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THE NATAL WITNESS, WEDNESDAY, MAY 22, 2002



The capital issue

LAST week the new immigration bill, flawed and unsatisfactory as it is, was accepted by parliament. Speaking afterwards, the Minister of Home Affairs, IFP leader Mangosuthu Buthelezi, who had profound reservations about the provisions of the bill, was gracious in his acknowledgement and acceptance of the democratic process.

Meanwhile, back in the IFP strongholds of KwaZulu-Natal, such maturity and grace — and such commitment to the democratic process — are distinctly lacking. First, the IFP boycotted the multi-party ad hoc committee's deliberations and so was not present when the committee unanimously recommended Pietermaritzburg over Ulundi as the legislative capital. Second, national IFP spokesman Musa Zondi (and also, in their different ways, IFP MPL Gideon Zulu and IFP national MP Velaphi Ndlovu) poured scorn on the committee and on the idea of Pietermaritzburg as capital. Zondi was reported as saying there would be violence if Pietermaritzburg were chosen. When asked to explain himself, he denied using those words but said: "The choice of Pietermaritzburg will come at a high price ... I am just giving a cautious warning, but violence will come anyway and the IFP should not be blamed for that."

In a province whose peace and stability are still fragile this unsubtle blend of threat and incitement is grossly irresponsible, if not downright stupid. What's particularly alarming is that it relates, not to a real crisis, not to some concrete menace from outside, but to a symbol over which there has been an unnecessarily protracted and economically debilitating squabble. That such an issue should lead to petulant boycotting, and then to bluster and sabre-rattling when some IFP members feel their interests to have been thwarted, indicates that certain sections of the party have no understanding of and no respect for democratic principles at all. The SA Communist Party has called for Safety and Security Minister Charles Ngakula to investigate Zondi's "barbaric, outdated call" to violence, which it says undermines democracy and the law of the land. One can only agree.

The whole thing would look thoroughly nasty, if it weren't that some IFP members unwittingly offer light relief. A number of these (is Velaphi Ndlovu a case in point?), while vociferously endorsing Ulundi as capital, must have their fingers crossed behind their backs as they do it. Enjoying the comforts of city life in Pietermaritzburg or Durban they've certainly no incentive to move to that bleak little settlement to the north, nor would they wish to spend much of their working lives commuting. Perhaps, now that Pietermaritzburg's choice as capital looks inevitable and their cushy lifestyles are safe, they're hoping to protect their positions in the IFP by beating the party drum as loudly and enthusiastically as possible.

THE NATAL WITNESS, WEDNESDAY, MAY 22, 2002

Evidence of corruption, nepotism and intimidation continues

Ngubo 'most feared man in KZN'

DUMISANI ZONDI
Jail Commission

EVIDENCE relating to corruption, nepotism and intimidation continues to revolve around awaiting trial prisoner Russel Ngubo, Correctional Services' head of management services in Pietermaritzburg.

Newcastle community corrections head Zebulon Mthethwa said KZN provincial management visited most KZN prisons with

Ngubo in 1998 although he was only a senior official at Pietermaritzburg's New Prison.

Mthethwa, who is the deputy national chairman of Public Servants' Union (PSA) said Ngubo and his colleague and comrade in the Police and Prisons Civil Rights Union (Popcru), Nhlankhla Ndumo, an acting provincial human resources head, are the most feared figures in KZN.

"Ngubo and Ndumo were feared Popcru leaders who were a power unto themselves. They

were disruptive in all management areas. They wanted to dictate to the management which people should be appointed in all posts they deemed to be strategic positions," said Mthethwa.

He said Ngubo, Ndumo and a certain Chaka from the department visited Newcastle prison on September 10, 1988 to intervene in the appointment of V.B. Ntshangase from Ncome after Popcru members complained about his appointment.

Mthethwa said PSA members

at the prison failed to understand Ngubo's role in the matter because he worked at another prison and had no jurisdiction in the matter, adding that the delegation was hounded out of the premises without any progress.

After that the delegation, travelling in a white VW minibus, visited Port Shepstone, Empanjeni and Vryheid prisons. "On September 13, 1998 ... this vehicle was involved in the murder of Impendle induna Mr [Ernest] Nzimande," Mthethwa said.

