

IFP won't fight polls to make constitution

DURBAN. — The Inkatha Freedom Party was preparing to go to the polls next year but would not contest elections for a constitution-making body, IFP chairman, Dr Frank Mdlalose, said yesterday.

Addressing a Durban media briefing, Dr Mdlalose said: "The IFP is preparing itself and gearing itself to be able to take part in national democratic elections for a new government sometime in 1994.

"The IFP is not interested in elections for a constitution-making body," he stressed.

His statements came amid confusing signals from the IFP on its

stance regarding elections. They also followed reports of a rift in the party which was strongly denied by spokesman Mr Ziba Jiyane.

"That's media hype. We are united in the stand that on the ground we're fully preparing for elections. We have a mandate from the central committee to prepare fully for elections next year. There's no split on that," said Dr Jiyane.

Dr Mdlalose also dismissed reports of an IFP name change. "That's news to me," he said.

Dr Jiyane reiterated his party's bottom-line: "We have to have a fed-

eral constitution."

This had to include exclusive powers for regions with regard to local government and health and education, which had not been adequately addressed by multi-party negotiators.

Dr Jiyane said "serious negotiations" between the Freedom Alliance — which includes the IFP — and government had made "some progress".

"I'm hopeful. I and many people seriously hope we are going to participate in the 1994 elections," he said, adding that a decision would be made once a final constitution had been compiled — Sapa.

SADF concern over equal status for MK cadres

By Tony Stirling
and Angela Quintal

CONCERN is mounting in Defence Force circles over a reported concession to the ANC that would give cadres from its military wing, Umkhonto we Sizwe (MK), equal status to members of the SADF.

Top level officials said this agreement, which has yet to be officially confirmed, would, if correct, be a direct contradiction of the position outlined two weeks ago by the chief of the SADF, General Georg Meiring.

Speaking at a parade last month in Pretoria, in which he handed over command as Chief of the Army, Gen Meiring sent out a clear message that he would not allow any new government to fundamentally change the

existing structure of the SADF, nor would the SADF accept just any soldier trained in any other country.

But on Thursday night, a government delegation led by Gen Meiring and an African National Congress delegation led by Mr Joe Modise, reportedly agreed in principle to the make-up of a new defence force and began work on a new Defence Act.

MK members would be treated as equals to SADF members, while the defence force would comprise all armed formations.

Both delegations met again at the World Trade Centre yesterday, but by late afternoon it was still not clear whether the deal

had been sealed.

ANC secretary-general, Mr Cyril Ramaphosa, was however confident that agreement would be reached.

According to the officials if such an agreement was reached, it would conflict with the SADF's input, that the SADF should form the nucleus of any new defence force and that it would only accept members with the necessary qualifications and training.

It now remained to be seen if the SADF would remain the way it was presently constituted up to next year's April 27 general election, as was the government's standpoint before entering fresh negotiations with the ANC over the past

two days.

Officials also confirmed Citizen Force anger over the plan to provide MK members with pensions.

The question is being asked: If members of MK are to get pensions, why not Citizen Force members?

The move to give MK members equal status to SADF members is being seen as a concession to ANC demands for a policy of equal opportunities and a programme of affirmative action.

How the MK pension scheme is to be funded has not been made clear, according to the officials.

It was impossible to use the existing SADF pension fund, as this would simply suffer financial collapse if it had to carry MK members and its obligations to existing members as well.

There have been suggestions that the ANC might look to one of its outside backers, such as Scandinavia, to put up the money, but this is merely speculation at this stage.

Meanwhile a PAC delegation, will be meeting with government representatives on Monday, also to discuss a future defence and police force.

PAC negotiator, Mr Mark Shinnars, said it was imperative that the question was finalised immediately, as the PAC's acceptance of the Transitional Executive Council rested on an integrated defence and police force, leading up to the election.

The finishing touches to a separate agreement on a future police force was also the subject of the ANC/government bilateral talks yesterday.

Mr Ramaphosa said the representatives were drafting a new Police Act.

The police deal reportedly provides for a central police force with regional

Compromise reached on E Cape region

EASTERN Province will be allowed to choose, after next year's elections, whether it wishes to remain in one eastern Cape region with Border/Kei.

What it would need is a 60 percent majority in a referendum of Eastern Province voters, the government and the African National Congress alliance agreed yesterday.

The same majority would be needed for a referendum in the proposed Northern Cape region to decide whether it should remain separate from the western Cape.

If a party which wins the election in the region opted for separation or, in the northern Cape, amalgamation, that would also be decisive without a referendum.

This compromise was struck to defuse a potentially dangerous disagreement in the multi-party negotiating council yesterday morning when a carefully balanced compromise agreement between the two main par-

ties was shattered by the Labour Party's Mr Luwellyn Landers.

His objection to the retention of the Northern Cape as one of the nine proposed regions — on the grounds of its sparse resources, weak infrastructure and low population — re-opened a debate on a bitterly contested issue.

When the ANC alliance rushed to support him and the government angrily countered with its demands that the Eastern Cape be allowed to split in two without a veto from the Border/Kei portion, a fragile truce was shattered.

The council had to be adjourned, meetings were held and government negotiators said if the deal struck with the ANC was to be reneged on, so would other agreements.

Taxi peace pact in Thokoza

By SHARON CHETTY

TAXI drivers have forged a pact to protect their passengers in the East Rand township of Thokoza.

