

BUSINESS DAY, Friday, October 3 2003

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Onus of disproving unfairness rests on person accused

Unfair discrimination law puts new spin on equality

Sanchia Temkin and
Chantelle Benjamin

AFTER a three-and-half-year delay, key provisions of the Promotion of Equality and Prevention of Unfair Discrimination Act have recently been brought into operation.

The provisions prohibit unfair discrimination on 17 listed grounds, including race, gender and disability.

Other grounds such as HIV/AIDS status and family responsibility status could also be listed if the justice ministry or the equality courts decide so.

Anthea Jeffery, special research consultant at the South African Institute of Race Relations, says the definition of "unfair discrimination" is broad. It encompasses both intentional and inadvertent conduct.

The onus of disproving unfairness will usually rest on the person against whom the allegation of discrimination has been made.

"A chapter requiring the promotion of equality is still to be made operative," says Jeffery.

Pippa Reyburn, a director at corporate law advisers Edward Nathan & Friedland, says that HIV/AIDS status, family responsibility status, nationality and socioeconomic status may become listed grounds if the justice ministry or the equality courts decide so. Usually a presiding officer who has been designated will make such a decision.

When the bill went to Parliament first there were objections from business about listing certain grounds such as HIV/AIDS status and family responsibility status because of the economic ramifications, says Jeffery.

In 2000 the Equality Review Commission investigated whether these grounds should be listed.

A compromise was reached. The commission said "such terms have been left in the definition section of the act, meaning that an equality court or minister can list them at any time".

Jeffery says a training manual has been developed to help judges and magistrates interpret the act.

The manual states: "This urges them (magistrates and judges) to move away from the

LEGAL RECOURSE FOR EQUALITY

- The Promotion of Equality and Prevention of Unfair Discrimination Act was passed more than three years ago
- Key provisions of the act were brought into operation recently
- The first Equality Court opened on July 9 in Limpopo. There are 60 courts
- The cases are civil, not criminal



notion of upholding equality before the law because treating people as equal bearers of rights, irrespective of their differences, tends to entrench inequality.

"The failure to differentiate in favour of groups that are materially different is a major, contemporary form of unfair discrimination," the manual says.

Justice department spokesman Kalzer Kganyago says the first equality courts were launched in July in Limpopo.

There are about 60 courts in operation. While there are still areas that do not have courts, they are up and running in all the major centres, says Kganyago.

People have been slow to make use of the equality courts, particularly in the rural areas, where they are reluctant to take their employers to court. "But it is still early days," Kganyago says.

The department was unable to provide figures on how many cases had been heard by the equality courts.

Kganyago says all staff at the 60 courts have been trained at the department's justice college.

"It's important that they understand procedure, as com-

plaints of this nature are not made to the police but to the clerk of the court, who then has to decide if it is indeed an equality issue and not a criminal matter," Kganyago says.

"They need to understand the act in order to make these kind of decisions."

Claire Barclay, an associate at Edward Nathan & Friedland, says presiding officers have been trained to deal with issues relating to discrimination, such as gender, sex, pregnancy, language and birth.

Jeffery says judicial officers are being urged to discount a core principle of liberal democracy in favour of affirmative action for groups disadvantaged by issues such as race, gender, ethnic origin, culture, along with any other grounds that may be added.

Barclay says a person who has been accused of discrimination will also be entitled to cross-examine witnesses.

However, it should be borne in mind that such proceedings are civil and not criminal, Barclay says. This means that the burden of proof will differ from that of a criminal trial.

THE MERCURY

Friday October 3, 2003

Making voters' lives easier

TODAY'S focus in *The Mercury's* Making their Mark series falls on Mawethu Mosery, the Independent Electoral Commission's electoral officer for KwaZulu-Natal.

Q: How long have you been in this position?

A: Five years.

Q: What was your previous job?

A: National Manager of the Democracy and Street Law Programme at the University of Natal.

Q: Where did you grow up and go to school?

A: eMkhumbane (Chesterville), eNkumba and Pholela Institution in Bulwer.

Q: What was your first job?

A: Community development facilitator with various rural communities in KZN and Eastern Cape. But like all township boys, I worked as a gardener in Glenmore and as a packer (relying on tips) with the first Pick 'n Pay in Berea Centre.

Q: Where do you live?

A: Westville.

Q: What is the biggest objective/challenge in your job?

A: To get about 3.3 million KZN voters on the voters roll and have a smooth, peaceful election with satisfying political tolerance.

Q: What is your passion in life?

A: Being a supportive/helpful person to many and a resource of information; developing and motivating young professionals.

Q: What irritates you the most?

A: People who do not give themselves time to listen and understand the other person. As well as failure to take a stand.

Q: Who do you admire most?

