

# Free-wheeling judge works and plays hard

**M**R JUSTICE B de V Pickard is ... well different.

At age 57, the Chief Justice of Ciskei roars in for duty every morning on a large Honda motorbike which he rebuilt himself, dressed in a smart suit and tie and complete with full-face crash helmet.

"Motorbikes are my passion. I've ridden one as long as I can remember," he says. "I rebuild them as well as old cars. I've done up a few jeeps and a marvellous MG. I'm always busy with my hands."

**I**T'S not just bikes and cars, either. Judge Pickard built his entire holiday cottage near Port Alfred brick by brick, made most of the furniture and also restores antiques.

Born and bred in Delmas in the Transvaal, Judge Pickard attended Pretoria Boys High School where he matriculated before

**MR JUSTICE Pickard, author of the Pickard report which exposed large-scale corruption in the Department of Development Aid, does not fit any conventional picture of a judge, which is what CAROLINE HURRY found when she spoke to him this week.**

going on to study law at the University of Pretoria.

"I think law is in my blood," he says. "My father was a lawyer and at one stage I contemplated becoming an engineer. But you could say the Bar called me."

The judge is renowned for being as straight as a die. One witness who fell foul of the Department of Development Aid had this to say about him: "The first thing that strikes you about Judge Pickard is that he will play it completely straight. You know he is a man who cannot be bought. I felt certain that there would be no cover-up."

The judge enjoys his

work as much as his hobbies. "I'm a very energetic person. I play hard and work hard. As a result I feel very happy and fulfilled as a person."

"The Pickard Commission is now over, which means I will merely return to my duties as Chief Justice which generally involves administration of the courts."

Although based in Bisho outside King William's Town, he visits Pretoria as often as he can to visit his two-year-old grandson Quinton. "I like nothing better than enjoying a braaivleis — meat is my favourite food — with my family," he says.

Judge Pickard has a son and daughter who are both married. "My son, too, has become an attorney. Like I said, it runs in the family."

Turning to the report that has rocked the nation in the past week, Judge Pickard told the Saturday Star he was satisfied that the "more obvious" criminal cases that flowed from his report were being thoroughly investigated by the police. "But I know the police are battling," he said. "Finding proof is the problem."

**H** E SAID a further full-scale investigation into the department and its activities could cost millions of rands. "It could cost a lot of time, energy and money and could prove a futile exercise that might be better avoided," he said.

The judge found no evidence that any Cabinet ministers were directly involved in the malpractice of the department, but did find evidence that they were misled from time to time by senior officials.



**WORLD**

AP PHOTO

**ALL SMILES:** President F. W. de Klerk and African National Congress Nelson Mandela shake hands yesterday as Foreign Minister Roelof Botha, left, looks on.

reporters, "... we shall have the will to break the deadlock and all our efforts are directed to that."

Foreign Minister Roelof Botha was similarly upbeat.

"The gap has been closed. Progress has been made," he said.

"There are major problems to iron out," he acknowledged. "But we have no choice. The ANC has

no choice. We must come to an agreement for the sake of all South Africans.

"And I have every reason to believe that we can achieve just that."

Should a breakthrough be achieved today, a system of "transitional councils," comprised of white and black South Africans

would soon begin to preside over the military and other government departments.

CODESA's approval of such an interim government would trigger the immediate lifting of Canada's trade sanctions against South Africa, in accordance with a Commonwealth agreement reached in Harare in October last year.

## Officer says he signed death order for activists

**JOHANNESBURG (AP)** — An army officer admitted he signed a military document ordering the killing of black anti-apartheid activists, a newspaper reported yesterday.

New Nation reported this week that Lieut. Lourens du Plessis said he signed what he called the "signal message" dated June 7, 1985, on instructions from Brig.-Gen. C. P. van der Westhuizen.

Last week the weekly published a copy of a document that purportedly went to the State Security Council, which oversaw all security matters in the 1980s and included top government leaders.

Opposition groups have been demanding that President F. W. de Klerk's government resign because of the reports, which claim covert killings of anti-apartheid activists were sanctioned at the highest level of government.

The document, based on a telephone conversation between van der Westhuizen and another general, called for three black anti-apartheid activists to be "permanently removed from society."

Two of the three were found dead weeks later with their faces burned off.





Inkatha Freedom Party supporters demonstrate outside the site of the Codesa meetings yesterday, demanding that Zulu King Goodwill Zwelithini and his Kwazulu homelands government be given its own delegation at the negotiations. (PATRICK DE NOIRMONT/Reuters)

## Codesa talks in danger of collapsing

Mandela, de Klerk huddle to resolve row over constitutional decision-making

BY PHILLIP VAN NIEKERK  
Special to The Globe and Mail

JOHANNESBURG — President F. W. de Klerk and African National Congress leader Nelson Mandela held last-minute talks last night in a bid to save the second Convention for a Democratic South Africa from collapse.

Earlier, the government and its allies, including the Inkatha Freedom Party, failed to break a deadlock with the ANC alliance over how big a majority in a proposed interim parliament would be required for decision-making on a new democratic constitution.

Failure to break the impasse could lead to a collapse of the negotiations and plunge the country back into the civil and political strife that marked the mid-1980s.

The government failed to respond to an 11th-hour ANC compromise proposal that a majority of 70 per cent be needed for decision-making on most aspects of the constitution, with 75 per cent required for a bill of rights.

The government is proposing 75 per cent for all aspects, or alternatively that an upper house, or senate, whose composition has yet to be discussed but which would represent minorities, would have a veto over the national assembly.

The opening of the second Codesa was delayed for five hours as members of the working group dealing with the constitution-making body attempted for the fifth consecutive day to formulate a deal.

ANC secretary-general Cyril Ramaphosa emerged after several hours to say: "We are wasting our time. The government is not prepared to take the final step and allow a democratically elected body of people to govern our country."

Foreign Minister Roelof (Pik) Botha launched a vitriolic attack on the ANC, accusing it of being a "Communist-Marxist school" that favours a winner-take-all grab for power.

Deputy constitutional minister Tertius Delpoort said failure to reach consensus over the decision-making issue would deprive South Africa

and the world of what "wonderful progress" had been made in the negotiations as a whole.

Mr. Delpoort said a compromise settlement was still possible but negotiations on the decision-making body should continue in a relaxed manner and not in the pressure cooker of the convention.

However, ANC spokesmen said other progress made in the negotiations since the first convention in December would be nullified if consensus were not reached on the constitution-making body, which the ANC views as the centrepiece of any settlement.

The showcase event threatened to disintegrate into a rancorous slanging match when the plenary session began in the afternoon and several minor parties verbally attacked the government.

Rev. Allan Hendrickse, the leader of the mixed-race Labour Party, said the National Party had its back to the wall and was trying to maintain a minority monopoly on power.

"The parties have gone to great lengths to secure the essential checks

and balances against the abuse of political power," he said. Unfortunately, he added, they did not suffice because "what the NP really wants the rotten corpse of apartheid to rot from the grave."

Chris Hani, general secretary of the Communist Party, said the issue was not one of percentages but of the government doing all it could to undermine the process of democratization.

He added that a sinister thread had run through all the government proposals. "They were all designed to entrench minority power and privilege."

Mr. Hani hinted that mass action strikes and other means would be used to fight the government.

The big confrontation that was awaited — between Mr. Mandela and Mr. de Klerk — never came. Of the 19 parties represented at the convention, the ANC and the government were the only two that did not speak.

Their contributions were held over until early today to buy extra time for a last-minute settlement.



Toronto Star May 16/92

# De Klerk hints at progress in discussions on constitution

By Bill Schiller  
TORONTO STAR

JOHANNESBURG — Acrimony prevailed over agreement here yesterday as government and black negotiators clashed over the way a new constitution for South Africa should be written.

But late last night President F. W. de Klerk emerged from a one-on-one meeting with African National Congress President Nelson Mandela, hinting strongly that today's talks could see a breakthrough on ending white rule.

The two leaders are expected to present a possible compromise this morning to South Africa's constitutional forum, the Convention for a Democratic South Africa (CODESA).

They convened their late-night emergency meeting after a day of deadlock over the percentages required to approve principles in a new South African constitution.

The ANC yesterday moved away from its insistence that the principles require 66.7 per cent approval before adoption, settling for 70 per cent approval.

But while the South African government agreed on the 70 per cent for most principles after earlier demanding 75 per cent, it continued to insist that any constitutional principle dealing with minorities require 75 per cent approval.

That brought talks to a halt.

The ANC and other liberation groups immediately charged that de Klerk's National party government was still trying to retain a white veto.

