinuation that the government or State President De Klerk had been involved in fomenting violence, and said it had been proven that the cause of violence was the conflict between the ANC and the IFP.

This conflict had led to the loss of most Black lives.

The Internal Stability Unit had helped to reduce the conflict and it was ironic that Mr Mandela should, on the one hand, criticise the government for not doing enough to curb violence, while on the other hand undermine the very actions the government took to restore order.

"The reality is that Mr Mandela and the ANC are not primarily interested in ending the violence — but in the achievement of their primary political objective — which is the elimination of all opposition."

"Their propaganda stridently demands the withdrawal of the ISU from conflict areas — not, we suspect, for the reasons given by Mr Mandela, but to allow free reign to the ANC's Self Defence Units and other armed structures to impose their will on the opponents and

to exclude other parties from areas they control," the four NP leaders said.

It was Mr Mandela and not Mr De Klerk who was indifferent to the loss of Black lives. If he had been genuinely concerned about Black lives:

- He would make further attempts to make peace with the IFP, including direct talks with Chief Minister Mangosuthu Buthelezi and serious efforts to address the IFP's concerns.

- He would impose strict control over the SDU's where they were in the heart of violence.

- He would curb irresponsible and inflammatory war talks and hate rhetoric of ANC leaders including Peter Mokaba and Harry Gwala.

- He and his organisation would strictly adhere to the Peace Accord.

But, the NP said, the fact was that he had done none of these things.

Mr Mandela had threatened members of the KwaZulu Police with retribution after April 27. The NP said this was contrary to the letter and spirit of agreements reached at Kempton Park.

Can these critics really be liberals?

KEN OWEN'S column (October 24) was one of the most intelligent and compassionate defences of liberalism I have ever read.

Apart from his criticisms of the ANC, which I found a bit extreme, I saw nothing to quarrel with. Surprisingly, in the next week's paper there appeared two articles vigorously criticising Mr Owen, apparently written by liberals. But are they really liberals?

Colin Douglas' attempted justification of the DP was mostly fiddle-faddle about what a wonderfully liberal party the DP is (though its faith in democracy has not extended to voting anyone but whites into senior posts).

He promises the DP will privatise everything and cut middle-class taxes. Their concern is thus to give fat cats more chances to put on weight. This explains why they don't want many blacks on their teams: such disregard for the poor was quite rightly denounced by Mr Owen as liberal.

Kieran O'Malley is a different kettle of fish. He pretends the Freedom Alliance is a liberal organisation! This kind of red herring-dragging has made liberalism a dirty word among the majority of South Africans, and, if we are to revitalise the concept, we need to follow Mr Owen rather than Mr O'Malley.

The Freedom Alliance consists of a military dictator, two civilian dictators and a rag-bag of white racists.

The Conservative Party has always been committed to racism, and the Afrikaner Weerstandsbeweging is overtly fascist. These have amalgamated in the Afrikaner Volksfront, led by a cabal of retired generals. All these groups reject individual freedom, justice and democracy. Mr O'Malley is talking through his neck.

If a party claims to be a national party with national support, its leadership must reflect the composition of the nation if anyone is to believe that claim. The NP and DP fail this test. The Inkatha Freedom Party, while including whites, is significantly short of non-Zulu blacks. By this standard, ironically, only the ANC is really a national party, and one with impeccably liberal principles.

Mr O'Malley declares that "white conservatives are... concerned that their own culture... not be swamped".

While Mr O'Malley claims that these concerns form a part of a "tolerant and humane liberalism" he significantly avoids talking about what white conservatives actually want. If these Afrikaners are so concerned for their culture, why are they ganging up with Zulus, Xhosas and Tswanas against fellow-Afrikaners in the NP and ANC?

— M F BLAKE-FORD, Muenzini

15/11/93 11:28

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Youth in bid to promote peace

■ BY ABDUL MILAZI

More than 300 young people from Johannesburg and surrounding townships held a two-day seminar at the Michael Mount Waldorf High School in Bryanston at the weekend to discuss ways to bring about peace in their communities.

The seminar, organised by the Movement for Communication and Information (MCI), produced heated debates which would have put to shame many negotiators at the World Trade Centre.

Divide

The MCI's project manager, Phumzile Sibisi, said the seminar was aimed at bringing together youngsters from across the colour divide to discuss issues which affected their future.