A: Several people. Courage to survive is one good thing that I admire in people. But my parents had a profound influence on me and the type of work I do with communities.

Q: What would you do to Durban if you had a magic wand?

A: I would assist to improve the economic status of all and find an income-generating activity for each person.

Q: What do you like most about South Africans?

A: They are very warm people and can start a conversation without introductions first.

Q: And the least?

A: Complainers who never take responsibility for anything.

Q: What could be done about the last point?

A: We need to continuously inform and educate about taking responsibility for one's life, family and community.

Q: What is your favourite home-cooked meal?

A: Steam bread (ujjage) and bean soup.

Q: What do you do at weekends?

A: I am a DIY person so I am always fixing something at home, plus a bit of gardening; I play with my kid and watch sport on TV and go to church.

Q: Which sports do you watch?

A: I watch Formula 1 races and soccer.

Q: Anything to add?

A: Remember to check or register as a voter on November 8-9 2003 at your voting station. I do hope Durban will host the soccer World Cup final in 2010.

BUSINESS DAY, Friday, October 3 2003

DA makes last-gasp attempt to get changes in the postal bill

Linda Enser

CAPE TOWN — The Democratic Alliance (DA) is trying to secure last-minute changes to the Postal Services Amendment Bill to avert threatened job losses in the transport and courier industry.

The bill will restrict the couriers of articles of less than 1kg to

the South African Post Office or its agencies.

DA Post Office spokesman Vincent Gore estimated yesterday that there were about 4 000 to 5 000 courier companies in the country. Few would survive if the bill was enacted in its current form as it would cut the volume of private operators by 60% to

100%, he said.

Gore said he would appeal to Constance Nkuna, the chairwoman of the National Council of Provinces (NCOP's) select committee on labour and public enterprises, to call for public hearings on the bill before it was passed by the NCOP.

The bill has already been

adopted by the National Assembly. No public hearings have been held at this stage.

"Stakeholders in the industry are adamant that the implementation of this amendment will result in substantial job losses in the transport and courier sector," Gore said. "It will also have serious repercussions for business

efficiency and costs. It will reduce productivity and drive up prices for consumers."

The Post Office's courier subsidiaries — XPS, Fast Forward, SDS and Docex — would, effectively, be given a de facto monopoly to provide these services. "However, they currently only have about a 10% to 15%

share of the market. They simply do not have the capacity to meet the demands that this act will place on them," Gore said.

The Cape Town regional chamber of commerce and industry said earlier this week that the new bill had created insecurity in the industry and "put many thousands of jobs at risk".

UMAFRIKA October 3-9, 2003

Qhubekani neNational Party yenu

Mhleli

NGIPHENDULA uNgqongqoshe uDumisani Makhaye ngesihloko sakhe sangomhlaka August 29 -Sept 4, 2003, esithi "Ubumbano lwe DA ne IFP wubumbano lobandhululo."

Umbuzo wami uthi ubumbano lukaKhongo-lose neNNP lona-ke lu-

yini? Umbuzo wami futhi Shombela uthi ngubani owabulala u-Mnuz Griffiths Mxenge nonkosikazi wakhe u-Victoria, uSteve Biko nabo bonke obaziyo baka-ANC? Kungabe yi-DA noma iNNP?

Ngobani ababesiphathisa amapasi? Ngobani ababeshaya umthetho wewashi?

Kungabe yiDA noma

yiNational Party? Ngobani ababebulala abantu bebaphosa emifuleni? Kungabe yiDA noma yiNational Party?

Shombela, musa ukucasha ngesithupha njengenkawu. Nina nje ninehlazo lokufukamela abacindezeli abasihluka kumeza ngendlela emangalisayo. Namblanje senilala embhedeni owodwa, nidla ngakhezo

lunye nabo, seniyisinkwa nebhotela nabo.

Impela iqiniso alikho emhlabeni, kodwa nilokhu nibelesele ngokuthi inkatha ayihlukane ne-DA. Yenzani iDA?

Nina niyohlukana nini nabacindezeli abayiNational Party?

Sengathi Shombela wena ucasha ngesithupha njengenkawu.

Nombhalo uyasho uthi:

"Susa ugongolo esweni lakho ngaphambi kokususa ugongolo esweni lomfowenu."

Shombela, ngubani owagquma ubaba uMandela ejele iminyaka engu 27? Kungabe yiDA noma yiNational Party, lena esijike yaba yisithandwa senu esikhulu?