Indeed, polls have indicated that the National party could win more than 25 per cent of the seats in a new parliament in a free and fair election: enough to block adoption of constitutional principles should

has not, in substance, moved away from its desire to exercise a minority veto. We can only conclude that what they fear is democracy."

Rev. Allan Hendrickse, leader of the Labor party in South Africa's so-called colored House of Representatives, said: "What the National party wants is the rotten corpse of apartheid to rule from the grave."

However, the government's senior negotiator, Dr. Tertius Delpoort, insisted that de Klerk's negotiating team was not trying to maintain apartheid in another guise, but trying to protect the rights of minorities.

"What we must come up with is a (constitution) that will take care of the fears of many people, and the rights of regions to have their own characteristics and develop a culture of their own," he said.

But to some in the ANC camp, Delpoort's proposal sounded much like grand apartheid's homelands policy, in which blacks were grouped in their respective ethnic homelands and encouraged to promote their differentness from one another.

Still, the percentages and regionalism weren't the only points of contention: the role of a senate or upper house also figured prominently in constitutional disagreements.

The government is insisting that such a senate be involved in constitution-making and also have a vote in the approval or rejection of constitutional principles.

But the ANC, fearing that such a senate would be heavily weighted with minorities, rejects their participation in the constitution-making process.

Yet despite the clash, Mandela sounded a note of hope even before his late-night emergency



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Financial Times 16/5/92 - L0

## NEWS: INTERNATIONAL

# South Africa's bitter foes snatch defeat from the jaws of victory

By Patti Waldmeir and  
Michael Holman in  
Johannesburg

THE battle for political power in the new South Africa yesterday began in earnest.

For many frantic hours, the two largest political groups, the mainly white National Party and the mainly black African National Congress (ANC), clashed and retreated, fought and finally abandoned hope of deciding whether South Africa should be governed by majority rule, or by power-sharing.

It was a momentous failure of will by those charged with determining the political future of South Africa. Only two months after the stunning referendum victory in which white South Africa finally voted out apartheid, hopes of multi-racial power-sharing were frustrated yet again and violence looked set to intensify.

An agreement already reached to establish a multi-racial interim government cannot now be implemented. Multi-party control of the security forces, crucial to contain the violence which has left 11,000 people dead since 1984,

cannot be established.

Remaining economic sanctions, which would largely have been lifted on installation of an interim government, will remain in place. Normalised relations with the World Bank and International Monetary Fund (IMF) remain a distant prospect. Popular protest will intensify, under the direction of the ANC which is likely to stage a general strike. South Africa risks a period of even worse political violence. Mr Chris Hani, Communist Party leader, threatened last night that Codesa would "hear the voice of our mobilised masses."

Angry ANC officials yesterday accused the government of sabotaging democracy, and insulting them to boot. Government negotiators reverted to the Cold War rhetoric of the apartheid past, accusing the ANC of wishing to impose a "Communist-Marxist" constitution on South Africa.

Voices shook with anger, or failed altogether under the strain of days of crisis talks. A furious Mr Joe Slovo, senior leader of the ANC, accused the government of insisting on a minority veto: "We can only conclude ... that what they fear, like nothing else, is

democracy." But Mr Pik Botha, the foreign minister, called democracy to his defence as well, claiming that the government supports democratic federalism; he damned the ANC for wanting a centralist, unitary and majoritarian state.

The opposing camps have no alternative but to return to Codesa... whether in a week, a month, or a year

The fragile trust built over the past four months in the conference rooms of the Convention for a Democratic South Africa (Codesa) - where hundreds of officials spent thousands of hours in the unfamiliar practice of talking to one another - did not survive the day. The 19 parties to the talks, representing liberation leaders, discredited homeland governments, ethnic leaders and the government, acknowledged deadlock. Mr Zach de Beer, leader of the liberal Democratic Party, bemoaned the fact that "defeat has been snatched from the jaws of victory."

South Africans watching yesterday's slanging match on

national television must have found it difficult to understand the root of the dispute. But behind the complex proposals tabled by both sides lay a basic disagreement over how decisions should be taken in the elected body which will eventually write a post-apartheid constitution.

The National Party tabled proposal after proposal designed to allow it, in alliance with other ethnic minority parties, to veto decisions of the constitution-making body. This would be achieved either by imposing a requirement that decisions be taken by 75 per cent majority; or a specially elected senate, with disproportionately large representation for regional and minority groups, would veto decisions of the main body. The ANC proposed a two-thirds majority (which it assumes would exclude a National Party veto). It offered to accept a 70 per cent majority (with 75 per cent to approve the bill of rights), but then insisted that a popular referendum be called if that majority could not be achieved.

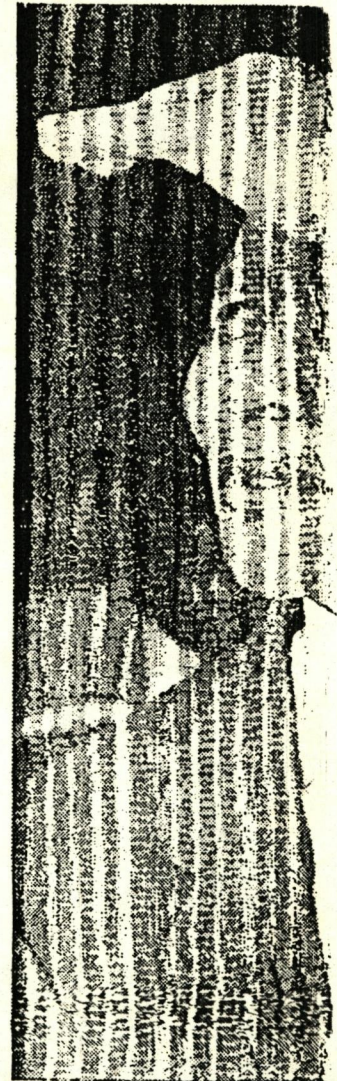
But when the last acrimonious word had been said to the television cameras, the 200 odd delegates filed sombrely into

the conference hall to debate again. Delegates agreed that Codesa had reached deadlock, but not disaster.

It is not clear whether the constitutional talks at Codesa will continue, or whether the warring factions will observe a temporary or extended truce. But from the two opposing camps - the ANC-led group, which included liberation movements and some homeland governments, as well as the government-led group, which included the Zulu Inkatha Freedom Party and other ethnic parties - the message was the same. They have no alternative but to return to Codesa... whether in a week, a month, or a year.

When they do, they will come with eyes open and illusions dashed, and each will know his enemy much more clearly than before. Minds will have been concentrated on the real battle ahead.

As one veteran negotiator commented, a propos the talks which brought Namibian independence: "There are two elements to any successful negotiation: fear and pain." Early or late, those two forces will propel South Africans back to the negotiating table.



Deadlock but not yet disaster: No from conference television light



*The Independent*  
16/5/92. London

10 INTERNATIONAL \*\*\*\*\*



# 'No breakdown' in SA negotiations

NELSON MANDELA last night met President F W de Klerk in an attempt to break the deadlock between African National Congress and government negotiators in the multi-party Convention for a Democratic South Africa (Codesa).

Mr Mandela said that the talks were "substantial", and Mr de Klerk said that there would not now be a breakdown in negotiations, but neither explained how the deadlock would be broken.

Earlier in the day the planned celebration of a new spirit of political reconciliation at the Codesa Two plenary fell calamitously flat after the two main players failed to reach agreement on one small, but critical, element on the way forward to a new constitution.

Addressing a press conference after proceedings had ended for the day, Mr Mandela was extraordinarily conciliatory, especially in the light of earlier comments by younger ANC leaders, both announcing the government had precipitated the failure of Codesa Two. Mr Mandela said it would have been naive for anyone to believe there would be no deadlocks in Codesa. "The point is, we should have the will to break the deadlock, and all our efforts are directed to that."

He did warn, however, that the possibility of the ANC taking to the streets on a "mass action" campaign should not be excluded.

Mr Mandela's optimism rested in part on the fact that on questions of principle, "working groups" appointed by the

From John Carlin  
in Johannesburg

19 parties in Codesa reached wide agreement in the last four months of negotiations. Most importantly, it was agreed that a transitional government whose task it would be to draft a new constitution would be elected by the entirety of the South African population. Most of the mechanics had been decided too.

In the end yesterday the difference between the country's two leading political players was numerically quantifiable: 5 per cent. Inevitably the figure centred on the critical question of power, of who decides what the post-apartheid political system will look like.

Yesterday the scheduled start of the Codesa Two plenary was delayed when negotiators sat down at 8am to attempt to resolve the deadlock on the majority that will be required in the assembly of the transitional government for constitutional resolutions to be approved.

At that point the position of the government was that the figure should be 75 per cent. The ANC wanted two-thirds. The parliamentary Democratic Party wanted 70 per cent, with a special proviso that 75 per cent should be the majority to pass a bill of rights.