Cross-examining Mthethwa, Ndumo — who is in custody pending his trial with Ngubo and correctional officer Thami Memela for the murder of Nzimande — said he finds it strange that Mthethwa is a manager and at the same time a national office bearer of a union.

Ndumo also questioned Mthethwa's evidence that only Popcru members are appointed to influential or strategic positions because Mthethwa himself and all other managers at Newcastle Prison are PSA members.

Ndumo started to attend the proceedings of the commission on Monday to react to testimony implicating him in wrongdoing.

Prior to this evidence, former New Prison head Skhumbuzo Mthethwa told the commission that in 1999, the then KZN provincial Commissioner Maxwell Ntoni ordered him to swap his position with Ngubo, who was head of the provincial inspectorate, because, Ntoni said, Ngubo commands respect from warders because he is a feared figure.

Skhumbuzo Mthethwa said this was after Ntoni refused to take disciplinary action against five warders who allegedly assaulted senior correctional officer Eugene Claassen when he found them drinking on duty in 1997. Mthethwa had called for action against the warders, who were allegedly seen in constant consultation with Ngubo on the matter.

Many managers have testified that Ngubo runs the prisons in the province through a reign of terror, that he has been promoted while on suspension instead of being transferred and that he was given a R40 000 notch increase and a R30 000 bursary before the suspension was lifted.

The proceedings continue.

Historian slams IFP stance on provincial capital issue

"THE IFP, as a modern political movement, should not resort to primordial attachments and Zulu ethnicity to pursue its political agendas," a historian said yesterday of the IFP's comments in the debate on the provincial capital.

Jabulani Sithole, who lectures in history in the local campus of the University of Natal, was responding to comments made by senior IFP leaders Gideon Zulu and Velaphi Ndiovu, which suggested that Ulundi should become the legislative capital of the province because of wars the Zulus fought against white imperialists.

"Firstly, we need to stress that the IFP has no right to talk for Zulus because the Zulus can be

found in every political party, and it has not been tested whether all Zulus share views with the IFP."

Sithole said the "IFP should not be allowed to coerce people through threats of political violence" around the capital issue.

He stressed that even if violence does occur eventually, it will not take the scale of the 1980s because in that period the state supported the violence and the present government should act "decisively in fighting against any possibility of political violence".

ANC spokesman Mtholephi Mthimkhulu shared similar sentiments, saying that the IFP suffers from "political inadequacy".

— Political Reporter.

60% of released prisoners are HIV-positive — judge

CAPE TOWN — An estimated 6 000 of the 10 000 prisoners released from South African jails each month are HIV-positive.

Briefing the National Assembly's Correctional Services committee yesterday, Prisons Inspecting Judge Johannes Fagan said the situation is worsened because HIV-positive prisoners leaving prison are more likely to spread the disease due to unhealthy conditions inside prisons. It is thus essential to the general fight against HIV/Aids that infected inmates receive proper anti-Aids treatment.

Correctional Services is beginning to "turn the corner" now with a start being made to providing an anti-Aids cocktail of drugs to

infected prisoners.

Fagan said the number of natural deaths in prison is rapidly increasing. Almost all of these — 1 169 last year — are Aids-related.

"It is not only sentenced prisoners who are dying. Awaiting-trial prisoners are also dying."

The disease is being brought into prisons by young offenders especially, while long-term prisoners are free of HIV.

Overcrowding remains the root cause of health problems and the spread of contagious diseases, including HIV/Aids and tuberculosis, and the root cause of the overcrowding in turn is the "totally unacceptable" number of awaiting trial prisoners. — Sapa.

KING ZWELITHINI'S SISTER DIES

KING Zwelithini's older sister Princess Nonhlānhla Zulu has died after a short illness, the royal household reported yesterday.

Royal spokesman Prince Derrick Zulu said Princess Nonhlānhla, who was born in 1944, was the first-born sister of King Zwelithini.

Zulu said her death last Friday was due to a diabetic condition.

She will be buried this weekend at Nhlazatshe in Ulundi.

— Witness Reporters-Sapa.