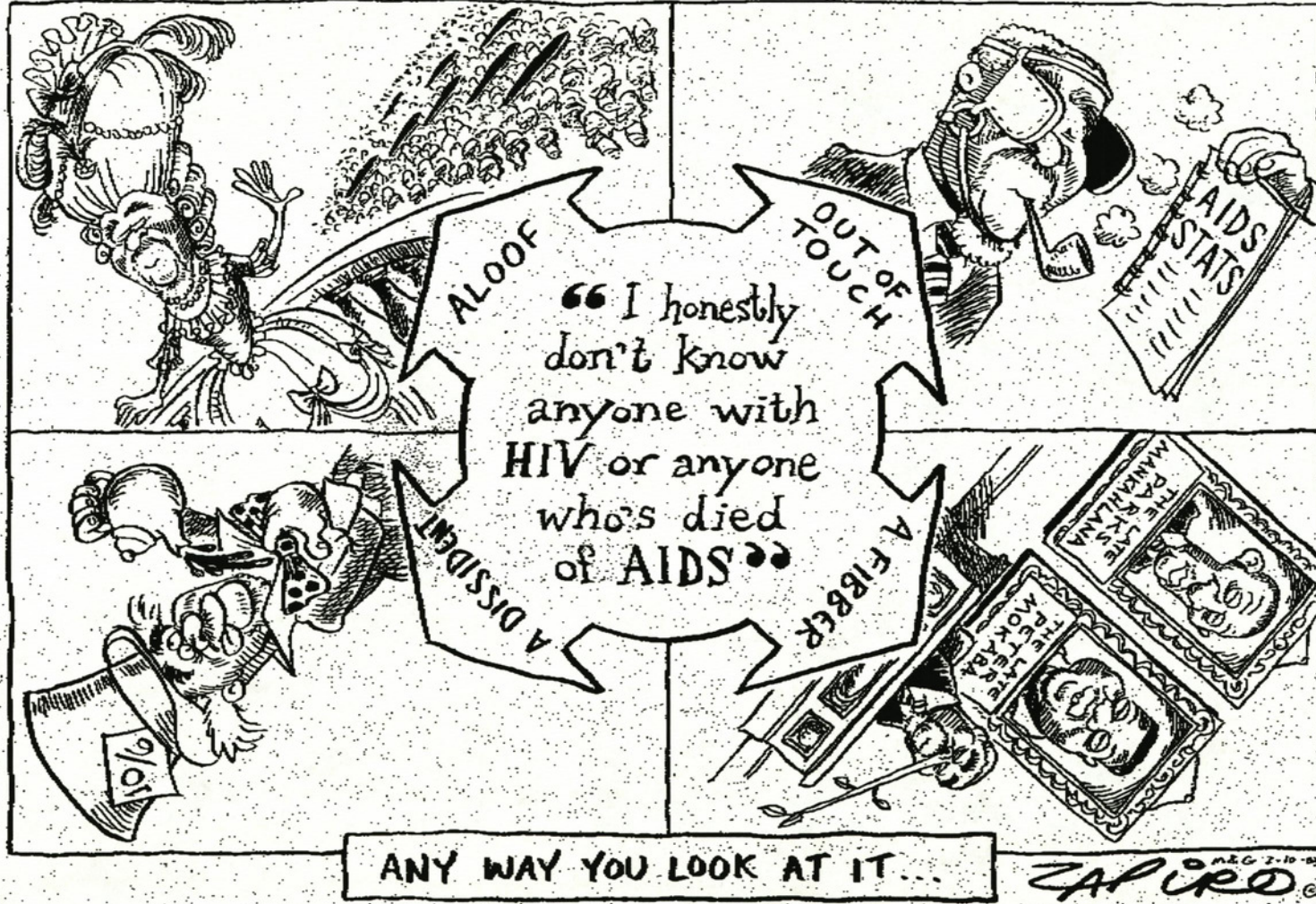
Wena into ekucikayo nje kuphela nguNgqongqoshe ophuma kwi-

DA uMfu Wilson Ngcobo.

Ufike wavundulula umkhonyovu eMuyangweni wezeziNdlu, yiyona-ke le nto ekucikayo nabanye obambisana nabo. Niyokhobalisa izilima kuphela. Qhubekani neNational Party yenu, nathi siyaqhobeka neDA yethu.

Mafutha Chamane
EDENDALE

Mail&Guardian October 3 to 9 2003



Mail & Guardian October 3 to 9 2003

No rest for MPs ahead of poll

Marianne Merten

Hitting the road with dad is the only way 14-year-old Albertina Bloem gets to see her African National Congress MP father during the school holidays.

"It's irritating," she admits with a giggle, but her father, Dennis Bloem, has promised she will be in time for her appointment at the hair salon. Then it's back to dealing with abuses of Free State farm workers.

"They have voted for the ANC and we have said 'A better life for all'. That's what I'm trying to do," says Bloem senior. That includes trying to assist the Winburg farm worker who was sacked for bringing a criminal complaint against the supervisor who flattened his home with a tractor.