This week, 400 drivers called on the warring factions to allow them to continue providing a service to commuters and to join them in their peace initiative.

Over the past year, taxis have become embroiled in the violence simply by taking certain routes in the township.

Those who took the route near the hostel were associated with Inkatha, and the rest were seen as ANC-aligned.

The "branding" of drivers has led to a virtual standstill in their services, while commuters have been left stranded.

Thokoza Amalgamated Taxi Association vice chairman, Mr Elliot Zondo, said his organisation — the only one in the township — was divided because of the violence.

"We taxi owners and drivers have never fought with each other — we are caught in the middle. The people involved in politics have used us as scapegoats," he said.

As violence intensified in the area over the past year, commuters have been targeted, scores have died in "drive-by" shootings, while the drivers were caught in the crossfire.

Many drivers have died, were injured, or lost their vehicles. Others have had to close shop when commuters boycotted them over their perceived alliances.

But since September, the two divi-

sions in the taxi group have hammered out an agreement that dedicates them to providing a service without getting involved in any of the factions in the township.

Routes and a governing body have been agreed upon, and the taxi drivers hope that their bid for peace will encourage the rest of the residents to work together.

A unique aspect of the peace pact is that political groups were not involved in drawing it up, said mediator Mr Thabo Ndabeni.

"Taxi drivers and owners realised they needed to sort out problems among themselves first," he said.

Mr Ndabeni said he hoped the Thokoza deal would spur similar moves in other East Rand townships.

PAC wants three more languages

THE Pan Africanist Congress yesterday said it would propose to the 21-party Negotiating Council at the World Trade Centre that three Indian ethnic languages — Tamil, Hindi and Gujarati — be considered as part of South Africa's future official languages.

"We wish to do this in order that the fundamental rights of all communities be recognised," PAC information secretary Mr Barney Desai said.

The PAC also extended well wishes to the Hindu community who celebrate Diwali (Festival of Lights) today. — Sapa

THE CITIZEN COMMENT

What now?

THE multi-party negotiations are nearing their end with a cascade of compromises between the government and ANC, the master of sufficient consensus, Mr Pravin Gordhan, of the Natal and Transvaal Indian Congresses, ruling even on a couple of occasions against the government, and the constitutional technical committee complaining at one point that the ANC and government were abusing their positions by treating the multi-party talks as a rubber stamp and the committee as a lackey.

Certainly the impression is that the government and ANC are reaching major decisions at their bilateral meetings and these are being adopted by the Negotiating Council with little or no opposition.

Strangely enough, it is the Afrikaner Volksunie, with its woman delegate, that offers the most opposition, but the AVU doesn't count since it has no real reason to exist.

The Democratic Party until yesterday, when it threatened to walk out over a "politicised" constitutional court, has been passive and mostly acquiescent.

The Pan Africanist Congress does object on occasion, but it is the only critical voice among the Black negotiators.

The rest represent small parties and organisations that may as well not be there.

The danger is that the interim constitution and other agreements that are to be put to a plenary session of leaders next week will be seen as products of government/ANC bosberaads.

If this is so, the inclusivity which was once paraded as an essential requirement of the negotiations will not have been achieved.

The interim constitution and other agreements will then be repudiated by those parties and organisations which withdrew from the talks — and those that never attended.

Both the government and the ANC say that if the Freedom Alliance is not on board, the constitutional train will go on without it.

As indeed it will.

For nothing can halt the train, nothing can divert it to a siding, nothing can reverse its journey.

The plenary session next week, with a great fanfare, will approve the interim constitution and other agreements, the interim constitution will be put to Parliament in the special session starting on November 22, and it will be approved.

And the April 27 election will be held, whether the Freedom Alliance participates or not.

What the FA will do is the big question.

State President De Klerk was optimistic that a major breakthrough in discussions with the FA could be expected.

However, the FA has rejected his claim that the interim constitution contains federalism which compares well with the German federal system.

Mr De Klerk has said that most problems raised by the FA have been satisfactorily solved and it should now become part of the new South Africa.

But at the same time he called on individual components of the FA to make concessions which we don't think they will agree to.

Yesterday Mr De Klerk made it clear that he was not begging the FA to join the negotiation process, but was acting responsibly to woo it back.

We hope he will succeed, though it does not seem likely.

What then?

The FA has threatened all sorts of action, from disrupting the elections to not taking part in them.

There have also been threats of civil war, though at the same time leaders of the FA say they are trying to avoid one.

We hope the threats are merely brinkmanship, and that nobody will take up arms, since a civil war will be disastrous for everyone.

And we hope that the Freedom Alliance will contest the election. It would serve no purpose not to do so.

Besides, a couple of opinion polls have suggested the FA has a chance of beating the National Party into second place in the election — a chance that should encourage the FA to participate.

Tight security for MK's rally in Rustenburg

Citizen Reporter

RUSTENBURG has been declared an unrest area for the purpose of a huge ANC rally to be held today at a stadium in the town and to be addressed by Umkhonto we Sizwe commander, Mr Joe Modise.

ANC media officer, Mr Rankoa Molefe, said there had been threats from the far-Right to disrupt the rally, which is expected to be attended by thousands of ANC supporters.

The rally, to be held at the Olympia Park Stadium from 10 am to 3 pm, will also feature a military parade by MK members.

The security forces will be present in numbers.