SOWETAN Wednesday May 22 2002

Help for Aids orphans

THE Old Mutual Foundation will be funding a new Aids orphans programme which involves working with selected non-governmental organisations (NGOs) in KwaZulu-Natal, Free State, Gauteng, Eastern Cape and Mpumalanga.

At the launch of the project yesterday, Old Mutual deputy managing director Mr Peter Moyo, said the project's aim was to fund NGO's, each of which had a different working model for dealing with children infected and affected by Aids.

At the end of the year, the effectiveness of each model would be assessed to determine which ones were the best for addressing what would shortly become a major crisis in the country.

Moyo, noting that South Africa had the fastest growing HIV-Aids epidemic in the world, said: "By 2015, orphans will comprise between nine and 12 percent of the total population, which equates to between 3,6 million and 4,8 million children.

"We believe that it is imperative for us to help face this problem and do whatever is necessary to give these children an equal chance of becoming proud citizens of our country.

"By supporting children in distress as a result of HIV-Aids, Old Mutual will help to positively impact (on) the lives of many children infected with, and affected by, the disease." — *Sapa*

SOWETAN Wednesday May 22 2002

ANC wants to make changes to Immigration Bill

THE African National Congress has proposed an amendment to the Immigration Bill after concern was raised by Trade and Industry Minister Alec Erwin regarding quota work permits.

The change, presented to the National Council of Provinces' (NCOP) social services committee yesterday, removes reference to a quota system to be published annually in the *Government Gazette*.

However, Mario Ambrosini, the special adviser to Home Affairs Minister Mangosuthu Buthelezi - who piloted the bill through Parliament - said the amendment proposed would not help to speed up the issuing of permits.

"It gets rid of the quota system but creates something that is just as problematic," he said after the committee meeting.

Ambrosini said applications for permits would be assessed by "labour certification", whereby the department, in consultation with the departments of labour and trade and industry, would assess whether the appointment fitted certain criteria.

The NCOP committee is to meet tomorrow to discuss possible amendments and to vote on the Bill ahead of a debate in the NCOP tomorrow. - Sapa



Trade and Industry Minister Alec Erwin.

BUSINESS REPORT, WEDNESDAY, MAY 22 2002

Ruling party agrees to drop system after intervention by trade and industry's Alec Erwin

ANC gives in to pressure over skilled workers quota

LYNDA LOXTON

PARLIAMENTARY CORRESPONDENT

Cape Town - The "deeply flawed" Immigration Bill came under fire from all sides in parliament yesterday, with the ruling ANC succumbing to pressure to drop the contentious quota system for skilled workers after the intervention of Alec Erwin, the minister of trade and industry.

The home affairs department has criticised the quota system as being "unworkable", while Erwin

has told the parliamentary press gallery that it is "confusing". Cosatu, meanwhile, is seeking legal advice on several clauses.

Erwin said he was discussing the issue with the two committees involved.

The last-minute change removed reference to a quota system to be published annually in the Government Gazette and restored the original idea of introducing quotas only when the government needed to fast-track the issuing of permits for specific skills.

But Mario Ambrosini, the special adviser to Mangosuthu Buthelezi, the minister of home affairs, said the ANC had not gone far enough and the bill was still unworkable, especially because it expected the departments of home affairs, labour and trade and industry to assess when fast-tracking was needed.

They had indicated that they might broadly know where changes were needed, but could not evaluate all applications.

Ambrosini said the best and most workable system would be one in which employers decided who they needed and for how long, and then paid a licensing fee to recruit staff accordingly, with the qualifications of those people recruited being certified by chartered accountants.

Ambrosini told the committee earlier that there was no way the department could implement the bill in its present form. The department had not been consulted about extensive changes made by the national assembly last week.

Not only was the bill littered with technical and administrative flaws, but the issue of a quota system for immigrants, which could be seen as the core of the bill, "cannot work under present conditions and under foreseeable future conditions. We will learn how to do it if you want us to do it, but we will need to transform the entire department into something dramatically different," he said.

The quota system has already been attacked by business groups and Ambrosini said that it was considered obsolete in most countries and was being replaced by points systems.