Proceedings started with the ANC announcing they were prepared to shift upwards and embrace the DP position. The government rejected this compromise. But they did say they would accept 70

per cent on all issues except those pertaining to the composition of regional and local government. In this area they would not budge on 75 per cent.

Thus, as DP chief negotiator Colin Eglin put it: "The fact is that there is very significant agreement and the question of whether regionalism should be protected by 70 or 75 per cent is the only formal matter outstanding."

All efforts having failed to bridge this last gap the negotiating teams walked out shortly before 3pm and the ANC strode to the press conference hall. "It is with a great measure of disappointment," said the ANC secretary-general, Cyril Ramaphosa, "that we must announce that Codesa Two has failed." Joe Slovo, chairman of the South African Communist Party, summed up the ANC alliance's view: "The government has not in substance moved away from its desire to exercise minority veto over the future." Government negotiators were next to take the floor. Tertius Delpoit, deputy minister of constitutional affairs, said they had made concession after concession but the ANC had not agreed on a compromise.

■ The scandal over alleged South African army hit squads deepened yesterday, Reuter reports. The weekly *New Nation* published an alleged confirmation by army Lieutenant Lourens du Plessis that he signed a military memorandum in 1985 proposing the assassination of four activists including the anti-apartheid leader Matthew Goniwe.



The ANC camp, however, is firm that 70 percent agreement is adequate.

The government is also determined that an Upper House or Senate be involved in any changes to a future constitution. The ANC rejects this.

Both major parties agree on the issue of 75 percent agreement on a Bill of Rights.

The chief National Party negotiator, Dr Dawie de Villiers, said the breakdown in Working Group Two was not the government's fault.

He defended the government's stance on 75 percent majority on regionalism, saying it did not support minority rule but neither did it support "mere majoritarianism".

He also defended the government's position on a Senate, saying leading democracies incorporated such bodies in their constitutions.

The government also accused the ANC of introducing a new concept into constitution-making during yesterday's last ditch attempts at agreement in Working Group Two.

It charged the ANC with bringing in time frames, demanding that a new constitution be drawn up in six months.

If the constitution-making body was unable to reach a 70 percent consensus, but reached more than 50 percent, a national referendum would be held with a two-thirds majority being enough to approve the new constitution.

At a later Press conference the ANC's Mohamed Vulli Moosa confirmed the proposal had been laid on the table yesterday morning, but said it was "one possible mechanism".

Elaborating, he said now that the ANC and its allies had shifted from a two-thirds majority to 70 percent agreement on most issues concerning a new constitution, a "deadlock-breaking mechanism" was unnecessary.

The convention attracted international attention. Diplomats representing countries from Japan to Argentina were present, while at the gates to the venue — Kempton Park's World Trade Centre — protesters ranging from Christians demanding the presence of God at Codesa to Zulus insisting their king be represented — presented a colourful and noisy side-show. — Sapa.

• See Page Four.

The Citizen

16/5/92

# Codesa not a failure — Mandela

IT would have been naive for anyone to believe there would be no deadlocks in Codesa. ANC leader Nelson Mandela said yesterday evening.

"The point is, we should have the will to break the deadlock, and all our efforts are directed to that," he told a Press briefing after Codesa II adjourned.

Mr Mandela said he had no reason to believe Codesa had failed and he was confident there would be good progress in the months ahead.

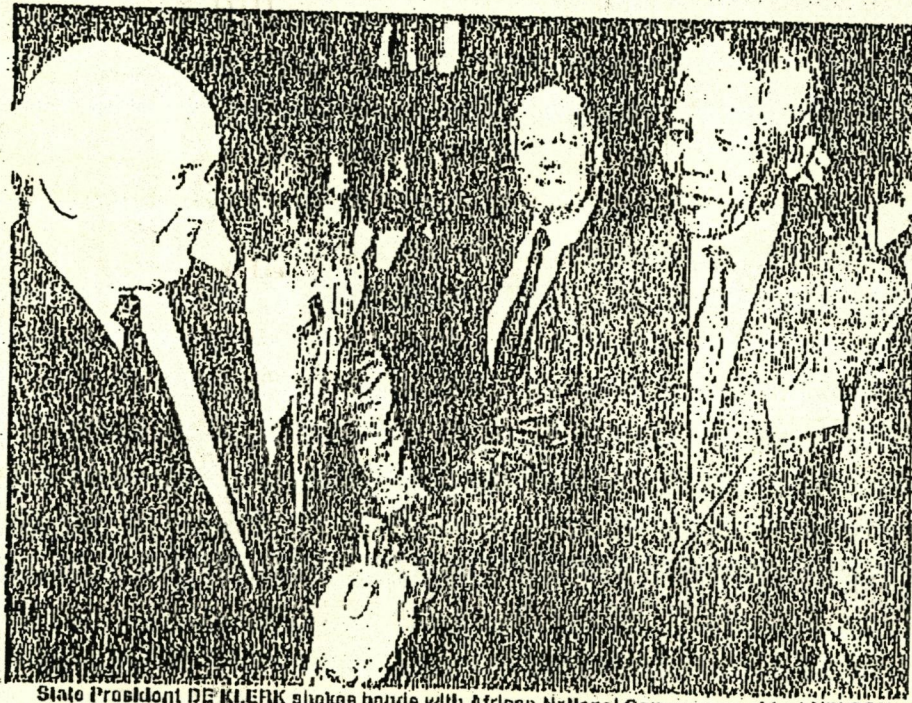
Codesa was not the only method of adding momentum to the negotiation process, but he would not be drawn on what he meant by this statement.

"We can't exclude mass action, but there are a wide variety of other strategies." — Sapa.



① The Citizen 16/5/92

# FW, MANDELA TO BREAK DEADLOCK?



State President DE KLERK shakes hands with African National Congress president NELSON MANDELA before Codesa II at the World Trade Centre in Kompton Park.

• Picture by Greg Marlowe, Associated Press

STATE President De Klerk and African National Congress president Nelson Mandela will tell the Codesa plenary session today how they intend to deal with the deadlock over constitutional principles.

"I advise you to listen to our addresses tomorrow," Mr Mandela said at

the conclusion of a meeting last night - with Mr De Klerk in the National Party's Codesa suite.

"We have taken a little more than an hour," he said. "The meeting had been 'substantial'."

Mr De Klerk, on leaving the World Trade Centre, confirmed that their discussion would be reflected in their speeches today.

Saturday would be a day to move forward in a negotiation process and would not be a breakdown, he said.

The expectation is that the two leaders have found some way to break the deadlock.

They are due to open proceedings today and close off the debate on



# The Citizen 16/5/91

## Breaking deadlock?

### FROM PAGE 1

the way forward". Mr De Klerk is scheduled to speak first and Mr Mandela immediately after him.

Senior negotiators on both sides were called to strategy meetings with the two leaders after the Codesa II plenary was adjourned.

They then met each other in private.

Later they were joined by ANC secretary-general Mr Cyril Ramaphosa, and the new Minister of Constitutional Development, Mr Roelf Meyer.

Only a few percentage points in respect of qualifying majorities in a constitution-writing process separate the two parties.

The Minister of Foreign Affairs, Mr Pik Botha, joined the State President for the pre-talks NP conference and predicted confidently that a winning formula would be found.

At the ANC offices, Mr Mandela was joined by the movement's top negotiators and advisers for a 90-minute preparatory session before the meeting.

The last-ditch attempt was the subject of speculation throughout the afternoon after the negotiating teams in Working Group Two finally conceded that there was a final breakdown.

A leadership rescue bid became the only logical way out of an impasse

which could have far-reaching local and international repercussions.

Failure by today to show definite progress towards an interim government and a constitution-making body will place the credibility of Codesa in doubt.

The urgency of the rescue bid was emphasised by the tense atmosphere prevailing in the corridors as officials and supporting staff moved in and out of offices heavily guarded by presidential security staff.

Agreement on other issues at Codesa is largely dependent on agreement in Working Group Two, which deals with constitutional issues.

With the second plenary session of Codesa about to start, the crucial Working Group Two had still not resolved differences.

With proceedings barely 20 minutes old, Codesa's management committee conceded to an ANC request for an adjournment for an hour and 15 minutes.

That 75 minutes extended itself to some six hours — with little or nothing to show despite intensive closed-door negotiations.

When the plenary session reconvened in mid-afternoon, co-chairman, Mr Justice Ismail Mahomed, suggested a revision of the official programme — saying proceedings should effectively be reversed.

He suggested, amidst some protest, that the "way forward" for Codesa be moved up the schedule for immediate discussion, effectively ruling out debate on progress reports of four of Codesa's five working groups.

