

Lack of black Regional Services Councils in Natal angers Ucan

ECHO 26 OCTOBER 1989

by Nomusa Cembali

THE Urban Councils Association of Natal (Ucan), the umbrella body of black town councils under the province, has resolved to seek legal opinion as to why Regional Services Councils have not been introduced in Natal as in other provinces.

A spokesman said Ucan was not happy with answers given by the Administration because the RSCs Act applied throughout the country and it seemed irregular to pass legislation for one province.

The association feels that their towns are lagging behind their counterparts elsewhere in South Africa. They say this state of affairs is due to a lack of urgently needed funds which can be obtained from Regional Service systems.

The Ucan spokesman said it was a well-known fact that black towns in Natal had very limited sources of revenue especially because sources of funds such as beerhalls were removed from their control soon after taking over as local authorities.

Asked why the Regional Service system had not been introduced, Natal MEC Mr Peter Miller said: "KwaZulu objected to the RSCs and their objections were appreciated by the Natal Provincial Administration.

"Natal is different from other provinces because inside our metropolitan areas we have areas under KwaZulu so we need to run the province jointly."

At the moment Natal is not receiving any funds because the RSCs are not yet in operation.

In the meantime Natal cannot raise money and the Government has yet to approve the proposed Joint Services Boards before any funds can be allocated.

A draft bill on the proposed JSBs is awaiting consideration by the Cabinet and, if approved, JSBs may start functioning in July, 1990.

Another hot issue raised by Ucan has been their frustration of not having a black MEC on the province's Executive Committee. Again Ucan feels that the province has not come out in the open on why it has failed to appoint a representative for blacks while the three other provinces have one each.

Mr Miller said it was the decision of the Central Government to choose an MEC. "At the moment the province is run by the Joint Executive Authority which comprises five KwaZulu government representatives and five NPA representatives," he said.

National Reception Committee explains

BIG RALLY NOT ANC EVENT

SOWETO
26 OCTOBER
1989

THE mammoth rally to welcome eight former political prisoners in Soweto on Sunday is not an African National Congress meeting and would go ahead as planned, organisers said yesterday.

This was announced yesterday by a spokesman for the National Reception Committee,

Mr Murphy Morobe, in response to a statement by the Minister of Law and Order, Mr Adriaan Vlok, that a false perception had arisen that the ANC was now lawful following the release of its seven leaders on October 15.

The rally is scheduled for the FNB Stadium in Crown Mines.

Vlok warned that it remained an offence to promote the objectives of the ANC.

Morobe said Vlok's statement was more of a response to Press reports

which said the planned meeting was an ANC rally.

"It is not an issue who called the rally as it is indeed the NRC who did it to welcome our leaders who happen to be members of the ANC.

"We have gone out of our way to send letters to Vlok and the Department of Justice about the rally and they responded positively through the Chief

Magistrate of Johannesburg who sanctioned the meeting," said Morobe.

In response to a question whether the NRC anticipated security force action if people attending mistook the meeting for an ANC rally, Morobe said:

"We will not go out of our way to break the law. However, we still believe in our demands for freedom of speech and freedom of expression."

The rally is expected to draw more than 80 000 people from throughout

the country, according to the organisers.

The ANC leaders expected to address the crowd are Mr Walter Sisulu, Mr Raymond Mhlaba, Mr Ahmed Kathrada, Mr Raymond Mhlaba, Mr Elias Motsoaledi, Mr Andrew Mlangeni and Mr Oscar Mpetha as well as Pan Africanist Congress leader Mr Jeff Masemola who were released from prison after 26 years.

Pro-negotiation reports surface in ANC ranks

By Tony Stirling

PRONOUNCEMENTS that negotiations with the South African Government are possible are again beginning to surface

within the African National Congress (ANC).

After a long period in which only anti-negotia-

tion lobbyists' views have been featured in official ANC publications, pro-negotiation articles have again begun to appear.

Some leading members of the ANC are now suggesting that negotiations could take place under certain pre-conditions.

These would include that they take place in a spirit of good faith and give and take between the parties in a genuine effort to reach a satisfactory agreement.

Also that the parties represent a solid support base, and that the of the negotiating parties, as well as any agenda and conditions, should be determined by South Africans without outsider interference.