Earlier, Erwin and Alistair Ruiters, his director-general, admitted that they were also concerned about the proposed quota system and the effect it could have on companies.

Although it was clear that South Africa faced a skills shortage in certain areas, this was difficult to quantify and a quota system could create confusion.

The quota system also came

under fire from Neil Coleman, Cosatu's parliamentary officer, who said it gave "almost total discretion to an old style department, which still retains many of its apartheid-era characteristics, and is still influenced by xenophobic and racial mind-sets and is a recipe for problems".

It was unclear how the quota system would affect the renewal of current work permits and Cosatu was seeking legal advice on the matter.

Commenting on the proposal that chartered accountants certify the labour standards of potential immigrants, he said their qualifications were "of no relevance" and they were likely to be biased "towards employers to whom they are contracted".

Cosatu was also concerned about the planned introduction of corporate permits to allow employers to issue work permits to foreign workers. This could give employers an opportunity "to force migrant workers to accept exploitative working conditions".

BUSINESS DAY, Wednesday, May 22 2002

ANC backs down on work permit quotas

Erwin steps in on Immigration Bill

Wyndham Hartley and Linda Ensor

CAPE TOWN — Trade and Industry Minister Alec Erwin has intervened to secure amendments to the Immigration Bill, scrapping a provision for work permit quotas just four days after it was controversially approved by the National Assembly.

Erwin's intervention, because he believed the quota clause would confuse potential investors, saw the African National Congress (ANC) in Parliament back down from its insistence on quotas for the granting of work permits to foreigners.

The bill was almost derailed last week when the ANC amended Home Affairs Minister Mangosuthu Buthelezi's legislation completely changing the system for granting work permits. The measures, which were approved by the National Assembly on Friday, have been condemned by organised business as a departure from the market-driven approach originally contained in the bill.

The social services committee of the National Council of Provinces, which must also approve the bill before it can be signed into law, heard a briefing from the home affairs department yesterday on the problems it had with the ANC's changes.

The ANC then tabled an amendment that effectively does away with the requirement that government sets quotas for skilled foreigners each year. This followed a meeting between Erwin and the two committee heads

processing the bill. Erwin said: "The quota clause as it stands causes confusion so we are talking to the committees."

Investors would be most interested in the corporate permits allowing them to bring in the range of skills needed without being subject to quotas.

Erwin stressed the importance of SA acquiring critically needed skills. The trade and industry department supported the philosophy behind the bill: that where skills were required, the departments of trade and industry and labour could make an input.

"It is pointless to identify each and every skill as these change so quickly," he said.

Home affairs officials said the move away from quotas left the bill in roughly the same position as the present Aliens Control Act, in terms of which the need for a skill had to be established by the employer. They said it would make applications even longer to process because of provisions for review. The department originally sought a levy-based system in which companies would pay to employ foreigners.

Trade and industry director-general Alistair Ruiters said the bill as passed created uncertainty in the markets because the quota system set limits on the number of skilled people in particular categories who could be imported, while corporate permits would allow investors to apply in bulk for all their needs. There was no clarity on whether these permits fell in or outside the quota system.

BUSINESS DAY, Wednesday, May 22 2002

It is now illegal to shoot fleeing petty criminals

Ruling clarifies legitimate lethal force

Bonile Ngqiyaza

Law Courts Correspondent

THE Constitutional Court has ruled out the legitimacy of lethal force to prevent the flight of suspects involved in petty crimes — striking off a section of an old apartheid era law.

Yesterday's judgment, however, does not rule out the shooting of suspects if there was "reasonable grounds" to believe that a suspect posed "an immediate threat of serious harm" to members of the public and the police.

Also, shooting at a suspect is not ruled out in cases where reasonable grounds exist to suggest that he or she has committed a crime involving "the infliction or threatened infliction of serious bodily harm".

While national police commissioner Jackie Selebi's office declined to comment on the judgment until he had studied it, there was an outcry from the SA Police Service in 1998, when Parliament approved a new section of the same law.

It was claimed that police would be hamstrung in doing their duty. The new section required proportionality between the offence and the force used.