Among the protesters was the Bophuthatswana Government, whose delegates argued that the territory's reservations against reincorporation had not been included in Working Group Four's progress report.

Mr Justice Mahomed dismissed the objection, saying Bophuthatswana would be able to voice its reservations at a later stage.

Discussion on the way forward was then thrown open to the floor.

Several speakers attempted to downplay the problems plaguing Working Group Two, although others took a hard line.

SA Communist Party general secretary, Mr Chris Hani, was blunt. "Codesa is deadlocked," he told delegates.

The blame "must be laid firmly at the door of the principal deadlocker — the SA Government".

At issue is the percentage agreement needed in a National Assembly, mandated to draw up a new South African constitution.

The government and its allies are insisting that regional issues require a 75 percent majority in the so-called Lower House.



SUNDAY STAR 16-05-92

# Deep, deep trouble in Diepmeadow

DIEPMEADOW Town Clerk David Mabalane has revealed that the Soweto City Council is in the process of attempting to repossess the Diepkloof Extension Hostel which he claims was "fraudulently and corruptly" leased two years ago.

In April this year the council unilaterally cancelled the 1990 lease agreement with the Ivory Tusk Consortium.

The Agreement had been signed on the council's behalf by the now suspended Town Clerk J F de Jager and the late Mayor of Diepmeadow Moses Khumalo.

Mabalane also revealed that as a result of investigations carried out by the present Soweto Council and the Transvaal Provincial Administration into fraud, bribery, corruption and misconduct of the previous council, several top council officials had been suspended in March this year.

They were: Town Clerk De Jager, Housing Director Jooste Mothapo, Management Committee chairman Frederich Phiri and two legal advisors, S Monyatsi and S Mazibuko.

The council's chief legal advisor, Aldred Maheppy, revealed that other allegations not related to the Ivory Tusk deal currently under investigation included misappropriation of council funds involving millions of rands and the theft of council cheques to the value of R3,2 million.

He said investigations found that the Ivory Tusk Consortium was in fact not a legally registered company, and showed the Saturday Star documents to back up this claim.

The lease had purported to transfer the entire complex of the Diepkloof Hostel — consisting of the land and 345

JOE LOUW

housing units — all for the sum of R862 500.

According to Maheppy, not only did Ivory Tusk not tender for the hostel, but the council never received any payments from the company.

One part of the contract specified that Ivory Tusk was supposed to upgrade the hostel and turn it into family sectional units. None of these improvements had, been made according to Mabalane.

Godfrey Mokgoatjana, the council's new chairman told the Saturday Star that he "went public" with the facts of corruption and fraud because he did not want the present council "tarred with the same brush" as the previous council.

## Trespassing

He also revealed that the council had asked the Transvaal provincial authorities to launch an "Article 3" investigation into the previous council's activities.

Maheppy reported that the council had attempted this week to repossess the offices at the hostel but that workmen sent there to change locks refused to go into the hostel without police protection.

"Police are telling us the matter is in abeyance until they get a court order," said Maheppy, "But we fail to see why that is necessary".

The council has also demanded back R1,2 million in rents collected by Ivory Tusk from residents of the hostel and threatened to lay charges of trespassing against the consortium unless it immediately vacated the premises.



# Re-examine township rents,

THE NATAL WITNESS  
16-05-92

## say residents

NON-payment of rent and service charges is nothing new. For years, thousands of township residents in Natal have not been paying because of dissatisfaction with the township council system and its services. Max Mamase of the South African National Civic Organisation (SANCO) says the boycotts were meant to make townships difficult to administer and to stop financing "apartheid" structures.

After negotiations, in some townships, residents agreed to pay service charges, but the question of arrears still remains. Many local authorities in townships around the country have been feeling a financial squeeze for years and are collapsing. The ANC is on record as supporting rent boycotts and has suggested methods of settling them. ANC local government spokesman in the Midlands Reggie Hadebe says the future government will have to write off arrears completely, and negotiate ways in which people can resume payments of rents.

The situation differs from township to township around the province. Locally, Imbali residents agreed to resume paying service charges after a three-year boycott.

**RENT boycotts around the province have left many township councils bankrupt, and the ANC argues arrears will have to be written off and new rent structures negotiated with communities.**

### LAKELA KAUNDA reports.

They had been boycotting because of the council system, what they saw as lack of interest by the now-defunct Department of Development Aid to work towards ending instability in townships as well as grievances regarding water, electricity and refuse removal charges. Imbali Residents' Association chairman Titus Thenjwayo said residents have started paying service charges but the question of arrears will be discussed formally along with other problems they have with authorities. He said residents feel the DDA was responsible for the non-payment because of their "poor" services.

Edendale landlords face an implicit boycott. Edendale Landowners Association chairman Attwell Ntuli says tenants refuse to pay site rents, demanding to buy the sites.

In Durban's Lamontville township residents have not been paying service charges for about three years, their grievance being

unsatisfactory services rendered by the Ningizimu town council. MEC for local government Tino Volker says discussions have been going on between the civic organisations and the councillors with the NPA as facilitators. He says the NPA has provided funds for the upgrading of the water supply to Lamontville. "The argument to justify the service boycott therefore no longer applies," he said.

Lechisa Tsenoli of the Southern Natal Civic Organisation refuted Volker's statement saying a retired engineer found the piping system in Lamontville has never been maintained properly and will always cause problems. "They raised water from 18c per kilolitre to 75c. Until such time that there is a proper water reticulation system residents cannot pay the rent." He added that the residents demand houses be transferred to them rather than sold.

"Some of them have been renting these

houses since the 60s. In all fairness they should be rightful owners of the houses."

Another problem area in Natal is Sibongile township in Dundee where there has been a boycott since 1985. After meetings between the councillors, the ANC and the NPA it was resolved that residents will start paying service charges and the rentals will be discussed later. The NPA pledged to appoint an administrator since the councillors do not form a quorum. He was appointed last month. However, the ANC has objected to the administrator working with councillors and has threatened to continue with the boycott.

"It is in the community's interests to pay otherwise they will not get services," says Volker.

Hadebe said the NPA has been dishonest. "We had reached an agreement that the administrator will liaise with a structure to be elected by the community. We were sur-

prised when he was received by the three remaining councillors who do not constitute a quorum, have no mandate, and some do not even live in the township. Also the town clerk has issued letters to residents demanding full payments, reneging on our agreement."

The secretary for the KwaZulu Department of the Interior said there is no formal boycott in their townships, but some residents are either not paying rent in full or not paying at all.

Mamase of SANCO argues that local negotiations are the only solution to bring about total payment of rent and service charges. "That can come about through the acceptance by the authorities of a single tax base system of local government."

Hadebe says the township problems will not end while local government structures remain fragmented. He finds the government's restructuring of local government to be unacceptable. "They want to integrate existing unpopular, undemocratic structures such as the ethnic councils and local affairs committees. We need to start afresh," he said.



## Army paper heaps praise on 32 Battalion

PRETORIA — The 32 Battalion, alleged villain of the Phola Park raid in which two residents were killed, three women raped and scores of residents assaulted, has been heaped with praise and heralded as a champion of law and order in the SA Army mouthpiece *Uniform*.

Two articles concerning 32 Battalion dominate *Uniform's* May front page, one dealing with Phola Park and the other with a parade in which members of the controversial unit were presented with more than 2 000 medals.

*Uniform* quoted the inspector-general of the SA Army, Major-General F.S. Mulder, speaking at the medal parade, as saying 32 Battalion will not be disbanded, contrary to "many unfounded rumours".

The retaliatory raid on Phola Park on April 8 by 32 Battalion members is currently under investigation by the Goldstone Commission. Residents alleged the soldiers ran amok in the squatter camp, pulling people out of shacks and beating them up, raping women and firing wildly with automatic rifles.

The SADF's initial response was to deny claims of any misconduct by 32 Battalion.

Police said after the raid they were investigating two cases of murder, one of attempted murder, three rape cases, 47 cases of serious assault, four of malicious damage to property and two of theft. However, yesterday police confirmed that no 32 Battalion members had been charged yet although several were pointed out by witnesses at the identification parade.

*Uniform* said in its lead report it will "leave the story of that fateful night to the courts, but we must state that it is our belief that the facts to be proved in a court of law will be significantly different from those reported by various media reporters and radical organisations with a political axe to grind".

## Goldstone to hear paper's allegations

CAPE TOWN — The Goldstone Commission will on May 22 hold a preliminary hearing into the *Weekly Mail* newspaper's allegations concerning secret police bases and operations in the southern Transvaal, commission chairman Mr Justice Goldstone said in a statement yesterday.

This follows a request by the SA Police to inquire into the allegations.