Conditions in South Africa had to be such as to ensure that any agreement reached was carried out.

It is being said that negotiations remain a long way off and that there is a lot of talking to be done before any such eventuality could arise.

It is also being said that genuine negotiations, under conditions of goodwill from both sides, would in principle bring an end to violent confrontation.

These ANC elements are, however, warning that certain White elements in South Africa could rebel against the negotiating process and even envisage a situation in which the Defence Force, combined with the armed wing of the ANC, might have to use force to back the negotiations against such elements.

Others have suggested that negotiation could be an alternative to armed struggle in achieving objectives, and that given

developments in Southern Africa, the ANC was at present preparing for such an eventuality should it occur, without abandoning armed struggle at this stage.

The tenor of these pronouncements, some of which have noted the view expressed by the jailed ANC leader, Nelson Mandela, after his meeting with the former State President, Mr P W Botha, was in sharp distinction to those which have been appearing in the months leading up to the September 6 general election in South Africa.

For instance, reports have noted that over the past two years, the ANC mouthpiece, *Sechaba*, had carried some articles by those favouring negotiations — but only anti-negotiation articles in the 10 months prior to the elections.

THE CITIZEN COMMENT

26-10-1989

Challenge

THE government faces its first major challenge under its policy of unconditionally releasing African National Congress leaders.

The National Reception Committee is holding a "National Welcome Back Rally" for seven ANC leaders recently released and one leader released some time ago.

The occasion is to be advertised with emphasis on the ANC, complete with the ANC emblem and its two slogans and a sub-heading, "Heroes of the people released after 26 years".

The intention, it seems, is to make this an ANC rally rather than simply a welcome home for the ex-prisoners.

If this is not the case, why the emphasis on the ANC?

The Minister of Law and Order, Mr Adriaan Vlok, has issued a warning that the ANC remains a banned organisation and will remain so as long as it refuses to commit itself to peaceful development.

A false perception, he says, has arisen that the ANC is now lawful because of the recent release of certain security prisoners.

If the ANC does not bind itself to peaceful development, there is no place for the organisation in a new South Africa.

In accordance with the Internal Security Act, it remains an offence to promote the objectives of the ANC, as a banned organisation, he says.

The rally is to be held at Soccer City stadium, Crown Mines, with as many as 85 000 people expected.

The released ANC leaders will inevitably reflect the theme of the rally.

They will inevitably put forward the ANC viewpoints.

Not only will the emblem of the ANC with its slogans be worn, but the flags of the ANC and of the SA Communist Party, with which it is allied, will inevitably be flown.

Will this contravene the Internal Security Act — and, if so, what will the police do?

We can hardly see the police breaking up such a vast gathering; we also cannot see how the rally can be banned now that the Chief Magistrate has given permission for it to be held.

The dilemma facing the government is this:

If it does not intervene, if this becomes an open ANC rally, it will be regarded as a triumph for the ANC and the government will appear to be weak.

If it does intervene, there will be accusations that the government freed the ANC men unconditionally but is not prepared to allow them to air their views freely.

One can imagine what a song and dance there will be about this overseas.

Either way, the government cannot win.

Interestingly enough, Archbishop Desmond Tutu and about 1 000 others arrested during allegedly illegal anti-apartheid marches and demonstrations are not to be prosecuted, and charges of breaking their restriction orders have been withdrawn against eight Mass Democratic Movement leaders.

This may be a sign of easing up on prosecutions, but it would be better to scrap the laws and emergency regulations under which the people were arrested than allow open defiance that brings the law and regulations into disrepute.

All in all, we would say that the government will have to review its emergency regulations as a matter of urgency and decide, here and now, what latitude, if any, the ANC and its supporters can be allowed while the ANC remains banned.

PS: It is interesting that whereas South Africa has dropped its insistence that the ANC renounce violence before the government will accept the ANC as a player in the negotiations — the government now requires from the ANC a "commitment to peaceful solutions" — the British Foreign Secretary, Mr John Major, refused to meet the ANC delegation at the Commonwealth summit unless the organisation renounced violence.

The amazing aspect of this is that Britain, like other Western powers, is pressing South Africa to negotiate with the ANC unconditionally.