The judgment passed yesterday, and an approval of the position taken by the Supreme Court of Appeal on a similar court case, carried an implied criticism of the presidency.

The court noted in the judgment that the revised section of the offending law — while it was adopted in October 1998 — had still to come into operation.

However, in deferment to the separation of powers principles, the judgment does not bring the legislation into operation.

The court — in striking down the offending section — noted that its provisions went against "the right to life, to human dignity and to bodily integrity", provided for in the bill of rights.

Judge Johann Kriegler said on behalf of a unanimous court that these rights were "individually essential and collectively founda-

tional" to the value system prescribed by the constitution.

He said: "Compromise them and the society to which we aspire becomes illusory. It therefore follows that any significant limitation of these rights, would for its justification demand a very compelling countervailing public interest."

The Centre for the Study of Violence and Reconciliation — which acted as a friend of the court when the case was being heard — said the judgment did not mean that members of the police service or the public "would now be at the mercy of violent criminals".

David Bruce, a senior researcher at the centre, said: "The judgment means that for the first time since April 1994, South Africans at last have clarity on the law regarding the use of lethal force for purposes of arrest."

He said the clarity was much needed because of the seriousness of violent crime and the need for purposeful and effective law enforcement.

Bruce emphasised that the judgment did not affect the right to self-defence. "The judgment in fact upholds the right to safety of all people in SA — including members of the police and the public," he said.

He noted that a similar judgment in 1985 in the US supreme court was supported by law enforcement agencies, "and has not resulted in increased crime or in increased danger to the police".

The US supreme court judgment, said Bruce, had also enabled many law enforcement agencies to win credibility for observing high standards of professionalism and integrity in respecting human life.

Bruce said while the judgment provided scope for the amendment Parliament approved in 1998, "it may be preferable to formulate another amendment".

This would distinguish situations of "pure flight" from situations of resistance to arrest and introduce wording that would draw attention to the risk of error.

THE MERCURY

Wednesday May 22, 2002

BUSINESSREPORT

FOOD PRICE INFLATION SOARS TO 14.2%, ITS HIGHEST LEVEL YET

FOOD and fuel price increases forced consumer inflation to its highest level in more than two years last month.

This has made it almost inevitable that the Reserve Bank will push interest rates up when its monetary policy committee meets on June 12 and 13, econo-

mists have said. According to Statistics SA, the CPIX (which excludes interest on mortgages and is the measure targeted by the central bank) rose 8.8% in the 12 months to April.

This is nearly 3 percentage points above the upper level of the 3% to 6% inflation target. In

March, the CPIX was 8%.

All-items inflation was 8% in April, up from 6.6% the month before. Core inflation, which strips out volatile food prices, mortgage interest, VAT and municipal rates, also came in at 8%, from 7.6% previously.

Colen Garrow, an economist at

Brait, said food prices remained a "major concern", with food price inflation running at 14.2% in April; up from 13% in March. Excluding food, inflation measured only 6.3% in April.

Economists are divided as to whether the bank will lift rates by half or one percentage point.

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THE MERCURY

Wednesday, May 22, 2002

CLASS ACTION SUIT SET FOR US

Apartheid backers to be named

THAMI NGIDI

A LIST of possible defendants in the R200 billion class action suit on behalf of victims of apartheid, could read like a who's who of First World democracies and companies.

A study by University of Cape Town academics says that France, Germany, Italy and from 1972, Israel, were the "biggest technology providers" for most of South Africa's weapons systems during the arms embargo.

France in particular was South Africa's largest supplier of arms between 1960 and 1983.

There were also local subsidiaries of top European companies.

"British companies Marconi and EMI provided electronic components and material for Armscor's industries. The subsidiaries of transnational companies have also been important for other dual-purpose industries in the vehicle and light-engineering fields. Examples include British Leyland (SA) which provided transport for the South African Defence Force and ICI helped establish an explosives factory," said UCT researcher Peter Batchelor.

The study is a collaboration between Batchelor, Mr Laurie Nathan and Mr Guy Lamb from the Centre for Conflict Resolution at UCT.

Anti-arms lobby group Economists Allied for Arms Reduction (ECAAR) is preparing to file a class action suit in US courts over the contravention of the arms embargo between 1977 and 1994, when it was lifted.