After the hearing, the commission will decide whether to establish a committee to inquire into the allegations.

Meanwhile, the Anti-Censorship Action Group yesterday condemned Law and Order Minister Herinus Kriel's warning that the police will use courts to ban publication of allegations of police misconduct.

"The interdicts brought (on Thursday) against the *Weekly Mail* and *Vrye Weekblad* show the police cannot tolerate scrutiny by a free press and will do all in their power to prevent it," a statement said.

The ACAG also criticised the barring of journalists from Thursday's police raid on Phola Park.

"The minister's claim that these reports are unsubstantiated is clearly contradicted by the wealth of evidence supporting recent newspaper disclosures." — Sapa.

## Alex IFP leader shot dead

JOHANNESBURG — Inkatha Freedom Party chairman in Alexandra and administration clerk at the township's council Simon Nxumalo was yesterday assassinated by unidentified gunmen while on his way to work.

Police said Nxumalo was shot from behind while walking in Second Avenue in the Johannesburg north township at 7.30 am. He died at the township's clinic.

IFP representative at Codesa Bruce Anderson, said in a statement his organisation "is shocked and totally dismayed" at the assassination.

"The IFP is numb with shock. Nxumalo was a man who was respected and liked by even his political opponents. He was a leader in negotiations with the African National Congress and made marked headway in his efforts to achieve peace in Alexandra."

IFP spokesman in Durban Kim Hodgson called on all organisations and community members to come together to bury him.

Alexandra's National Peace Accord interim crisis committee said in a statement Nxumalo was also a superintendent at Madala migrant workers' hostel, which is regarded by some of the community as an IFP stronghold.

"The ANC, IFP and the interim committee absolutely condemn this action," they said.

The PWV region of the ANC also yesterday condemned the assassination. — Sapa-Witness Reporter.



# Enough to make even a hardened doctor cry

KHABA MKHIZE abandons a light-hearted column he planned to write after a disturbing phone call.

It is exactly 10.05 am Friday morning. I started writing this column 10 minutes ago. Five paragraphs I have penned, so far. Little do I realise the ramifications of a telephone call I attend to. I fumble, try to steady my fingers, I feel the skin on my head go numb and the hair coiling with the sensation as my eardrum soaks in the contents.

With the new smoking restrictions in the office I have an impulsive crave to dash outside to light a cigarette to steady my nerves. Bloody me, the experience of the past seconds is mentally overwhelming.

The caller is a doctor I have known for the last dozen years. She is a very strong and tough-willed practitioner, and I had always felt she had nerves of steel.

The paragraphs I have written are now peeling off from today's planned Saturday topic. An hour ago I had assured our daily morning meeting that I intended writing a light-hearted column. My topic, I had announced gleefully, would be taking the mickey out of the curfew. (Something like Sweetwaters is also under the 9 pm curfew and as such editor David Willers and myself are in the same boat. The gazette would have spoiled the imagery of a new South Africa had it listed "black Sweetwaters").

Probably I will recover from this doctor's over-awing experience and deal with the curfew humourously later in this piece. Right now I must share the episode while it is still fresh.

"Listen, Khaba, I heard about your tiff last Saturday with the '32'. Sorry about that. To cut a long story short... we are not allowed to take pictures of victims of the violence, otherwise I would have taken a photograph for you to illustrate my disgust. I have never seen anything like this in my life, except in movies. In the concentration camps of Hitler, yes..."

"The 30-year-old man from Imbali was so badly assaulted, his whole thorax, chest and back was bleeding. He was screaming with pain and, speaking perfect English, said he was afraid he was going to die. He said he had been sjamboked by a black uniformed men in Imbali.

"For what? I asked him."

"Because I am ANC," he replied.

"Tell me Khaba, why does the State President continue to shake hands with Mandela and Buthelezi if nothing changes... Instead we are losing people everyday while the process of Codesa is moving at snails' pace

...how much more evidence is needed?"

At 10.28, colleague Lesley disturbs my attention and I turn round. Her face somersaults and she stammers. "Oh, I am sorry, why do you look so upset, your face is terrible is it because I have disturbed you..."

I assure her that it has nothing to do with her. After fumbling through the doctor's story, her face flushes with an indescribable expression.

"I have never seen your face like this...", she too gropes for words. "I also feel like crying right now."

She then reminds me about about the 10.30 meeting. At the meeting I am merely part of the furniture. "Anything to say Khaba?" asks Martin Williams. "Absolutely nothing," I apologise. "My mind is..."

The meeting lasts just under an hour and I am back at the terminal recording the doctor's case history. I now struggle to recapture her words since my train of thought has been broken. This bit I remember well:

"What must happen now Khaba? Where do you think this country is going to?" Only "Hmm... hmmm's" from me. "This man was so hungry... for 48 hours he had not eaten because he had tried to go to Edendale Hospital for treatment, but as you know, there was no one to attend to him (the hospital closed to new patients because of the stay-away).

"He decided to go to the bush to hide. He was fearing the light of day, fearing that the police may see him again and finish him off... he was so hungry that when we gave him a sandwich he literally swallowed it without chewing."

Then the doctor who has been in practice for more than 15 years broke down and cried over the phone. This is the first time in my life I heard someone cry on line.

"This man is dying Khaba; he will never see the new South Africa... his back and front are all messed up. In medical terminology we call this 'weals', swollen open wounds, he was bleeding, he is a mess. Doctors don't cry; we see so many terrible things, rape victims, murders, beheaded bodies and all the works, and we are hardened and don't cry easily."

Some of the stuff she has emotionally spat out in sobs, is so painful to me that I feel my system heating up. My turn for crying silently inside my hardened psyche, happened when she made the remark that also watered Lesley's eyes: "The only solution would be for God to turn our skins white."

• FOOTNOTE: The man was admitted at a city hospital where a doctor attended to him last Friday night — the same night that Minister of Law and Order Hermanus Jacobus Kriel signed the unrest declaration in the Government Gazette of May 8, 1992 stating: "Whereas I am of the opinion that public disturbance, disorder, riots and public violence are occurring or threatening in the area mentioned... that measures additional to the ordinary law of the land are necessary to enable the Government to ensure the safety of the public and maintenance of public order and to combat or prevent such public disturbance, disorder, riot and public violence."

Could we be saved from uninformed and insensitive distant opinions and consult our own opinions here in Pietermaritzburg? The previous police minister said in 1987 — at the peak of the violence — that in his opinion there was no need for a commission of inquiry into the causes of the violence. What's it like five years later!

The victims' opinion is that the unrest declaration is going to invite real unrest.

P.S. Yesterday morning, a city doctor also reported to me that he is treating three patients with burst eardrums and swollen eyes after they were beaten by members of 32 Battalion in Imbali after the unrest blanket. Are these lies? Please lift the "unrest-ing" decree, quickly please!



# Hard times for

Finding a job in South Africa has become difficult during these times, but even more so if you are a returned exile, argues Bulgarian trained nuclear engineer Nqaba Ngcobo. LAKELA KAUNDA spoke to him.

## ex-exiles

NQABA Ngcobo returned to South Africa in February this year after going into exile to join the ANC in 1982. He came back armed with a Master of Science in Nuclear Engineering from the Higher Institute of Mechanical and Electrical Engineering in Sofia, Bulgaria, having specialised in thermal and nuclear power engineering.

The biggest challenge for the Edendale-born Ngcobo now is to re-adjust to the changing South Africa — and most of all — to find a job. He has joined hundreds of exiles who have returned to a South Africa that cannot offer them jobs.

His certificates show him to have been an outstanding student. He was the only foreign student at the energy department of the institute during the five-year duration and his Master's thesis was marked "excellent". Three other foreigners who joined the course with him pulled out before the end.

Ngcobo says he took on nuclear engineering because he believed it has a wider scope for job opportunities. "It is dynamic, it deals with nuclear power stations all over the world." However, it is turning out to be an unusual qualification with the likely potential employers being the Koeberg nuclear power station in Cape Town, the Pelindaba Nuclear Research Station in Pretoria and the Council for Nuclear Safety.

The course took six years and was taught in Bulgarian — forcing him to spend a year learning the language. He enjoyed the course which was quite involved. "You end up understanding how everything happens including earthquakes and volcanoes. A nuclear accident can be catastrophic for any country. One cannot erect a power station at any place that is prone to storms, volcanoes or earthquakes. Also you need knowledge of transport engineering in order to know how to transport radio-active material. You also need to know how to produce energy with solar power, windmills,

hydro-electric systems, sea-water tides, geo-thermal gases, how to exploit it using organic fuel eg. oil, gas, petrol and their by-products." No wonder counsellor at the Netherlands embassy in Pretoria Hans Sondaal described him as the "man

who asks explosive questions" at an Edendale Lay Ecumenical Centre seminar recently.