Yesterday, the deputy regional commissioner of police, Brigadier Izak

Smalman, said in a statement measures to maintain law and order would include a ban on the carrying or transporting of firearms, including machine-guns or replicas thereof, in public.

Police patrols in Rustenburg would be intensified, while road blocks and control points would be set up.

Brig Smalman appealed to anyone intending to enter the Rustenburg magisterial district tomorrow, to make provision for the safe storage of their firearms.

"Firearms can be handed in at any police station . . . and retrieved at any time," he said.

"Anyone merely travelling through (Rustenburg) who is in possession

of a licensed firearm, will be escorted through the magisterial district.

"It is the task of the police to prevent conflict and to ensure that law and order is maintained," said Brig Smalman, appealing to the community of Rustenburg to co-operate with the police.

Execs of Bop ANC branch arrested

Citizen Reporter

THE entire branch executive committee of the ANC in Moruleng, Bophuthatswana, has been arrested by the police, the ANC in the Western Transvaal said yesterday.

Media officer, Mr Ranko Molefe, said it was believed the detainees arrested this week by the Bophuthatswana police

numbered 30.

On Wednesday, more than 20 youths were arrested during a meeting at the tribal hall in Moruleng, which had been organised by the ANC Youth League in Rustenburg.

Mr Molefe said more arrests were carried out on Thursday

Bophuthatswana police

spokesman, Colonel Dave George, confirmed yesterday that "a number of arrests had been made during the week for attending an illegal assembly".

Col George was unable to provide more information, except to say the detainees were due to appear in court on Monday.

Fact-finding group is hopeful

A FRENCH delegation of the National Council of French Employees left South Africa yesterday after a three-day fact-finding mission to explore business opportunities in the country.

Council president Francois Perigot told an African National Congress delegation at the ANC headquarters in Johannesburg yesterday he believed the political pro-

gress made in this country would lead to economic growth and development.

He added that his organisation wanted to be a part of the growth and development either through normal trade relations or through partnership.

He said his delegation's visit was a symbol of its belief that South Africa would succeed in solving its problems.

Mr Perigot expressed the hope that his organisation would work with the ANC and that South Africa would expand its role in the international community.

The French delegation consisted of businessmen representing many facets of French industry.

ANC deputy economic head Tito Mboweni told the French delegation growth prospects de-

pended on the ability to re-organise the manufacturing sector to attract investment.

Mr Mboweni assured the delegation that investments in South Africa would be secure.

He said the ANC was in the process of developing policy guidelines in certain economic areas which would assist a new government. — Sapa.

KwaZulu self-defence course ends

ULUNDI. — Under cloudy skies in the hills of Zululand hundreds of KwaZulu Government recruits stood to attention at their passing-out parade yesterday, their faces set and determined.

The recruits, the KwaZulu Legislative Assembly says, underwent paramilitary training to

protect communities threatened by political violence.

Mr Philip Powell, their military commander and leading Inkatha Freedom Party official, assured the media the training was free of political indoctrination.

Dressed in loose blue overalls, the recruits —

one as old as 68 years — marched and sang gospel songs at the parade.

KwaZulu Justice Minister C J Mletwa urged them to "protect the community and our country against influences that bring confusion to our people, especially to those who have rebelled,

who have false beliefs and those who fall for anything".

The Rev Mletwa also encouraged them to expand their weapons and "explosives" skills, adding: "We never thought that at some stage it would be necessary to defend ourselves against our own people!"

The KwaZulu Legislative Assembly plans to assist the recruits in applying for firearm licences.

The training has provoked a storm of protest, specially from the African National Congress which has said it was the start of a battle of secession.

— Sapa-Reuter.

ANC 'headed for absolute majority'

Citizen Reporter

THE African National Congress (ANC) is "very likely" to obtain an absolute majority in the election on April 27 next year.

This is one of the findings of a research project undertaken jointly by Sanlam, the Human Sciences Research Council, stockbrokers, Frankel, Pollak, Vinderine and chartered accountants, Ernst and Young.

The study concluded that the National Party, with less than 15 percent of the vote, could end up

with slightly less support than the Freedom Alliance.

The ANC, on the other hand, not only appeared headed for an absolute majority, but could gain a two-thirds majority.

An NP with less than 15 percent of the vote would be unable to function as a buffer against ANC control of the state, nor would be able to exercise legitimate authority over fractious Right-wing and regional interests, the study said.

The NP's loss of support could be ascribed to perceived differences be-

tween the party's mandate and what White voters feared the outcome of the negotiations would be, and the party had lost its former image of determination among Indians, Coloureds and Blacks.

However, without the constraint of a strong NP, the ANC would feel less antagonistic towards the interests of the existing establishment and more generous and balanced in its own policy formulation.

It would, in fact, become the new centre to adapt to that role, the study claimed.

CHRIS WHITFIELD and ESTHER WAUGH

WITH only two working days to deadline, the negotiations yesterday slowed sharply amid some disquiet over last-minute proposals being thrashed out in Government/ANC discussions.

Foremost among these is the composition of the powerful Constitutional Court, which yesterday gave rise to sharp exchanges between the ANC and Democratic Party.

With the workload piling up, it now seems possible that Wednesday's proposed plenary session of leaders — to ratify agreements — will be delayed until later in the week. It is understood that a decision on this will be made by the talks planning committee on Monday.

However, Constitutional Development Minister Roelf Meyer was last night confident that the transition package could be finalised by Monday evening or on Tuesday.