Embargo

The suit will be led by lawyers who successfully represented victims of the Holocaust against Swiss banks over their role in the death of millions of Jews.

European companies doing business in Africa can be sued in the US in terms of a new law. ECAAR-SA spokesman Terry Crawford-Browne said the suit would be against those who "defied the 1977-1994 United Nations arms embargo against

apartheid South Africa".

"It is well documented that European armaments and technology supplied to the apartheid government in violation of international law were used to terrorise the people of South Africa," said Crawford-Browne.

ECAAR-SA has been authorised by lawyers in New York and Cape Town to announce that damages to be sought from courts in the US are a minimum amount of \$20 billion (about R200 billion) for distribution as reparations to victims of apartheid.

Disinvestment

Apartheid South Africa also invested in arms enterprises overseas, which observers say might complicate such a lawsuit.

"An example of this was South Africa's financing and participation in the Cactus missile project in France. Following major disinvestment by foreign companies in South Africa, many of the electronic companies... sold shares in their businesses to South African industries. Among the shareholders were: the General Mining Corporation, with shares in Siemens (FRG); Sanlam, which owned shares in Plessey Electronics (UK); and Barlow Rand, which owned 50% of Marconi (UK)," wrote Batchelor.

In the electronics industry British corporations Plessey, Racal Electronics, General Electric Corporation, Marconi, Decca and EMI electronics were all involved in production for Armscor.

This was also the case with International Telephone and Telegraph (ITT), Sperry-Rand and IBM (USA), and the West German-based Siemens and AEG-Telefunken.

In the armoured vehicle industry, the West German company Magirus-Deutz, in the mid-1970s delivered 5 000 LKW chassis without engines to its subsidiary in South Africa. In 1978 the firm was purchased by a South African business and renamed Truckmakers Inc, which was one of the major suppliers to the SADF during the 1980s.

Beeld

Woensdag 22 Mei 2002

Verwarring

'N Sensitiewe saak wat onbeholpe hanteer is. Dit is die beste opsomming van gebeure rondom die Wetsontwerp op Immigrasie wat vandeeweek deur die parlement gevoer moet word.

Jare lank al kla werkgewers en maatskappye oor die ontsaglike rompslomp en probleme wanneer hulle probeer om 'n buitelandse werknemer met vaardighede wat die land nodig het, hierheen te bring.

Hoewel Suid-Afrika met 'n groot werkloosheidsprobleem sit, is daar ook 'n halfmiljoen vakante poste omdat daar nie genoeg opgeleide werknemers is nie. Vaardigheidstekorte is ongetwyfeld die land se hoogste struikelblok op die pad na voorspoed.

Daar word reeds agt jaar lank gekibbel oor die wetgewing. Toutrekkery in die departement van binnelandse sake het veroorsaak dat selfs die Nedlac-proses, waar die sakesektor en vakbonde normaalweg behoorlike insette sou lewer in die opstel van die wetgewing, misluk het.

'n Dag voordat dr. Mangosuthu Buthelezi dit deur die parlement sou voer, is sentrale gedeeltes daarvan deur die ANC gewysig. Die wysigings het letterlik oornag 'n reuse en onwerkbaar las op die departement geplaas wat die toepassing van die wet in die wiele sal ry. Gister het die ANC dit weer gewysig.

Die georganiseerde sakesektor het reeds gesê die konsepwet sal nie help om die vaardighedsprobleem op te los nie. Dit is te burokraties en tydrowend om deur te voer.

Mnr. Alec Erwin, minister van handel en nywerheid, het gister teenoor joernaliste toegegee dat die ANC se voorgestelde kwotastelsel probleme inhou.

Nadat hy tussenbeide getree het, is die wetgewing weer gewysig om verwysings na 'n kwotastelsel vir buitelandse werkers uit te laat.

Die wetgewing, wat veronderstel is om ekonomiese groei aan te help, word egter steeds as onwerkbaar beskryf. Die regering durf nie toelaat dat kleinlike politieke ry en vreemdelinge haat die oorhand kry oor gesonde verstand nie.