Ngcobo believes it is more than recession that makes it difficult to get a job. He blames negative attitudes of companies to

the ANC and to the pre-Gorbachev Eastern Europe. However, director of the local Chamber of Commerce and Industry Rowley Waller says the economic climate in the country is such that companies are laying people off, not employing them. "He may think that nobody wants him, but it may be that they do not want anyone at the moment. For every job nowadays there is a queue, and companies have laid off people who have to be the first to be taken when vacancies arise. We are just not creating jobs quickly enough. For a nuclear engineer the situation would be more tough."

Waller said he has not known industry to have problems with eastern European qualifications.

Ngcobo said one of the companies he sent his application to in Durban told him they do not recognise foreign qualification until these have been evaluated by the Human Sciences Research Council (HSRC).

"I wrote to the HSRC and later sent them my certificate. In response they said the M.Sc. is equivalent to bachelor's degree in South Africa. I had shown them a recommendation from the university, a thesis and research I had conducted: it still did not help. I was quite surprised because my certificate was evaluated by the British Embassy in Sofia and they found it to be equivalent to degrees offered in their universities. That is why Western universities like Cambridge accepted me without any queries."

An HSRC spokesman said there are no political considerations taken into account when evaluating applications for admission to status.

Ngcobo criticised companies for importing nuclear engineers from abroad and paying high relocation fees and salaries while not developing local talent.

Ngcobo has been accepted at Cambridge in England to do a P.h.d. in nuclear reactor dynamics. "But if I get a job I will stay at home."

Ngcobo was born in Edendale but his family moved to Mpumaza. He returned to find his family relocated because their house was burnt down in the Inkatha stronghold a few years ago. Born into a family of activists because of "suffering", he studied in Ashdown Primary, George-town Secondary and Amanzimtoti College. He enrolled at the University of Zululand in 1976 but was disturbed by strikes. He worked for a while before skipping the country to join the ANC in 1982.



*Toronto Star May 16/92*

# De Klerk hints at progress in discussions on constitution

By Bill Schiller  
TORONTO STAR

JOHANNESBURG — Acrimony prevailed over agreement here yesterday as government and black negotiators clashed over the way a new constitution for South Africa should be written.

But late last night President F. W. de Klerk emerged from a one-on-one meeting with African National Congress President Nelson Mandela, hinting strongly that today's talks could see a breakthrough on ending white rule.

The two leaders are expected to present a possible compromise this morning to South Africa's constitutional forum, the Convention for a Democratic South Africa (CODESA).

They convened their late-night emergency meeting after a day of deadlock over the percentages required to approve principles in a new South African constitution.

The ANC yesterday moved away from its insistence that the principles require 66.7 per cent approval before adoption, settling for 70 per cent approval.

But while the South African government agreed on the 70 per cent for most principles after earlier demanding 75 per cent, it continued to insist that any constitutional principle dealing with minorities require 75 per cent approval.

That brought talks to a halt.

The ANC and other liberation groups immediately charged that de Klerk's National party government was still trying to retain a white veto.

Indeed, polls have indicated that the National party could win more than 25 per cent of the seats in a new parliament in a free and fair election: enough to block adoption of constitutional principles should

has not, in substance, moved away from its desire to exercise a minority veto. We can only conclude that what they fear is democracy."

Rev. Allan Hendrickse, leader of the Labor party in South Africa's so-called colored House of Representatives, said: "What the National party wants is the rotten corpse of apartheid to rule from the grave."

However, the government's senior negotiator, Dr. Tertius Delpoort, insisted that de Klerk's negotiating team was not trying to maintain apartheid in another guise, but trying to protect the rights of minorities.

"What we must come up with is a (constitution) that will take care of the fears of many people, and the rights of regions to have their own characteristics and develop a culture of their own," he said.

But to some in the ANC camp, Delpoort's proposal sounded much like grand apartheid's homelands policy, in which blacks were grouped in their respective ethnic homelands and encouraged to promote their differentness from one another.

Still, the percentages and regionalism weren't the only points of contention: the role of a senate or upper house also figured prominently in constitutional disagreements.

The government is insisting that such a senate be involved in constitution-making and also have a vote in the approval or rejection of constitutional principles.

But the ANC, fearing that such a senate would be heavily weighted with minorities, rejects their participation in the constitution-making process.

Yet despite the clash, Mandela sounded a note of hope even before his late-night emergency



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**SIGN OF THE TIMES:** Part of the group of Zulus who marched on Codesa yesterday await news of the negotiations going on inside.

● Photograph: KEN OOSTERBROEK.

CODESA



Saturday Star 16-05-92

# Learn to speak the lingo of the new South Africa

**CODESA'S a serious business, but it has its lighter side. Political Editor SHAUN JOHNSON — tongue firmly in cheek — looks at Codesa jargon, and what the parties really mean when they use a "Codesa cliché".**

**NP's TRANSITIONAL MEASURES** means: "We'll call the shots."

**POWER-SHARING** means: "We'll still call the shots."

**ANC's TRANSFER OF POWER** means: "We'll get to call the shots."

**IFP's NON-NEGOTIABLES** means: "If we don't get our way we're going home."

When all parties talk about **NEGOTIATIONS ON TRACK** they mean: "No progress to report."

When they talk about something being **REFERRED TO WORKING GROUP** they mean: "We've got a problem."

Something **REFERRED TO SUBCOMMITTEE** means: "We've got big problems" and something being **REFERRED TO TECHNICAL COMMITTEE** means: "We've got really big problems."

**ABSOLUTE CONSENSUS** means: "It was an irrelevant issue."

When the NP and ANC talk about **SUFFICIENT CONSENSUS** they mean: "Bugger the rest." And when they talk about **BILATERALS** they mean: "Where we make the real decisions." **TALKS ABOUT TALKS** mean: "There's nothing to talk about," while a **WIN-WIN SITUATION** means: "We both get what we want."

**PAC's SELLOUT** means: "We're not there and we wish to hell we were."

**IFP's BIG THREE** means: "We want to be thought of as being as big as the other two."

When the PAC talks about **SECRET DEALS** they mean: "Agreements we would like to have made."

The CP's **SELF-DETERMINATION** means: "Keeping things as they were."

**IFP's CONSULTING PRINCIPALS** means: "We need an excuse to renege on the agreement we just made" and **INCLUSIVENESS** means: "Our right to be represented three times over."

The NP's **SIMPLE MAJORITARIANISM** means: "The ANC will win the election". **ROTATING PRESIDENCY** means: "But even if the ANC wins, we win" and **ADVISORY COUNCILS** means: "Toy telephones."

Welcome, friends, to our brave new world: you are now Codesa-literate.

**BELIEVE** me, if you are not a "Codesaphile" you can easily get lost listening to the negotiators.

"Codesaspeak" is a full, short-hand vocabulary. It requires a glossary, so allow me to give you some examples of how it works. Feel free to use the lingo with confidence at dinner parties.

When the DP talks about **CONVERGENCE**, they mean: "When people start to agree with us," while **GOVERNMENT OF NATIONAL UNITY** means: "Guarantee a place for us please."

When the NP talks about **MINORITY RIGHTS**, they mean: "White privileges."

**IFP's REGIONAL POWERS** means: "We control the patch."

**ANC's CONSTITUENT ASSEMBLY** means: "We'll have a majority," while **INTERIM GOVERNMENT** means: "We'll call the shots."



# The ANC's Mohammed Valli Moosa describes the events:

"Our view is that a new constitution for South Africa should be drafted by a democratically elected body and that body would draft and adopt a constitution by a two-thirds majority. Its decisions would not be subject to a veto.



MOOSA: Government constantly backtracking.

"We were subjected to all sorts of criticisms from the NP and its allies. They initially said our proposal amounted to simple majoritarianism. We pointed out that the Government had accepted the two-thirds majority principle in Namibia.

"Obviously we and most parties rejected that. Then they proposed that the senate be weighted in terms of equal representatives for unequal votes. We call this a system of disproportionate representa-

tion, and undemocratic. Then they apparently dropped that. We kept on asking the question: Why do you want the senate to have a veto?

"Then they proposed that we leave the senate out of it, but proposed these various (higher) percentages. We spent every day of this week in meetings of that working group. They kept on re-introducing the senate...

"Eventually after much soul-searching, to avoid a deadlock, we held an 11th-hour meeting and decided to offer a position for which we don't even have a mandate. We moved the percentage up to 70 percent and the bill of rights to 75 percent. At that point we realised we were wasting our time."

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## Working groups have made progress despite impasse

IN SPITE of the deadlock at Codesa's Working Group 2 on how a new constitution should be drafted, the other four working groups' reports indicate that a great deal of progress has been achieved in negotiations.