The 19-year-old co-founder of MCI said politicians were neglecting the youth, without whom the country's problems would not be solved.

Sibisi said: "It is time now that the politicians started listening to the young people of this country, who are the custodians of the country's future."

She said the movement, which



was formed a year ago, was aimed at encouraging the youth of this country to start taking initiatives in developing their communities and to promote brotherhood between the country's black and white youth.

March

Since its formation, the movement had drawn support from 142 community-based youth organisations around the country, mostly from black townships, and was now planning to increase its white members and supporters.

● The Palm Springs branch of Christian Fellowship in the Vaal Triangle yesterday held a march to promote peace in the area.

The marchers gathered at the local bus terminus and marched to the Desmond Tutu Primary School where a prayer service was held.

Row over Constitutional Court snowballs

Nailbiting climax to negotiations

GOVERNMENT and ANC negotiators gather for what they hope will be their final bilateral to iron out differences

■ POLITICAL STAFF

The Government and the ANC have ironed out most of their differences on the vexed issue of how future local government will look — but the row over the proposed composition of the Constitutional Court has snowballed.

Today, Government and ANC negotiators resumed what they hoped would be their last set of bilateral meetings to finalise outstanding negotiations issues.

Foremost among these are the shape of the new police service, how deadlocks will be broken in the writing of a final constitution by the interim government, and how the Cabinet will take decisions. Sources said these issues were all close to agreement.

Nevertheless, the simultaneous progress on local government and the setback on the Constitutional Court mean a nailbiting finish for the talks process — which has only two days to run.

Developments today and tomorrow will determine whether the World Trade Centre plenary session — at which leaders are to ratify agreements — can go ahead as planned on Wednesday.

Sources indicated that a deal had been struck on the highly contentious local government issue and that an ANC/Government proposal had been forwarded to the relevant talks technical committee.

It is understood that parallel efforts are being made to win the right-wing Transvaal Municipal Association over to the draft Local Government Transition Bill.

Concessions

It is believed that the ANC is prepared, during the first phase of transition known as the "pre-interim", to allow for a gradual merging of racially defined local authorities on the platteland.

The Government is believed to have made certain concessions relating to the second or interim phase of local government reform, due to come into operation within 24 months.

Its proposals that wards be delimited on the basis of property and that "juristic persons" enjoy a vote in local government elections are not likely to feature in the draft Bill which goes before the Negotiating Council today.

Meanwhile, the row over the Government/ANC deal on how judges should be appointed to the Constitutional Court gained momentum at the weekend.

The court will have the critical task of ensuring that legislation passed by Parliament is constitutional, and of arbitrat-

► To Page 3

Talks climax

◀ From Page 1

ing in disputes between various levels of Government. It will, in the words of DP justice spokesman Tony Leon, be the "guardian of democracy".

DP leader Dr Zach de Beer, whose party has vociferously opposed the proposals, met ANC president Nelson Mandela on the issue and communicated with President de Klerk's office.

Leon was due to meet Government and ANC representatives yesterday to discuss the issue. He has charged that the proposals could lead to a court that is hand-picked by the new president and is therefore highly politicised.

The chairman of the

General Council of the Bar, Wim Trengove, reportedly said at the weekend that the best-case scenario under the proposed system was that the Constitutional Court judges would be seen by the public as political lackeys.

In the worst-case scenario "they would be political lackeys", he said.

Justice Minister Koble Coetsee — a party to the Government/ANC deal — described Leon's comments as "alarmist" and defended the proposal.

It is understood that some Government members are concerned about the deal, and hope it will be revisited in the Negotiating Council when it is debated today.

THE TALKS AND YOU



At the World Trade Centre

TRANSITION PACKAGE: The last of the joint submissions by the Government and the ANC on the draft Interim Constitution

is to be discussed today in the Negotiating Council. These are expected to include the trickiest of the remaining outstanding issues – a new police and defence force.

Also included in the agenda are the draft Electoral Bill and fundamental human rights.

Constitutional and Development Minister Roelf Meyer is confident that negotiators will finalise the transition package tonight or tomorrow.

Leaders of the 21 parties at the negotiation table will lead their 10-member delegations to a plenary session on Wednesday to ratify the package.