Do you wonder when we say it's a mad, mad world that we live in?



● MKHWANAZI

French refuse Soweto mayor a visa

BUSINESSDAY 26 Oct. 89
THE French government has barred Soweto Mayor Sam Mkhwanazi from attending a conference on urban terrorism in Paris on October 30 and 31.

Soweto City Council PRO Johan van der Westhuizen said last night the French government had refused Mkhwanazi a visa. No reasons were given.

"The whole delegation of six or seven were refused visas," he said.

Mkhwanazi could not be reached for comment last night.

ROBERT GENTLE reports from London that the ANC office in Paris vowed to "run Mkhwanazi out of town" if he arrived for the conference.

The conference will hear testimony from mayors of cities hit by political violence and terrorism.

Representatives from the European Parliament, the

UN, the International Olympic Committee and other movements will also be present.

The ANC's senior Paris representative said Mkhwanazi did not represent anybody and had no business at the meeting. He said action would be taken similar to that which disrupted the World Conference of Mayors earlier this year and led to the departure of several SA mayors from Paris.

The present conference organisers said Mkhwanazi was the only SA official scheduled to attend. Unless he had visa problems, they expected to see him.

The organisers have already said they are not prepared to tolerate any protests this time, and that if necessary, "steps will be taken" to ensure this.

THEO RAWANA

Tolerance a must in new SA constitution — Dugard

BUSINESS DAY
26 OCTOBER 1989

PRETORIA — SA had to strive for a constitution that entrenched political tolerance and the right of dissent, Wits University Centre for Applied Legal Studies director John Dugard said yesterday.

Speaking at a Pretoria University conference on jurisprudence for a future SA, Dugard said there would inevitably be strong resistance to majority rule in a post-apartheid society in which there was a fair distribution of wealth.

It was too much to expect that Conservative Party and AWP supporters, or the despots of Bophuthatswana and Ciskei, would welcome government by and for the people.

It was probable, too, that free marketers would resort to subversion to undermine economic policies committed to a redistribution of wealth.

There was every likelihood that some groups would engage in armed resistance to the new democratic order.

"Security laws will, therefore, be necessary and, alas, so will emergency powers.

These powers, however, had to be used to suppress violent opposition only, and not political dissent. Judicial review of emergency measures would be essential in a new SA to avoid any suggestion that such measures were being involved by way of retribution against the former wield-

GERALD REILLY

ers of arbitrary power.

Dugard stressed a constitution had to be found that recognised the diversity of the SA society.

"Majority rule in a unitary state without restraints on parliamentary supremacy will not achieve this purpose.

"A territorial federation premised on the old provincial borders with a bill of rights and proportional representation seems a more likely recipe for success than the unitary model accompanied by unbridled parliamentary supremacy."



● DUGARD

Whatever political order was agreed to there had to be a recognition of basic individual rights in a bill of rights.

Many believed that in a post-apartheid society a form of democracy would emerge that needed no restraints on power.

Dissent and division were part of the SA heritage which would not change overnight when a mass supported government came to power. If this reality were recognised and catered for in a new political order, SA could become a vibrant plural society. If not, the views of many would be repressed and SA would become a society in which minority repression was replaced by majority repression.

Dugard said he was saddened by the growing intolerance of the left. It did not augur well that a grouping likely to determine the future development of SA's political life was intolerant of dissenting views and of basic human rights.

SA's record since the introduction of detention without trial in 1963 was a sad and brutal one. Many thousands had been detained for long periods without ever being brought to trial.

He said SA owed it the memories of the many who had died in detention to ensure measures such as section 60 of the Terrorism Act and section 29 of the Internal Security Act were not repeated in the new legal order.

Process of change will not be smooth — law commissioner

PRETORIA — The process of change in SA would not be easy, smooth or soon completed, Law Commission vice-chairman Pierre Olivier said at Pretoria University yesterday.

Speaking at a conference on a new jurisprudence for a future SA, he warned there would be many setbacks, crises and disappointments.

The process would not be logical or pre-planned.

He said he had made a preliminary list of more than 50 statutes which would have to be repealed or drastically amended to bring an end to apartheid.