Agreements will be finalised only once the larger problem facing Codesa is resolved — but nevertheless they mark progress towards a negotiated settlement and provide the clearest picture yet of what the "transitional" South Africa will look like.

Working Group 1, set the task of creating "a climate for free political activity", agreed to put all security forces under

### POLITICAL STAFF

interim government structures' control, establish an independent body to control the telecommunications sector and that a state of emergency be imposed only with multiparty interim executive agreement.

Working Group 3 agreed that a multiparty "transitional executive council" be established to govern the country in the run-up to elections for a transitional government; that multiparty sub-councils be formed to deal with law and order, defence, finance, local, regional and national government, and foreign af-

fairs; and to establish independent election and media commissions.

Working Group 4, considering the homelands' future, agreed that the TBVC states would take part in transitional arrangements in the run-up to elections for an interim government.

In his report to Codesa 2, management committee chairman Pravin Gordhan said their participation would be arranged in such a way that votes constituted a test of the people's will.

Working Group 5 tried to formulate a plan to ensure speedy implementation of agreements, but as these were made only recently, ran out of time.



# Question of majorities

16-DS-92

**C**ODESA 2 came tantalisingly close yesterday to closing the gulf between the ANC and the Government on the majorities needed to draft a new constitution.

To many South Africans it may seem that the emotional and tough arguments over whether the majority should be 67%, 70% or 75% are but semantics and political brinkmanship. The fact is that even a few percentage points are vitally important if SA is to get a fair constitution that satisfies not only the majority, but also minorities.

That the two sides found each other by agreeing to the mid-way position of 70%, with a special majority of 75% for the Bill of Rights, says much for the willingness of both to make progress. But they continue to disagree on the need for a special majority on regional aspects of the constitution, while the National Party has also demanded time to consider the ANC's unexpected new deadlock-breaking proposal of holding a referendum if agreement cannot be reached within six months.

The ANC argues from the comfortable position of knowing that it commands the support of a vast majority of the electorate, possibly even as much as two-thirds to three-quarters of all potential voters. It also knows that this voting bloc would endorse just about anything the ANC asked it to, regardless of the merits for democracy and political stability.

But if the constitution is to be legitimate it is vitally important that minorities also recognise and respect it. This will happen only if the constitution is produced by maximum consensus. That is why a high majority is needed, particularly with regard to regional arrangements.

Constitution-making is an intricate and difficult process that must draw on the experiences of the rest of the world and the finest legal and political minds available. It cannot be left to a largely ill-educated and emotionally charged electorate to blindly endorse whatever is put in front of it. This may produce a constitution on paper, but in the long term it will contain the seeds of discontent and violence if large parts of society feel cheated, bitter and twisted.



# So near and yet so far

PETER FABRICIUS  
and SHAUN JOHNSON

SO WHAT was the big fight all about? At the end of several months of hard bargaining, Codesa 2 yesterday stalled with the Government and ANC camps apparently just a hair's breadth from each other's positions.

The breakdown issue was the percent majority required in a constitution-making body to endorse a new constitution.

After a week of rapidly shifting positions, the Government had dropped its insistence on an overall 75 percent majority in a national assembly and two-thirds majority in an upper House or senate, representing minorities.

Its last position was a 70 percent majority for most matters, and a 75 percent majority on the bill of rights and regional government.

The ANC in turn moved from its original insistence on a two-thirds majority across the board and 75 percent for a bill of rights. It shifted to a 70 percent majority across the board and 75 percent for the bill of rights — but not for regional government.

In exchange for this concession on greater majorities, the ANC — fearing that such large majorities could cause endless delays — insisted on a deadlock-breaking mechanism.

They suggested that if the constitu-

tion-making body failed to draft a new constitution after six months, it should take those outstanding matters on which there was 50 percent agreement and put them to a national referendum, where a two-thirds majority would be required to approve the new constitution.

Meanwhile, the start of the Codesa 2 plenary session was postponed again and again as Working Group 2 battled to achieve compromise. The group first met at 8 am yesterday, hoping to agree before the plenary session started at 9 am. But by that time the working group had adjourned only for the ANC to consult its allies about the Government's compromise proposal.

About 9.30 am the chairmen of Codesa announced that the start had been postponed for 75 minutes to allow the working group time to agree. But only at noon did the ANC emerge from consultations with its new compromise proposal.

It took this straight into the working group. At lunch-time the group adjourned for the Government to consult its principals on the new proposals. By 2 pm it was clear that it could not accept these, after which the Government and the ANC announced the breakdown.



ON THEIR OWN: Phola Park residents go on the rampage yesterday morning, in the process damaging several walls, after ce pulled out of the area.

● Photograph: JOAO SILVA



# SaturdayStar

## Time for some leadership

**I**F THE art of leadership lies in the ability to take one's followers to where they have not ventured before, then F W de Klerk and Nelson Mandela face a critical test today. They alone have the power to pull Codesa back on course, to re-infuse a sense of urgency into their weary negotiators, to regain the initiative from those whose concern with detail is preventing them from distinguishing wood from trees.

It is not sufficient to say, as the Government is doing, that Codesa has made remarkable progress on all issues, save one or two constitutional questions that Working Group 2 has failed to resolve.

Agreement on the constitutional process beyond an interim government is fundamental to the success or failure of Codesa. Yet the main players have fallen out over matters of detail and tactics rather than underlying principles.

The consensus among non-aligned observers at Codesa is that the ANC has moved further than the Government in the direction of compromise. In our view, the measures on which agreement has already been reached provide South Africa — if not the National Party — with adequate safeguards against the ANC being able to foist its policies upon an unwilling electorate. Not to put too fine a point on it, it is the Government's gift to determine whether or not Codesa takes a bold step forward today.

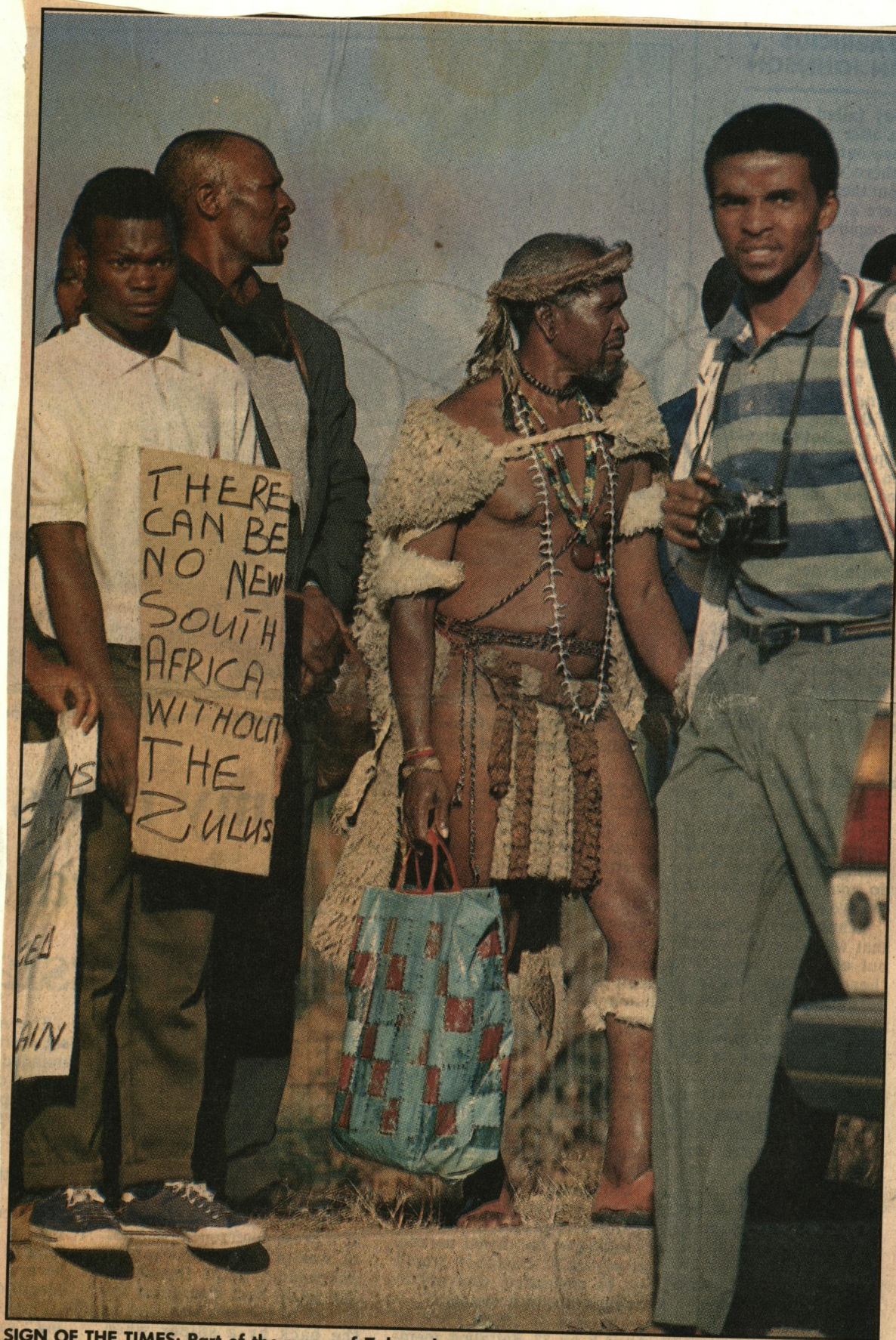
The alternatives to an agreement in Working Group 2 are bleak - unnecessary delay, economic uncertainty, mass action, more violence and an ever-growing death toll. The people of South Africa deserve better than this.