ESTHER WAUGH

Dramatic decrease in township violence, except on East Rand

The Human Rights Commission (HRC) on Saturday reported a drastic reduction in violence in Pretoria/Witwatersrand/Vereeniging townships other than on the East Rand in the first 10 months of this year.

It said of the 1 649 victims of violence, the majority died in East Rand townships where protracted violence since July has overshadowed calm in other townships.

Warfare on the East Rand claimed 1 318 lives in the 10-month period while 331 died in other areas of the PWV region — a drop of nearly 850 from the 1 179 recorded in these areas in 1992.

Violence escalated on the East Rand from early July when de-

mocracy negotiators set the election date for the first non-racial election.

"The re-ignition of major violence in the East Rand sub-region of the PWV since July, has tended to obscure the remarkable degree of calm that has descended upon all other sub-regions of the PWV," the organisation said. The HRC said a considerable proportion of the deaths in areas, excluding the East Rand, was the result of taxi conflicts, train commuter and drive-by attacks, attacks on security forces as well as killings by the security forces.

The HRC said it believed the "unsung success story" was largely attributable to:

■ Peace initiatives by the hos-

tel residents and township residents themselves.

■ Improved policing methods and attitudes which, through consultation with these communities, have acquired some legitimacy and respect.

■ The very considerable peace-promoting efforts of the Wits-Vaal Regional and Local Peace Committees.

■ The continuing presence and concern of international peace observer missions.

The HRC said 79 people had died in Soweto as compared to 427 in 1992; 140 against 379 in the Vaal; 24 against 229 in Alexandra; 48 compared to 101 in Johannesburg; 26 against 25 on the West Rand; and 10 against 18 in Pretoria. — Sapa.

Four leaders unite in condemnation

Mandela attack on FW raises NP ire

The National Party criticised ANC leader Nelson Mandela yesterday for his attack on President de Klerk including his charges that the president was indifferent to the deaths of blacks in the townships.

In a speech at a rally in Natal on Saturday, the ANC president alleged that De Klerk did not care for black lives. "If this is so, we don't want him to be in government at all," he said.

The four provincial leaders of the NP said in a statement Mandela's remarks were disturbing. "Another element which disturbs us about Mandela's recent remarks is the untold damage which they can do to the delicate constitutional process and the cause of national reconciliation."

"Although hard-hitting attacks are part of the rough and tumble of any election campaign, political leaders in our volatile society have a special responsibility to ensure that their rhetoric does not encourage violence or under-

THE NP's provincial leaders accuse the ANC president of racism and being indifferent to the deaths of blacks

mine our common goal of national reconciliation."

The statement was signed by acting NP Transvaal leader Roelf Meyer, Cape Province leader Dr Dawie de Villiers, Natal leader George Bartlett and Free State leader Kobie Coetsee.

"We ... believe that Mandela crossed the line of acceptable political comment with the remarks which he made. Remarks such as these raise serious doubts about Mandela's judgment and his ability to play a constructive leadership role in the new South Africa," they said.

The NP leaders also charged that Mandela's statements were increasingly racist.

"He repeatedly sets blacks against whites and accentuates black/white divisions — despite the lip service which he pays elsewhere to non-racialism."

The statement said Mandela had rejected the participation of the NP in the proposed government of national unity.

"By so doing he was not just making a political point. He was, in fact, ignoring the total rationale for such a government, as well as the cause of national reconciliation which it is meant to promote," the statement said.

The leaders charged that it was Mandela who was indifferent to the deaths of blacks.

They urged him to make further attempts to bring about peace between his organisation and the IFP, impose strict controls on Self-Defence Units "which are at the heart of the violence", curb inflammatory talk by militants and adhere to provisions of the National Peace Accord. — Sapa.

'Miracle' if agreement reached -IFP

■ STAFF REPORTER

Despite ongoing talks between the Freedom Alliance and the Government, any coming together between the two groups was unlikely, according to Inkatha Freedom Party leader Chief Mangosuthu Buthelezi.

Speaking at the Greek Chamber of Commerce Man of the Year Awards on Saturday, Buthelezi said: "It will really be a miracle if we find any rapprochement with the South African Government. They have stated repeatedly to us that whatever is agreed upon, has to get the green light from the ANC/SACP alliance."

He said that under the proposed dispensation, the regions would have "less powers than the KwaZulu government enjoys at present."