Sluggish progress

Yesterday, progress in the negotiating council was sluggish and Government/ANC talks on the future of the police stalled. The Government and the ANC finally unveiled their joint proposal on the composition of the Constitutional Court — which will have the critical tasks of ensuring that legislation is constitutional and arbitrating in disputes between the central government and other levels of government.

In effect, it will act as democracy's policeman and, through its rulings, shape the operation of the constitution. But the proposals were immediately and fiercely attacked by the Democratic Party's justice spokesman Tony Leon, who described them as "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". He said the proposals called into question "the future of federalism, the independence of the judiciary and the concept of separation of powers in the new South Africa".

The ANC's Mac Maharaj hit back, saying: "Under the banner of

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Peace talks falter on the final lap

Fierce battle over constitutional court

X

Talks

● FROM PAGE 1.

championing democracy. Tony Leon is trying to whip up political fears among those who distrust the capacity of this process to bring about democracy."

He pointed out that in the past, white presidents or prime ministers had appointed chief justices, while ministers of justice were responsible for the appointment of judges — "and all the while this was accepted by the DP as not politicising this process".

In terms of the proposal, four of the 10 Constitutional Court judges will be appointed by the State President in consultation with the Chief Justice and the Cabinet. The remaining six will be appointed by the State President "after consultation with the president of the Constitutional Court and in consultation with the Cabinet".

The document also cites the meaning of the expression "in consultation with the Cabinet" as being among "outstanding matters still to be agreed upon".

Leon argued that the "bottom line" of the proposals was that the new State President would effectively be able to veto the nomination of any person for a seat on the Constitutional Court.

He added that although the Cabinet would be constituted by proportional representation, "it is clear that it will be controlled either by the ANC alone or by the ANC plus one other party. Plainly the NP is

calculating that it will be that other party".

It was "profoundly wrong that membership of so immensely powerful a judicial body as the Constitutional Court should be vested entirely in the hands of the government".

The DP proposed the appointment of the Chief Justice and president of the Constitutional Court "strictly on the recommendation of a judicial service commission (JSC)" and of the other Constitutional Court judges "on the recommendation of the JSC, subject to confirmation of 75 percent of the Senate".

Discussions between Umkhonto we Sizwe and the SADF ended last night with a draft agreement after serious differences had emerged during the day. The dispute apparently arose after the SADF insisted that it form the core of the future force, while the ANC argued that all armed formations should have equal status.

The draft agreement is to be discussed by the leaders this weekend. The ANC has also rejected a draft agreement on a new police force.

Yesterday in the negotiating council progress was sluggish and included a stormy falling out over the boundaries of the country's new provinces.

There was, however, agreement in ANC/Government bilateral meetings on a future education dispensation. Departmental, community-managed or state-aided primary or secondary schools will effectively stay as they are unless changes are agreed in negotiations.

Police and defence now the most contentious issues

LATE yesterday afternoon, the manufacturer of a well-known effervescent vitamin tablet made his produce available on a complimentary basis to the negotiators at the World Trade Centre.

Each tube of tablets carried a message: "When the pressure is on, Product X helps you face the pace." The timing was appropriate, the pace was on.

Constitutional Development Minister Roelf Meyer and ANC secretary-general Cyril Ramaphosa spent little time this week in the

Negotiating Council. They and their negotiating teams were very busy in "The Channel", as their semi-permanent personal bilateral meeting has become known.

"The Channel" was processing draft agreements thrashed out in several "sub-bilateral" meetings.

Although the chamber had its sluggish moments, various small rooms in the World Trade Centre were buzzing, filled with negotiators discussing 21 outstanding issues.

The remaining unresolved matters — in-

cluding a constitutional court, language policy, a deadlock-breaking mechanism for the adoption of the final constitution, regions and a future police and defence force — have been the subject of ANC-Government talks for months.

It is not surprising a bottleneck of issues appeared as negotiators began counting down the hours. These were the most sensitive and most difficult to crack.

When the council reconvened on Wednesday after Tuesday's special Cabinet session and the ANC's national execu-

TRANSITION TALK

ESTHER
Waugh

at the World Trade Centre



tive committee meeting, news of pieces falling into place became increasingly frequent in the corridors.

At times it became impossible to keep up with developments, as they were occurring simultaneously. After a marathon session on

Wednesday, negotiators broadly resolved the language policy of a new South Africa, and regional boundaries. The next day saw a breakthrough on the judiciary and constitutional court.

But consensus on the future police and defence forces remains

elusive.

It seems that suspicions about "who is taking over whom" in the security forces are preventing a much-needed resolution of the matter.

It is slightly easier in the case of the police. Apartheid created only one police force; gain the trust of the community for that force, and your problems are over.

Close to midnight on Thursday evening, the ANC rejected a draft agreement allowing for a national police force with differentiated powers between the national and regional po-

lice commissioners.

It is understood political and operational command lines need to be identified, as well as the relations between them.

A new national defence force is an entirely different matter, precisely because it should comprise several established armed formations.

Part of the problem appears to be the SADF wanting to form the core of a new defence force.

The ANC, on the other hand, wants all armed formations to be treated on an equal basis in creating a new defence

force.

After several rounds of talks between Ukhonto we Sizwe and SADF senior officers, it was agreed that on April 28 the national defence force would comprise all armed formations. But discussion on the nitty-gritty issues is continuing.

A formula needs to be found whereby distrust in the new security forces is removed, allowing for structures which would guarantee stability for the implementation of the hard-won negotiated settlement.