For reasons best known to itself, the Government has painted itself into a corner under the mystified gaze of many international observers. It may now have to be helped out by Nelson Mandela himself.

He and F W de Klerk should take themselves off in private, as they have done so often in the past, and not emerge until they have settled on the agreement that the country — and the international community — is waiting for.



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**SIGN OF THE TIMES:** Part of the group of Zulus who marched on Codesa yesterday await news of the negotiations going on inside.

● Photograph: KEN OOSTERBROEK.



Strong support for Inkatha

# 'Good hostel' a secret base?

IT SEEMED too good to be true — a "good" hostel in Soweto where the local residents and the hostel dwellers lived in perfect harmony and where the residents actually liked having the hostel dwellers around. After my previous experiences with the

Stories of residents living in perfect harmony proved so unlikely that reporter JOE LOUW just had to find out. His trip to the area unearthed the unexpected and a good measure of hostility.

notorious Madala Hostel in Alexandra, where the hostel dwellers and local residents were in a virtual state of perpetual war, I would have to see this to be-

lieve it.

Of all the single men's hostels in the PWV area, Diepkloof Extension Hostel seemed, on the surface anyway, to be a rare exception.

During the day, school children freely criss-cross the hostel grounds on their way to and from school. Older girls and women are often seen socialising with inmates.

Numerous Diepkloof residents were emphatic in their praise of the peace they have been enjoying for the past years.

Attempting to find out how this apparent modern miracle was possible, I decided to investigate Diepkloof Extension Hostel and found a very different side to the story.

When I entered the hostel one day last week I assumed that, given the chummy relationship described to me by residents, most of the hostel dwellers would be friendly and hospitable.

Wrong.

Groups of men gathered in a square near the hostel's beer hall were definitely not friendly. They were sullen and wouldn't answer questions. They merely pointed in the direction of the "office" where, they said, my questions would be answered.

At the communal hall a man, using a megaphone was calling hostel dwellers to a meeting.



# SA can't afford a lukewarm Yes vote

**C**OMPLACENCY in the media supporting a Yes vote began to evaporate as the referendum day drew nearer.

Dawie, political commentator of the Nasionale group, said too many voters did not yet seem to have grasped the crucial importance of the referendum. "There are still too many hesitant and doubtful people who do not quite see that a powerful Yes vote in this make-or-break referendum is necessary to carry South Africa into a hopeful future."

"The alternative is a return to darker miseries of failed apartheid than the country has ever known. The roof will fall in on South Africa."

Those who were hesitating ought to realise that the country could not afford a lukewarm Yes vote.

□□□□

SIMILAR warnings came from the independent newspapers on the left of the political spectrum, long adamant in their opposition to the NP Government.

Vrye Weekblad columnist Hennie Serfontein said it looked as though English-speaking voters held the key to the results of the referendum. A recent opinion poll had shown that the "hesitant" vote represented 42% of the total. Of these a remarkable number were English-speaking.

Serfontein quoted a spokesman for the right wing, Pieter Mulder, as claiming that at least a third of the 1.5-million English-speaking voters had not yet decided how to vote. Koos van der Merwe, also on the right, had confirmed that in the last phase of its campaign the CP would especially target undecided English-speakers.

members of the church ought to take account of biblical norms like love, justice and peace and to bear in mind that a political system which unjustifiably raised one group above another was unacceptable.

They should also recall that the NGK had condemned all forms of discrimination and

## Sayings of the Week

□ I can't say I jump for joy at working with the Government, but there's too much at stake to let personal feelings come into it. — A veteran DP worker in Houghton as quoted in the Weekly Mail.

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□ Either we vote Yes for change, a turnabout, a revival or No and inherit the wilderness. — Izak de Villiers, editor of Rapport.

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□ The message of the figures is that if whites — and especially Afrikaners — wish to survive, they will have to make friends with the majority. — Leopold Scholtz of Die Burger on the latest census figures.

*Natal Mercury Mon 16 Mar 92*

The editor of Vrye Weekblad, Max du Preez, said most Afrikaners had probably already decided how they were going to vote, and this was "too close to 50-50 for comfort."

Weekly Mail columnist Steven Friedman warned readers not to bank on a Yes vote. Even if the Yes vote scraped home despite a lacklustre campaign, this would merely stave off disaster, not ensure a negotiated future.

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THE SABC's coverage of the referendum campaign has attracted little comment in the mainstream press. Even the customary mutterings in the NP-supporting newspapers that the SABC is too indulgent to the right wing seem to have been suspended.

A cynic would say that this is oppression.

However, subject to those considerations, the voter's decision when it came to casting his vote was his personal responsibility.

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HAVE you ever noticed how retirement seems to make people

because for once they are all in the same game — that of boosting the Yes vote.

It is too soon to say whether the SABC has handled the situation fairly. But the simple fact of the matter is that by giving the CP and its allies any publicity at all, the SABC was bound to confer a incalculable benefit on them.

In a country where none of the major print media treats the CP with anything but scorn, even the most limited platform could not fail to be better than none.

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AFTER what appeared to be some initial reluctance, the powerful NG Kerk has come close to expressing support for a Yes vote.

In voting, said Die Kerkbode, the NGK's official mouthpiece,

(except, of course the PW Bothas of this world) more tolerant?

According to Beeld's political diarist, Lood, ex-President Kaunda of Zambia was heard to refer to the leader of the AWB, whom he was then planning to meet, as "Comrade Terre Blanche."



'Is it you, Dr Treurnicht?' — Orin Scott in Beeld



MERCURY 16-05-92

CHRIS WHITFIELD, Political Correspondent, reports

## Look what was said four years' ago

**S**OUTH Africans might be tempted to tear their hair out at the succession of crises and breakthroughs that have characterised the Codesa negotiation process so far.

But a look at Parliamentary proceedings in 1988 gives some indication of the progress that has actually been made since the dark days of President PW Botha's regime.

On May 16 of that year — exactly four years ago today — then Defence Minister General Magnus Malan was delivering a scathing attack on the ANC and South African Communist Party in the House of Assembly. The banned organisations were peopled by terrorists and murderers, he said.

General Malan accused the then Democratic Party MP for Claremont, Jan van Eck, of being a "representative of the enemies of South Africa in this Parliament."

At about the same time Albert Nothnagel, the MP for Innesdal, was being forced to recant suggestions that negotiations with the ANC could

take place before it had abandoned the armed struggle. Or that Nelson Mandela could be released before he did the same.

Mr Nothnagel's subsequent explanations were quoted in the House of Assembly as an example of Government policy by the then chairman of the Minister's Council — Mr FW de Klerk.

Today Government is negotiating with the ANC and SACP, among others, in a process that will hopefully take the country through to its first ever truly democratic constitution.

The ANC is yet to abandon the armed struggle, although it has suspended it.

Mr van Eck sits in Parliament as an independent but is an ANC member. He and four former Democratic Party members last month effectively became the organisation's first ever Members of Parliament.

And the delegations of the two most powerful parties to the second Codesa plenary session at the World Trade

Centre today are headed by President de Klerk and ANC president Nelson Mandela.

In fact, should a proposal on the table be accepted, the two could soon join in running the country from a revolving presidency in the transition stage while a new constitution is being thrashed out.

The past four years have ushered in extraordinary change in South Africa.

But the same Parliamentary records do contain some sobering reminders. An oft-repeated theme in debates was concern at the violence sweeping the country. And opposition spokesmen lambasted the Government for its failure to initiate meaningful socio-economic reforms.

The misery of life in the townships continues and a gaping hole in Codesa is its failure to address socio-economic issues.

And the bleeding of the country through violence is, if anything, worse.