"Nothing has lowered my respect for President de Klerk more than these sleight-of-hand politics when he tells the world that the constitution coming out of Kempton Park gives us a federation," Buthelezi said.

"I am afraid I find that the future for me does not appear very clear since I can see no peace in these circumstances," he said.

Move to stop AK-47 influx

■ POLITICAL STAFF

The Government is trying to stop AK-47s flooding into South Africa by pressing the international community to buy them up before they are smuggled in.

Negotiations between the Departments of Law and Order and of Foreign Affairs on the one hand and the United Nations on the other have been going on for two to three months, Law and Order Minister Hernus Kriel disclosed today.

He told reporters at a bush retreat that South Africa was trying to get the UN to send trucks into Mozambique — the main source of these weapons — to buy up all the AK-47s available there with international funds.

Police have seized 1 013 of these rifles this year.

South Africa, Mozambique and Swaziland struck a trilateral agreement earlier this year in a bid to combat the illegal flow of firearms into this country.

Kriel would not say what progress had been made in persuading the UN to be instrumental in buying up the firearms. He said that in Mozambique members of Frelimo and Renamo, which were in a ceasefire situa-

AK-47 rifles are flooding into SA and the Government is enlisting UN aid to try to stem the flow.

tion, were selling AK-47s to smugglers on a large scale.

Kriel revealed also that he was negotiating with his counterpart in Mozambique to secure that country's ports to prevent AK-47s entering Mozambique.

It is understood this might involve the stationing of police and SA officials at these ports to assist Mozambican authorities.

Kriel said there were an estimated 75 million AK-47s still in eastern bloc countries. He noted that those countries needed cash and that these rifles could provide that money.

He also said that a new arms route for AK-47s had opened between Angola and South Africa via Namibia.

He said that South African authorities would have to look to manning unmanned airfields to prevent air smuggling and might have to enlist the aid of the South African Air Force in monitoring flights from that region.

Mandela urges squatters to leave houses



Wooring voters . . . ANC president Nelson Mandela greets members of the South African Police at a campaign rally in Ixopo yesterday. PICTURE: AP

Durban — African National Congress president Nelson Mandela urged squatters on Saturday who had taken occupation of homes earmarked for Indians in Cato Manor to vacate them.

Mandela was speaking to a crowd of about 5 000, most of whom were squatters, at a people's forum in Inanda, north of Durban.

The ANC president was referring to the recent squatter occupation of homes — built by the Indian House of Delegates — and the surrounding controversy which has highlighted Durban's housing crisis.

Wrong

He said he realised the National Party Government was not interested in the housing crisis facing blacks.

However, it was wrong for squatters to take over houses earmarked for Indians.

He would return to speak to Cato Manor squatters next week to request formally that they move from the homes.

"Using force (to invade homes) can lead to force from those communities," he cautioned.

An ANC government would ensure that adequate attention was applied to the country's housing crisis, Mandela said. — Sapa.

Did police intrigue influence Winnie's fall from grace?

BOOK OF THE WEEK

*The Lady: The
Life and Times of
Winnie Mandela.*

(Jonathan Cape

R89,99).

By Emma
Gilbey.

Reviewed by
Patrick Laurence

Jerry Richardson, coach of the Mandela United Football Club, convicted murderer of Stompie Moeketsi Sepel and devotee of Winnie Mandela, was a police informer, according to Emma Gilbey.

The statement, made categorically in her biography of Mandela, is backed up by a footnote citing "a high-ranking security police officer" as her source.

But, as Galbey points out, Richardson, the man who referred to Mandela as "Mummy" and whose overriding concern during his trial in 1990 was to shield her from blame, was suspected of police connections even before the kidnapping of Stomple and three fellow residents at the Methodist Church manse in Soweto in December 1988.

The main reason for the wariness about Richardson was his escape from prosecution after a police attack on his house in Soweto in November 1988 to flush out two young ANC guerillas who were hiding there. The guerillas were killed in the attack. So was a policeman.

Richardson, who surrendered before the attack began, was detained for two weeks and then released without being charged.

"He returned to Soweto with crutches and dark glasses but on the third day of his return he walked again, abandoning his crutches," Gilbey writes.

"He then went to Winnie. He asked for help in giving him somewhere to stay . . . She agreed and Richardson

joined the rest of the soccer team in the back rooms (of her house in Diepkloof, Soweto)."