Training for thousands at KwaZulu camp X

THOUSANDS of men are expected to be trained at a KwaZulu government camp in the rugged hills of northern Natal during the next few months for deployment in special protection units (SPUs) in their communities.

The KwaZulu government is also "seriously investigating" the possibility of setting up SPUs at hostels in the Transvaal because of attacks.

At a passing-out parade for the camp's first 600 recruits — aged between 18 and 68 — well-rehearsed drills were performed and mock attacks and counter-ambush techniques were displayed before visiting journalists.

However, some of the secrecy which has sur-

GREG KNOWLER

rounded this camp — about 40 km from Ulundi — remained, and photographs were not permitted for "security reasons".

Protection

Camp commander Phillip Powell, a member of both the KwaZulu Legislative Assembly and the IFP's Natal Midlands central committee, emphasised that the recruits were not being trained for Inkatha but to protect KwaZulu communities.

He also rejected recent reports that recruits were being trained by rightwingers, saying basics were taught by KwaZulu Po-

lice and former SADF and SAP officers.

It was suspected that the training was being funded by South African taxpayers, but Powell said the cash came from members of the KwaZulu Legislative Assembly.

Powell said no money had been received from the Chief Minister Mangosuthu Buthelezi's call for R5 from all Inkatha members.

He said the training was of a defensive type and recruits were taught to operate in both a rural and urban environment.

"Recruits train for a six-week period, then return to their communities. They fall under community leaders and usually lead protection units in their areas."

CURBS on European immigration will be tightened, but South Africa will not expel Africans from neighbouring states, says ANC spokesman Carl Niehaus. **MICHAEL MORRIS** listened to him speaking in Cape Town.

ANC embraces influx control to reserve jobs

CAPE TOWN — An ANC government would tighten immigration controls to curb the influx of Europeans who were snapping up jobs at the expense of unemployed black South Africans, national executive committee member Carl Niehaus said at a meeting in Cape Town last night.

He also gave an assurance that coloureds, just as much as blacks, would benefit from affirmative action programmes in the public and private sectors.

However, he moved to allay fears in the civil service of an ANC government sweeping whites from their jobs and replacing them with people of colour.

Soccer hooligans

Niehaus responded to wide-ranging questions — many of them from Afrikaners — in a protracted question session intended to give locals an opportunity to express their views on the ANC and raise their qualms about the future.

His comments on immigration control were in response to a question by a young man who complained about "unskilled soccer hooligans" from Britain emigrating to South Africa and getting good jobs simply because they were white.

Niehaus said that under an ANC government, "South Africans, and the oppressed people, will get preference, but obviously on the basis of merit."

"We will not allow easy immigration into South Africa of those with white skins who come to take our people's jobs. That easy access will stop."

"I am not saying we will close the doors to immigrants. We may need people with certain skills, and those who have lived and worked here all their lives — including Africans from neighbouring states — we cannot just throw out."

Of the civil service, he said, "The ANC is working for affirmative action, not because we want to push people out of their jobs."

"We have negotiated an understanding in terms of which there will be security for those who are prepared to serve in the new South Africa."

An ANC government would also honour pensions. "That is reasonable and just, and that is what people have worked for."

"But there are oppressed people — Indians, coloureds and Africans — who have the fullest right to benefit from affirmative action in the civil service and the private sector, to move up in the ranks, to have job training and to have the best opportunities of serving the country."

Niehaus said the ANC was not claiming it would be able to provide jobs and houses for "the masses" immediately after taking power, but that it would launch a reconstruction programme to begin tackling such needs immediately, and alter government spending priorities accordingly.

The ANC was not making wild promises, but undertook to marshal the country's resources in a way that would lead to an improvement in the lives of the oppressed.

The ANC would also seek to create maximum political stability, enhance investor confidence, and encourage local and foreign investment "for the good of all South Africans".

'Easy access to SA to end'

Time will tell at what cost labour federation threw down gauntlet

How COSATU lost the dare

LABOUR Correspondent PAUL BELL recounts how COSATU's leadership tried to take on ANC and SACP leaders in an audacious gamble.

SAM Shilowa enjoys a gamble. This week, though, he played political poker with Cyril Ramaphosa — who has played this game before — and he lost. Time will tell how badly.

On Thursday, we labour correspondents gathered at COSATU House to await the general secretary after two days of heightening tension at the World Trade Centre, where the ANC, the Government, labour and employers had scrambled a deal on the interim constitution that would sort out some temporary balance of power in industrial relations.

Dangerous

Shilowa was coming to tell us that Monday's strike was off. "You watch," said a colleague. "He won't be here next September" — a reference to the federation's congress, at which office bearers face re-election.

Who can say whether Shilowa will be a co-term general secretary? The strike seemed a doubtful starter long be-

fore its intended "off", but the political debacle it has led to was by no means his alone. And COSATU, having taken a bruising, might choose to close ranks instead.

But the remark was indicative of sentiment among all those touched by the dangerous game been played out since October 16, when COSATU called the strike: the federation was chancing its arm and the ANC would chop it off.

For the denizens of COSATU House, the past month has been a roller-coaster — high on emotion one day, down in the dumps the next — as COSATU tried, and, in the final analysis, must be judged to have failed, to bend its allies, the Government and employers to its will.