This illustrated the magnitude of the reform task.

The whole plethora of security legislation would have to be reviewed and, in the main, drastically altered.

"However, the heart of apartheid is enshrined in legislation disenfranchising blacks, Chinese and some Asians, excluding them from participating on an equal basis in the decisions of the legislature and compelling coloureds and Asians to vote on separate rolls."

Criminal law would change "reasonable drastically" when the statute book was wiped clean of apartheid legislation and many offences, for example under the Group Areas Act, fell away.

There would probably be an ombudsman who would play a role in

GERALD REILLY

dealing with allegations of bribery and corruption and violations of human rights, and in administrative actions.

The rule of law would be far more just and reasonable, thanks to the disappearance of discriminatory laws.

SA could then take its place again in the family of nations.

Problems

Olivier added that the process of change would be evolutionary within the present order, which would change and reform until one day a point would be reached where it could be said: "Now we have a post-apartheid SA."

Zululand University law faculty dean Charles Dlamini said he doubted whether the dismantling of apartheid would be the end of the country's problems.

Even when it was gone, serious problems would remain.

Termination of colonial rule in Africa had not automatically ushered in a new era of basic liberties.

An ideal legal order was one that guaranteed fundamental rights of the individual and the inviolability of the human person: a legal order with a human face.

Govt 'able to right wrongs'

GERALD REILLY

PRETORIA — A number of tools to address the injustices of the past would be available to any government chosen by the majority, Legal Resources Centre director Arthur Chaskalson said yesterday.

Speaking at a conference on a new jurisprudence for a future SA, he said that among these tools were the ability to enact industrial legislation and the ability to pursue state policies designed to advance the interests of those who had been the victims of the apartheid system.

Although the legal order would have to have as its purpose the creation of a fundamentally different society, it was likely to retain a great deal of what existed now.

The criminal justice system, however, was in need of reform.

The overwhelming majority of those who passed through criminal courts were black. They were invariably tried by whites and the proceedings were in a language they frequently either did not understand or understood imperfectly.

More often than not, they were undefended.

On public confidence in the courts, Chaskalson said this would increase if the courts had the power to inquire into and set aside unjust administrative decisions.



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● MKHWANAZI

Canadian PM under fire for stand on SA

WASHINGTON — The African National Congress representative in Canada has slammed the Ottawa government for hypocrisy for claiming to lead the battle against apartheid while taking away land from Canadian Indians.

Mr Peter Mahlangu this week told a crowd of about 150 protesters that Canada's Indians and South African blacks were both victims of government theft of land.

He was addressing a rally in Edmonton at which Lubicon Lake Indians protested at Canadian government refusal to negotiate the issue of returning 10 000 sq km of land 300 km north of the city which they claim had been their traditional territory.

Police action

Last October the Canadian police tore down an illegal blockade set up by about 500 of the Red Indians on a road leading into the disputed territory. They also arrested six of the protesters.

The Lubicon Lake natives have threatened physical action if the government continues to ignore their pleas for negotiation on the issue.

Mr Mahlangu told the rally on Monday that Prime Minister Mr Brian Mulroney was a hypocrite for claiming to lead the battle against apartheid while refusing to settle the Lake Lubicon native land claim.

"How can Canada try to be remembered about fighting against South Africa while doing this to its own people," he said.

"Nobody has the right to take away from them what belongs to them," he said.

Mr Mulroney has been criticised from other quarters this week for his hypocrisy on apartheid.

A New Democrat member of parliament, Mr Bob Skelly, was reported in the *Edmonton Journal* as saying that when Mr Mulroney criticised South Africa he did so without clean hands.

"There is apartheid that exists in this country that is

The government of Canadian Prime Minister Brian Mulroney has come under increasing criticism and been accused of hypocrisy for its stand on apartheid while taking land away from the country's Red Indians. **DAVID BRAUN** of The Star's Washington Bureau reports.

just as bad as what is being practised right now in South Africa. In fact, because it is done subtly, it is a heck of a lot worse," Mr Skelly said.

He said Mr Mulroney's government was playing games not only with the Lubicon Indians, but also with other groups of native Canadians.