Gillbey's statement about Richardson in her absorbing book again raises a question which has hovered over Mandela ever since her role in the kidnapping and assault of Stomple and his co-victims came to light: Was she set up by the police and did police machinations contribute to her downfall?

To revive the question is not to query Mandela's guilt — her conviction for kidnapping by the Supreme Court in May 1991 was upheld by the Appeal Court two years later — or to imply that she was an entirely innocent victim of police manipulation.

It is rather to ask whether the police knowingly and calculatedly gave her, so to speak, the rope with which to hang herself.

Reading Gilbey's account of the "life and times" of Mandela, one is struck by the ANC woman's naivete, by the way in which she befriended men of dubious political credibility, men whom more sophisticated activists would have been extremely wary of.

Richardson was one. John Horak, a self-confessed political spy, was another. Brian Somana, another alleged police informer, was a third.

Suspicion that the police may have infiltrated *agents provocateurs* into Winnie's circle are strengthened by their apparent reluctance to take action against her.

There is a conspicuous example.

On February 19 1989, five days after Stompie's corpse had been belatedly identified in a Soweto mortuary, police raided Mandela's home, and arrested Richardson and Jabu Sithole, another member of the Mandela United soccer team.

They did not, however, arrest Mandela, even though she had been implicated just as much in the kidnapping and assault by the three surviving victims.

By that time, the survivors, Kenneth Kgase, Mona Thabiso and Pelo Mekgwé, had either escaped or been freed and had told of their ordeal at Mandela's house.

The more one ponders the situation with the help of Gilbey's well-researched book, the more one is confronted by questions.

Why did police not even question Mandela about the murder of Dr Abu-Baker Asvat, who was killed in his Soweto surgery on January 27, 1989? Their negligence is particularly strange because Nicholas Dlamini, one of the men arrested in connection with, and later convicted of Asvat's murder, implicated Mandela in the killing in his statement to the police.

Killed

Mandela had herself originally linked the two events, the kidnapping and murder of Stompie and the murder of Asvat by suggesting that Asvat had been killed to prevent him from disclosing details of alleged sodomy at the Methodist manse.

One of the allegedly sodomised youths, Katiza Cebekhulu, had been

taken to Asvat for examination by Mandela after he reportedly complained that he had been raped by the minister in charge of the manse, Paul Verryn.

But police were in possession of a statement by Cebekhulu, claiming that Asvat had examined Stompie at Mandela's Diepkloof home after the young boy had been savagely beaten.

The statement raises further questions. Was Asvat, who was depressed and apprehensive before his death, murdered to prevent him from telling what he had seen during the reported examination of Stompe? Was Richardson involved in the killing, as Gilbey suggests, and, if so, at whose instigation?

These questions trigger more conundrums. Why were police so apparently loath to question Mandela? Why did the State wait for so long before finally charging her with kidnapping and assault? Was it because of her status as the wife of Nelson Mandela? Was it because they needed to cover their own tracks in a tragic series of events?

If police had Mandela's house under surveillance — and they certainly did — how and why did they remain ignorant of the abduction and assaults that happened on the night of December 29 1989?

Gilbey has provided a readable and detailed account of Mandela's life, her rise as a heroine of the struggle, her persecution by the apartheid state and her later fall as the flaws in her character grew under the lethal stimulus of adoration and affluence.

New patriots

AGREEMENTS are being reached which a few years ago would have been absolutely unthinkable. Last week the Negotiating Council agreed, in principle, that State pensions should be made available to those who "made sacrifices or who served the public interest" in creating the new South Africa.

That is, in fact, a euphemism for saying that members of the ANC's armed wing, Umkhonto we Sizwe, could qualify for pensions. But more important is that yesterday's "terrorists" and "enemies" are now conceded to have made a contribution to the country.

The suddenness of this transition may be hard for some to swallow. But it is a necessary part of reconciliation. There is also a pragmatic aspect: trained fighters who aren't receiving any fruits of freedom could be a decided security risk at this critical period.

Part of the negotiating process involves trade-offs. MK cadres and possibly members of other "liberation" armies get certain rights; in turn, the job and pension rights of public servants are entrenched. Both deals are going to be subject to certain conditions, but it is wonderful what give-and-take has done for this country.