You could see it in the faces of their leaders. They knew from day one — when they threatened the strike to force the multiparty negotiators to drop from the interim constitution employers' right to take lock-out action against employees — that they had miscalculated by failing to consult the ANC and SACP.

None of them, from Shilowa down, ever offered a



TIME WILL TELL: Will Sam Shilowa still be here this time next year?

convincing argument for why they didn't tell the ANC upfront — apart from a recitation of such tripartite alliance platitudes as the independence of the partners, and the need to inform workers immediately of so momentous a decision.

But it never washed

COSATU, showing signs this year of growing anxiety over its over-close relationship with the coming party of government, chose — and in hindsight, chose poorly — a critical moment in the course of constitutional negotiations to assert its power as a major political constitu-



TOUGH OPPONENT: Cyril Ramaphosa has played this game before.

ency, and throw a spanner in the works.

To do so without warning, and to sear on a deal with the Government and the employers in the National Manpower Commission (NMC) and then expect the alliance to come rushing to its defence, was to both annoy

and embarrass the allies. As a result, COSATU forfeited their wholehearted support, and doomed the action at its outset.

I spoke to Shilowa on the Sunday morning after the strike threat. He was at home, relaxed and sure of his case. By Monday, when I saw him in his of-

fice, we could all hear the warning drums from Shell House. But Shilowa put a face on it.

Tuesday wasn't a good day. Word came from an alliance meeting that the ANC was sympathetic to the principle of a superior constitutional right to strike for workers, as well as to COSATU's objections to a referendum and job security for apartheid civil servants. But the brevity of the ANC's statement suggested controlled fury.

The following week, having secured the apparent support of the affiliates and drawn up a programme of mass action, COSATU House was buoyed up, and the week after, when COSATU staged a march to the World Trade Centre, things were seriously looking up.

Joe Slovo was telling the crowd it had all been a big misunderstanding. But he made no mention of a strike. There had, of course, been no misunderstanding: COSATU's negotiators had merely reneged on the deal struck in the NMC. Even so, after the speeches, Shilowa, COSATU president John Gomo and other officials and office bearers piled into a minibus at the gates of the WTC and drove through the throng of policemen to hear from the technical committee of the Negotiating Council its response to the demands the federation had submitted the day before.

They went in looking bullish. They emerged grim.

By this week, despite a further deadlock in the NMC on Monday, it was clear that the balance of forces arrayed against strike action was becoming overwhelming.

At COSATU House, the mood became one of dejection and masked uncertainty. By the time the issue was finally dumped in Ramaphosa's lap, he was angry. He has had to put a face on things, as has Slovo in the interests of pre-election unity. They cannot be expected publicly to acknowledge the tension with COSATU generated by an issue that insiders know was badly handled by labour.

But when Ramaphosa got hold of it, he took it firmly. And crushed it.

Shilowa came out of Wednesday night's negotiations at the WTC looking, said observers, like he'd had a beating.

Shift

But COSATU will be back. The change in government will see a shift in the NMC towards labour, and COSATU will use its political leverage to try to force the commission's new government representatives to back further changes to labour legislation that would further derogate the lock-out.

Its ultimate agenda is to win a right to strike on issues wider than collective bargaining.

ANC will not pay for Parade vandalism

CAPE TOWN — The ANC says its insurers have decided that the organisation was not responsible for the damage caused on Cape Town's Grand Parade during the Chris Hani memorial service earlier this year, and will not compensate for damages caused.

In a statement released in Cape Town yesterday, the ANC said its insurers had now also gone into curatorship and the ANC was not in a financial position to pay for the damages caused.

It did not have the funds and had exhausted every avenue open to it.

The ANC therefore deeply regretted not being able to help those whose premises had been vandalised during the Hani memorial service, the statement said. — Sapa.

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There was once an ugly duckling called the World Trade Centre

THE bell rings in the corridors, as if for dinner. The lights go on in the council room and the delegates begin to trickle in, as if returning to class after first break. The summer rain is tapping down gently on the roof.

There's Dawie de Villiers, joking easily with the ANC's Valli Moosa, there's Barney Desai of the PAC chatting to Essop Pahad of the SACP. On the other side of the room the Raj is making a point of some sort to Corlia Kruger of the Afrikaner Volksunie and smiling a lot.

The seats reserved for the Inkatha Freedom Party, the Conservative Party and sundry others are still empty.

It is Friday afternoon at the World Trade Centre, the scene is comfortably familiar. But it is also one of the last of its kind, reminiscent of a classroom of matriculants who have just realised that they will shortly vacate the known cosiness of the form for the big bad world.

It's almost embarrassing to admit what I'm about to admit. But let's be brave. I am suffering a wave of nostalgia about the imminent return of the World Trade Centre to something like its former state of obscurity. A funny old friend is leaving town.

By next week, we are told, the negotiations process-without-a-proper-name — most just call it "Kempton Park" — will be wrapped up. (Yes, we were told that last week too, but the end is now nigh, even if it is imprecise.)

The odd, warehouse-like collection of buildings alongside the airport will get a few more political leases of life from negotiations spin-offs like the Independent Media Commission, but its real glory days will be over.

UNDERCURRENT AFFAIRS

SHAUN
Johnson



IT IS a curious fact that the people who have spoken the most in the negotiating sessions are those whose views mean the least, but they will be missed in a funny sort of way.

It will then be the turn of another curious choice as a repository of the nation's political hopes: the old Saarnbou building in Pretoria, which will house the Transitional Executive Council. We sure know how to pick 'em.