Meanwhile an editorial article in a Canadian newspaper, *The Sun*, this week criticised the Mulroney government for pandering to Third World prejudices for accolades by supporting sanctions against South Africa.

The article said it was a given that apartheid was repugnant, foolish and degrading. It should be ended. But it was a bit like the Canadian system of Indian reserves. They should be ended too. The question was how.

The article said: "The greatest enemy of apartheid is prosperity. A black middle class with money moves toward equality and freedom. Deprivation and isolation feeds the forces of extremism, and as far as apartheid is concerned — that's the white conservatives who are the official opposition and growing.

"Mrs Thatcher's restrained opposition to apartheid while encouraging change is the right policy. Mulroney's pandering to Third World prejudices for accolades is wrong.

"An impoverished South Africa means an impoverished Zambia, Zimbabwe, Mozambique too, as they need the trade. It also means more power to white extremists and black radicals, not to mention hardships for South African blacks — who, polls show, overwhelmingly oppose sanctions if they hurt livelihoods."

Swazis get tough on poaching

STAR 26/10/89
out customs inspection.

MBABANE — In the dead of night a petrol bomb crashes through a window and breaks against the wall above the bed where a game ranger lies sleeping.

Luckily for him, it does not ignite, although he is showered with petrol. Half awake, he reaches out to light the bedside candle — but then smells the petrol just before striking the match that would have turned him into a human torch.

As far as the ranger is concerned, there is no need to guess who instigated the petrol bombing: it was the poachers who are after the white rhinos in Swaziland's Hlane national park.

After several rhinos have been killed for their horns in the reserve, he and his superiors believe his investigations have been getting uncomfortably close to identifying the poachers and he thinks the petrol bomb was a warning for him to back off.

As in other parts of Africa, game rangers in Swaziland face a growing risk of being attacked by poachers made increasingly determined by the rising price of rhino horn on the black markets in the Middle and Far East.

With only a small population of rhinos and elephants, Swaziland can ill afford to lose them to poachers. But the traffickers in illicit ivory and rhino horn may be looking to Swaziland not so much as a source of these commodities than as a conduit for smuggling them from other parts of Africa to the Far East.

This suspicion, strongly held by conservationists in Swaziland and South Africa,

While international controversy rages over banning ivory sales to save the African elephant from extinction, conservationists in Swaziland are pushing for an alternative approach: long, mandatory jail terms for poachers, dealers and corrupt officials. By GERALD L'ANGE of The Star's Africa News Service.

was strengthened recently when customs officers at Matsapha airport seized R210 000 worth of ivory which had been hidden in the luggage of a group of Zambians entering the country through the airport's VIP lounge.

Big haul

Further evidence of a Swaziland conduit came in August when customs officers in Taiwan seized 169 elephant tusks, 577 pieces of carved ivory and 11 lion skins that had, according to reports from Taipei, been smuggled in from Swaziland.

The documents accompanying the consignment listed the sender as the Hou Import and Export Company in Swaziland — a firm that does not appear in the kingdom's telephone directory.

As a member of the Southern African Customs Union, Swaziland is well placed for channeling African wildlife contraband to the Far East. Once placed in a container in Swaziland, the contraband can be shipped through South African ports with-

The kingdom's attraction for smugglers may have been increased by widespread official corruption, which has extended even into conservation circles.

Evidence has emerged suggesting that Swazi officials have been involved in illegal or questionable activities concerning wildlife and natural resources.

Faced with the threat of seeing their country become an international smuggling route and its rhinos and elephants being wiped out by poachers, conservationists in Swaziland are looking at tough new ways to stop the killing and trafficking.

One proposal being given serious consideration is the introduction of mandatory prison sentences for poachers and dealers. To discourage official corruption, similar penalties might be sought for the issuing of false permits and other documents.

Some conservationists want a minimum, mandatory jail term of five years for rhino poaching. In addition, a convicted poacher would be required to replace the rhino he had killed or to pay compensation equivalent to the rhino's market value (as much as R70 000 at current prices) or be sentenced to a further two years in jail.

These stiff penalties are considered necessary because fines are no longer seen as a deterrent when the high prices fetched for ivory and rhino horn make it easy for poachers and traffickers to pay even heavy fines, leaving themselves free to continue with their poaching or dealing.

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