The Star

Established 1887

47 SAUER STREET, JOHANNESBURG, 2001

A boost for settlement

Positive economic indicators improve the chance of a successful transition to democracy.

THE 21 parties at the Negotiating Council can be forgiven for smiling as they finalise the last details of the transitional constitution and press ahead towards the April 27 election. While there is still plenty to worry about — especially the continued absence from their deliberations of the Freedom Alliance — there are propitious signs.

South Africa, of course, is in the midst of its challenging and hazardous transition from racial oligarchy to multiracial democracy. The established wisdom of the pundits who have studied societies attempting the same journey is that their chances of success are in direct proportion to their prosperity. The stronger the economy, the richer the society, the greater the chances of success.

For months now the gloom of economic recession, of negative growth rates and rising unemployment has made it difficult to be sanguine. The deteriorating economy has almost certainly fed the spiral of increasing violence as more and more people from the black underclass turned to crime to survive.

Now at last there are indications that the recession has ended and that the economy has started to grow. Prosperity may not be around the corner, but there is an almost palpable sense that the worst is over.

Our Gross Domestic Product grew by a whopping 8.2 percent in the third quarter. Even before that the annualised growth rate, based on performance in the second quarter, was just over 5 percent. These auspicious figures are reinforced by an inflation rate which dropped below 10 percent in September, a production price index of 5.5 percent, the lowest it has been for two decades, and a continuing rise in the business confidence index.

The politicians must not squander the opportunity by further squabbling. The Freedom Alliance, in particular, needs to participate constructively rather than snipe from the sidelines.

Is this concourt a con job?



The new SA's most important constitutional decisions will be in the hands of a single court.
Etienne Mureinik comments

People are saying: never mind the detail: is this Interim Constitution really going to deliver a democracy?

The answer is that it all depends on the judges entrusted with applying the constitution. All the great questions have been left to judicial interpretation.

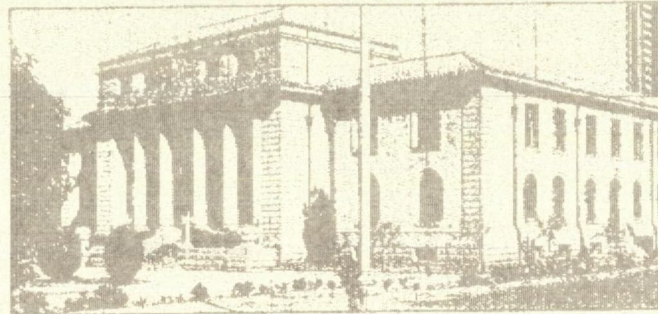
In the name of affirmative action, can government impose racial quotas? Will women gain the right to an abortion? Will detention without trial be possible outside a state of emergency? What compensation will be payable when land is expropriated for redistribution?

On all these questions, the judges who apply the constitution will be guided more by their consciences than by its text. And what their consciences advise will prevail — even over an Act of Parliament.

So who will the constitutional judges be? By bilateral agreement between the ANC and the Government, it has been decided to concentrate the most important constitutional jurisdiction in the hands of a single court — the new Constitutional Court (Concourt, as it is sometimes called).

The Concourt is given exclusive jurisdiction to decide the most important questions. Only it may decide whether a central government body or official has violated the Bill of Rights. Only it may decide whether an Act is valid.

Constitutional disputes between central and regional government — the issues that may well settle the extent of the centre's power to override the regions, and therefore whether we actually get a federation — go directly to the Concourt for final determination. On lesser questions, such as the violation of the Bill of Rights by regional officers, other courts may pronounce, but their judgments go on appeal only to the



The Appeal Court . . . could be divested of all constitutional jurisdiction.

Concourt. The bilateral agreement apparently intends to divest the highest court — the Appeal Court — of all constitutional jurisdiction.

That court will become the backbone of the judiciary, hearing only appeals stripped of all questions of great public importance.

The members of the Concourt will enjoy vast powers. It is consequently of paramount importance that the procedure for selecting them is designed to choose judges who are independent and impartial.

There are two theories on achieving judicial independence. The one is to leave the choice to the politicians, but structure the selection process so that all significant political perspectives have a voice in the choice. The idea is that competing political viewpoints hold one another in balance.