The fact is that for all their inelegance, discursiveness, irritation and cant, the Kempton Park days have been very special. Not for the low drama of the right-wing invasion, although that incident will long be remembered, but for the quotidian grind — day after day, month after month, year after year of shuffling forward to a political deal that all South Africans can live with.

The process developed a life of its own, and

deeply affected its participants along the way. With the passage of time, we will come to look back at this period as having been fairly short, fairly fluid and fairly efficient. It will have been quicker than its more famous forebears — like the meetings of the American Founding Fathers or the Middle East peace talks — and it will have the distinction of having brought together some of the most disparate groups imaginable.

It is true that the process will end on an uncertain note, what with the empty chairs and the bilious stares from the outsiders.

It is true that if there are cheers and champagne corks out Kempton Park way when the final session ends, they will be a little forced, because there is a long road still to travel.

But it is also true that what has happened over all this time at Kempton Park has laid the foundation for the future.

It has also provided more than its share of bizarre amusement. It seems a pity that some of its most accomplished entertainers will be vacating the national stage once the democratic will of the people has been exercised.

It is a curious fact that the people who have spoken the most in the negotiating sessions are those whose views mean the least; the loquacious Amichand Rajbansis and Corlia Krugers will be missed in a funny sort of way.

We should wish the ugly duckling World Trade Centre well in its future.

Let it trade on its past, inviting paying guests to spend a night in the Planning Committee Suite, the Bilateral Boudoir, or the Azapo office which was never ever occupied.

It's been the butt of public bitterness and frustration, but it has played its part.

SaturdayStar

No tears for section 29

NO TEARS need be shed over the imminent scrapping of the infamous section 29 of the Internal Security Act, which allows indefinite detention without trial. And the manner of its death knell, as agreed by the Negotiating Council, was in itself a boost for hope in a peacefully negotiated future.

The decision at Kempton Park was taken unanimously. Not even the remaining conservatives in the council would stand up to defend the indefensible.

This is a feather in the cap for the negotiating process, for all its flaws. The multiparty, "transparent" nature of this process meant that the issue was forced into the open and could not be made the subject of some tacit deal behind the scenes.

Other countries in transition have found it convenient quietly to turn a blind eye to similar repressive laws left over from the old regime, just in case they were going to be needed by the new one.

One can think of a number of places where such laws were in fact soon used to wicked effect. In Zimbabwe, Ian Smith's state of emergency was taken over virtually holus-bolus by Robert Mugabe's government.

This will not happen in South Africa's case. It is to the credit of the negotiating parties that the old statute book is being thoroughly cleared, despite the headlong rush towards next year's election.

Of course, it is always possible for a new regime to reintroduce repressive laws. But this becomes more difficult than simply taking over old laws. It subjects the whole matter to renewed public scrutiny.

The section 29 decision is meant to apply to the TBVC states as well as South Africa. Clearly this will not happen immediately in the absence of Ciskei and Bophuthatswana from the Negotiating Council. But naturally the ambit of the repeal will extend to all former parts of South Africa once their reincorporation is accomplished.

If they are serious about their commitment to human rights, the homelands should likewise have no regrets about this odious law, which has caused so much suffering to so many people.

TWO YEARS DOWN THE ROAD: And many probes later, the Goldstone Commission is still playing a major role in tackling the violence

Leaving no stone unturned

THESE days, the commission rarely makes the headlines. However, its work is far from done, and it has been suggested that it should be made a permanent structure, writes Chief Reporter JOHN PERLMAN.

ANY soccer referee will tell you that while "firm" and "fair" are compliments indeed, the highest accolade is anonymity: when your performance causes so little controversy and distraction that people leaving the stadium pause to say "great game ... who was the ref, by the way?" The analogy does not quite fit the Goldstone Commission — the judge, it should be said, has often felt more like the football than the referee.

But the commission has, in less than a year, gone from being an institution that hit the headlines every other day to one that hardly makes the news. And that doesn't bother those involved in the heart of its work.

This time last year, Goldstone Commission investigators made a dramatic raid on a Pretoria building which housed a secret division of Military Intelligence called the Department of Covert Collection.

DOCUMENTS seized showed that this unit, 48 members strong, had been engaged in a campaign to discredit the ANC — with the full approval of MI's leadership. It was pretty dramatic stuff, not least because of the aftermath, in which a number of senior officers lost their jobs. And this, for many, was exactly what the Goldstone Commission was meant to do — investigate, bang on doors. Act.

Mr Justice Richard Goldstone, the commission's head, immediately asked President de Klerk for greater powers to probe thoroughly all public and private security forces and armies. De Klerk declined.

Twelve months later, and just more than two years since the commission was set up — it was appointed on October 24 1991 — there is only one major inquiry still in progress. It concerns attacks on policemen, and it is drawing to a close.

The Goldstone Commission is decidedly low-profile these days for two reasons, neither of which has anything to do with lack of work. One is that much of the commission's work is now being done by investigation units set up in September last year.

The other is that Goldstone and the other commissioners have indicated that they see what they call "pro-active inquiries" as the most important part of their work.

A recent example of that is the commission's probe into how violence can be kept to a minimum at election time. Its recommendations are likely to take concrete form as the Independent Electoral Commission moves into action and April 27 draws closer.

The commissioners took particular satisfaction in their extensive study of demonstrations. "I think that was our biggest success," said one. "That study and the agreement that came out of it has helped to avoid massive violence."