Applying that theory, one technical committee at the World Trade Centre suggested that the power to nominate the constitutional judges be given to an all-party parliamentary committee, and the power to accept the nomination to a 75 percent majority of a joint sitting of both houses of Parliament.

Among the deficiencies of this proposal was its failure to say how

deadlock would be broken if a 75 percent majority could not be secured.

The other theory says the best assurance of independent judges is independent selectors. Following that theory, another technical committee suggested something better: that the constitutional judges be nominated by a judicial service commission, a body comprising both politicians and lawyers, and with substantial representation from the various branches of the legal profession.

What is startling about the ANC-Government agreement is that it makes no meaningful effort to guarantee the independence of the Concourt. It proposes that seven judges be appointed by the state president, six of them "in consultation" with the Cabinet, an expression that the parties evidently understand to require the approval of the Cabinet.

The remaining four judges would be appointed by the president, with the approval of both the Cabinet, and the Chief Justice. The protection which that confers, however, is somewhat doubtful, because the Chief Justice himself will be appointed by the president with the approval of the Cabinet.

The composition of at least the majority, and possibly the whole, of the Concourt is therefore effectively in the hands of the president and the Cabinet. Although that body will be constituted by proportional representation, it is clear it will be controlled by one political party or by two.

Either way, it is wrong that membership of so powerful a court should vest entirely in the hands of the government. However high-mindedly the new government approaches the question, politicians always have a responsibility to deliver the best deal to supporters. They might believe it their duty to appoint politically like-minded judges to the body which will wield supreme legal power.

If this constitution is to guarantee any rights, it must be entrusted to judges who will decide disputes on principle. The ANC-Government acknowledges that, as a guarantee of judicial independence, the ordinary judges, who are being left with little power, must be chosen by a judicial service commission. So why a special political selection procedure for the constitutional judges, who will wield sovereign power?

Curiously, it was the ANC itself, in constitutional proposals published in 1991, which first suggested that a judicial service commission be used to choose the constitutional judges. And what the National Party imagines it will gain from giving the power of appointment to an ANC-dominated government is anybody's guess.

South Africans are entitled to know why the ANC is now repudiating its own suggestion, and why both parties are making a deal that may well be fatal to the constitutional democracy. If the answer, as some implied this weekend, is that this is how judges were appointed under apartheid, it is one to be ashamed of.

► Etienne Mureinik is professor of law at the University of the Witwatersrand.



**WITHOUT
PREJUDICE**

Denis Beckett

So the rally, like the negotiations, had become a matter of in-leatha out and aggrieved. Do you blame its supersensitivity, its opponents' disdain of the sensitivity, *maia fides* on one or another side, or a bit of all four? I don't know, but it seems to me the bigger people are the ones who swallow their pride. Nobody was doing that, which seemed symbolic. And dampened the day.

ANTHEA BRISTOWE

Mandela slates FW, SAP on tour of Natal

IXOPO — The SAP was supporting the Inkatha Freedom Party in its war against the ANC to prevent next year's election, ANC leader Nelson Mandela told a Natal Midlands people's forum yesterday.

"The government, including Mr De Klerk, is conducting a war against blacks. That's something he must accept," he told several hundred supporters in Ixopo.

He made these allegations in response to complaints of police bias from a resident.

On Saturday, Mandela alleged that President F W de Klerk did not care for black lives and was not welcome in any government. "If this is so, we don't want him to be in government at all."

He later explained that the ANC was committed to a government of national unity and would have to accept De Klerk in a future government if the NP attained 5% support in the election.

It was likely De Klerk would serve in this government, as well as Afrikaner Volksfront leader Gen Constand Viljoen and PAC president Clarence Makwetu.

However, Mandela told several people's forums the ANC was confident it would "bury" the NP at the polls and went further by predicting that April 27 would be "the last time you'll ever hear from De Klerk".

He lambasted De Klerk at most of his forums, describing him as a "lame duck" president, unable to take decisive action, and accused him of "double-speak" by negotiating while waging war.

The SAP's internal stability unit was sin-

gled out as "killers" responsible for "slaughtering our people", as was the Kwa-Zulu police, criticised for "persecuting our people". Mandela said the ANC would again demand the internal stability unit be withdrawn from townships.

But he assured policemen that those officers who supported the transition and worked in the interests of the people would be welcome in a new force.

He was at pains to reassure white, Indian and coloured communities that the ANC was the only truly nonracial organisation which would ensure prosperity for all and guarantee basic freedoms.

Whites in Natal still supported "black puppets who are creations of apartheid ... while we're talking peace, they're talking about training for civil war".

□ The NP criticised Mandela for his attacks on De Klerk, including his charges that the president was indifferent to the deaths of blacks in the townships.

The four NP provincial leaders said Mandela's remarks were disturbing. They could damage "the constitutional process and the cause of national reconciliation."

"Although hard-hitting attacks are part of any election campaign, political leaders in our volatile society have a special responsibility to ensure that their rhetoric does not encourage violence."

"We believe Mandela crossed the line of acceptable political comment," they said, charging that Mandela's statements were increasingly racist. — Sapa.

Hostels fear Christmas

WILSON ZWANE

RESIDENTS of hostels in the East Rand townships of Thokoza and Katlehong have expressed fears that local communities could run amok and demolish hostels when they are away over the festive season.

As a result, police would be asked to step up their patrols around the hostels from early next month.

East Rand Hostel Residents' Association leader Zakhele Mlambo said on Friday the request would be made because the chances of normalising the relationship between hostel and township residents were "remote".

Mlambo said it had become apparent that residents of Katlehong and Thokoza were not "prepared to listen to their leaders".

"For example, political organisations such as Inkatha and the ANC agreed recently that we and the township residents should jointly patrol areas which have become no-go zones in the two townships in order to ease tensions between us.

"That has not happened and it seems to us that the township residents are not prepared to have peace restored," he said.

Police spokesman W/O Andy Pieke said he was certain that once an appeal for increased patrols had been made, necessary arrangements could be made.

Meanwhile, Sapa reports that SADF troops shot and killed a man in Tembisa yesterday after he had fired at a patrol in the East Rand township.

Two guns were confiscated after the incident, said Capt S Nel, a spokesman for the SADF's Germiston-based Group 41.

Nel said the man fired at troops with a revolver as he ran away from them. He was shot dead after being warned to stop.

A second revolver was found in a rubbish bin.

Govt, ANC tackle final constitutional issues in bid to beat deadline

GOVERNMENT and the ANC held intensive discussions yesterday in a last-minute attempt to resolve three major outstanding constitutional issues.

The discussions will continue today in a bid to finalise the constitution by tomorrow. Subcommittees meeting since Friday reported back to the full negotiating delegations yesterday.

"If we do not reach finalisation by Wednesday we will be facing severe problems in trying to get the constitution through for the special session of Parliament," a senior government negotiator said yesterday.

He acknowledged the pressure was intense and both sides were making compromises. But he said most issues had been tied up and the framework of the constitution was "in place and a good document".

He said the three issues outstanding were: the mechanism to be brought into play to resolve any impasse should the final constitution not get the required two-thirds support of Parliament; the decision-making majority in the Cabinet should consensus not be achievable; and the final workings of local government.

Government and the ANC had agreed

BILLY PADDOCK

that if two-thirds of Parliament did not accept the constitution, it would go to a referendum requiring a 60% majority.

"But we cannot accept that one then holds an election and the new Parliament then needs to pass the constitution by only a simple majority." He said the ideal would be that Cabinet reached decisions by consensus, but there was a realisation that small parties with one or two members in Cabinet could prevent decisions.

This week will also see DP negotiators

strongly opposing the section on the judiciary and the constitutional court.

Judges and the DP argue that its construction allows for it to be a political appointment. They want the court set up by the Judicial Services Commission.

One DP negotiator said if the proposal was passed there was a possibility that the DP would vote against the constitution in Parliament. Sapa reports that DP national chairman Ken Andrew yesterday repeated the party's threat to walk out of talks if the government/ANC proposal was accepted.

Reuter reports that Justice Minister Ko-

bie Coetsee slammed the DP for its criticisms. The system of checks and balances envisaged in the proposals had been "lost in the plethora of rhetoric". It was the DP's proposals that would politicise the court.

Meanwhile, the Freedom Alliance met yesterday to prepare for today's talks with government, at which it is expected to respond to Friday's proposals by government. A government source said agreement was unlikely. However, should the alliance proposals be acceptable, they could still be included in the constitution.

● Comment: Page 10