In September the Goldstone Commission announced it would investigate the effects of violence on children. Some saw this as something of a departure, but one commissioner said: "If we don't do it, who will? Tens of thousands of children have been affected by violence. There is huge potential for them to commit violence in the coming years."

AS WITH the inquiries into demonstrations and election violence, Goldstone will insist that commissioners open themselves to international experience.

Yesterday, Goldstone announced a step to deal with a more immediate threat — an inquiry prompted by political and other organisations providing their members with military training.

Experience will have told Goldstone that the question of whether communities should organise and train community-based self-protection or self-defence units will be dominated largely by political parties throwing stones to justify their use of sticks, and the police raising disapproving eyebrows. But the subsequent discussion points make it inevitable that some useful recommendations will emerge: how should such defence units be regulated and made accountable? How

should their membership and arms be recorded? How should they be trained and armed? Can current legislation deal with this?

Clearly, first prize would be putting a stop to private and party armies. But that won't happen, and Goldstone will settle for bringing the militias under tighter control, raising the political cost of defying this and narrowing the areas of confusion in the law.

This inquiry won't make waves as it is unlikely to blame one side and so set off a flurry of denials on another. And, as with every other Goldstone Commission inquiry, its real impact will depend on whether the Government, political parties and security forces decide to act on it. "We are not an enforcement agency," said one commissioner. "At least there's more understanding of that now. There was a time when people seemed to think we were a second government."

When the investigation units — 26 lawyers, military men and po-

licemen — were formed last year, many people seemed to think they were a second police force. Dubbed "The Untouchables" by the press, Goldstone soon rendered them The Unreachables — no interviews, no pictures, no promises. "Expectations go sky-high and we get fright-

ened when that happens," a commissioner said at the time. "We don't want things to be so high-profile unless we achieve successes and our work deserves it."

Since then the investigation units have kept a very low profile despite carrying out the bulk of the

commission's work, a total of more than 250 investigations. "They have played a major role in curbing violence," said one person who works with them, "often stepping in before things happen and avoiding lengthy and costly hearings." A Natal lawyer who has dealt with the units commended their "enthusiasm and expertise" but said they were "still constrained by red tape and the narrow terms" of the commission's reference.

Just how long the investigation units will continue operating, and in what form, is linked with the fate of the commission. Its initial mandate was for three years — until October 1994 — but this will doubtless be revised by the new government.

Much is likely to depend on how the commission's work is perceived. Lawyers who have appeared before the commission are not without criticism.

"I think the Goldstone Commission has been very successful at the level of quick in-and-out solutions. I don't think it has been particularly

successful at the level of detailed inquiries," says Johannesburg lawyer David Dison. He made representations at three hearings, appearing for civic groups at an inquiry into killings in Tokoza, and for the Weekly Mail and others during an investigation into the training of Inkatha members in Caprivi and a probe of claims that a police unit was using "safe houses" to launch hit-squad attacks.

"While we were busy with a hearing into the Tokoza massacre in 1991, 32 Battalion went into Phola Park. The commission was very good at dealing with that on the spot. They were very accessible for a major event and provided immediate arbitration. They could step in with an instantaneous justice mechanism.

"But on the in-depth stuff, the procedures have been too formal, using court-type procedures so that a lot of the black witnesses have just been demolished. High-powered teams of police lawyers have been able to demolish a lot of the positions that the anti-apartheid people have brought in. Sometimes it was allowed to become an adversarial procedure in which both sides got rubbished. Like every institution of change in this country, the Goldstone Commission is overstretched," says Dison.

HOWEVER, he believes that inquiry procedures are being changed and the probe units are getting more power and funds. "We haven't seen the effects of that yet — and don't forget that Goldstone came in with a three- or four-year mission in his brief. It's a very important commission and I don't see it ending after the elections. It should become a permanent structure."

Azhar Cachalia, an attorney who has appeared for the ANC before the commission, believes Goldstone's appointment generated unrealistic expectations. "Because of the way the police had conducted investigations, a lot of people felt that an independent commission would sort out all the problems.

"A related problem is that all political parties have not approached the commission as something that has intrinsic value. Instead they have resorted to political point-scoring, so when there has been a finding in favour of a particular party it has said 'we are vindicated'. When the finding has been critical they have chosen to ignore it. It has largely been the lack of political commitment and courage on the part of political role-players that has caused further difficulty."

CACHALIA says the commission's reports have been a mixed bag, ranging from "very good to appalling". But where recommendations have been useful and "an important yardstick", he says, not enough has been done to implement them. "Goldstone can't make the recommendation and be the implementing mechanism."

Overall, Cachalia says, the Goldstone Commission has been an important safety valve. "People can look carefully at something rather than just accusing each other." He cites the current investigation of attacks on police as an example. "The police in the Vaal Triangle have been giving evidence and hearing what the other side has to say, and the ANC has been giving evidence and listening to the police. No recommendations have yet emerged, but I feel both sides are learning from each other and trying to improve things."

Cachalia realises that with violence still tearing townships apart, people will look at the commission and the Peace Accord and "say they have achieved nothing. I also feel helluva frustrated. But look at it like this: What would have happened if they had not been there?"



GETTING INVOLVED: investigators often step in before things happen, which — apart from putting a lid on violence — helps to avoid lengthy and costly hearings. All parties involved in any conflict have an opportunity to be heard.

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