Hearth and home are left behind as MPs get on the election trail early. "There is no life until after the election," says one ANC MP. As instructed by party bosses, he's out in his constituency. The first voter-registration weekend is next month.

Although the 2004 election campaigns have not yet officially started,

electioneering is in full swing already. For months now, MPs have been juggling parliamentary and party-political obligations.

And ANC MPs are under additional pressure over their jobs: party branches are finalising the lists from which public representatives will be deployed.

"List fever" has galvanised most MPs. They dash from Parliament to help by-election canvassing, they prepare for ministerial visits in their areas, they ask those appearing before a parliamentary committee to make available documentation "for constituencies". And speakers in recent parliamentary debates have made copious use of phrases such as

Hearth and home are left behind as MPs get on the election trail. "There is no life until after election," says one MP

"as our president says", "the tide has turned" and "the ANC-led government is pushing back the frontiers of poverty".

But it is the smaller parties that are really being stretched by the unofficial electioneering. The seven MPs of the African Christian Democratic Party (ACDP) have to cover the whole country.

"It's definitely no holiday. It's work, work, work; go, go, go, all the way," says ACDP MP Steven Swart, who last year spent more than 100 days away from his Cape Town home. But he adds that the "servant leadership" style of the party appears to be paying off: more people know about it.

The sole National Action (NA) MP, Cassie Aucamp, is off to meet "Afrikaner people in London" to raise some funds before concentrating on electioneering at home. "If you are the only one [in the party] then there's no rest!"

ANC MP Mtshali George insists hard work is nothing new. "Only those who are not used to it will

collapse," he said, adding that a number of police stations can expect a visit from him in his capacity as chairperson of the parliamentary safety and security committee.

New National Party MPs are busy rebuilding their party's structures — still not quite up and running since the party left the Democratic Alliance almost two years ago. It's also crunch time for some DA MPs. By mid-October they must say if they are available to serve another term.

After 22 years, Ken Andrew is bowing out. Stalwart Colin Eglin is expected to continue for another five-year stint. Others like Mike Waters are clocking up the kilometres in voter-registration campaigns and other work. Over the next five weeks, Waters will visit sexual offences courts and the police's child protection units countrywide.

Inkatha Freedom Party MP Sue Vos will spend the next five weeks between Cape Town, Ulundi and Durban as she attends the IFP Women's Brigade conference and gets on with election preparations.

Friday October 3 2003 **SOWETAN**

Leon calls for deputy president's head

DEPUTY President Jacob Zuma has become a political liability, both to the ANC and South Africa, and should step down, says Democratic Alliance leader Tony Leon.

In a speech delivered at midday yesterday on the University of KwaZulu-Natal's Durban campus, he called on President Thabo Mbeki to ask his deputy to resign.

Leon said Mbeki should also extend the terms of reference of the Hefer Commission, appointed by the President to investigate allegations of spying made against National Director of Public Prosecutions head Bulelani Ngweni.

The DA leader criticised recent robust exchanges between Zuma and Ngcuka, who have been at loggerheads

since the Scorpions announced it was investigating Zuma on bribery allegations related to the arms deal.

"The ANC has ceased to behave like a government at all. It is starting to behave like the Mafia. Its bloody vendettas are now being fought out in public and the bodies are, metaphorically, piling up."

Leon said a "glaring absence of

leadership" had emerged from the Zuma-Ngcuka saga.

"In the 68 days since the list of questions posed to Deputy President Zuma were first leaked to the media, President Mbeki has been out of the country no fewer than eight times. He has delegated power to no fewer than three acting presidents.

"His silence and lack of political

will has allowed the politics of loyalty to rip the ANC apart and severely damage the South African justice system in the process," he said.

Mbeki had to ask Zuma to step down "at least temporarily" in the event that the deputy president chooses to take legal action against the Scorpions to clear his name. —

Sapa

THE MERCURY

Friday October 3 2003

SA CITIZENS LIVING OR WORKING OVERSEAS DENIED THE RIGHT TO VOTE

Election law approved

ANDRE KOOPMAN
& SAPA

LEGISLATION to regulate next year's general election has been approved by the National Council of Provinces committee tasked with processing the Bill.

The Select Committee on Social Services approved the Electoral Laws Amendment Bill yesterday.

The DA and United Christian Democratic Party have rejected the Bill because of its clause nine, which effectively prevents citizens abroad from voting in the election.

Ntombizodwa Vilikazi of the IFP supported the Bill with reservations about clause nine.

Clause nine defines the circumstances allowing people to apply for special votes if they cannot vote in the voting district in which they are registered to be:

□ if they have a physical infirmity or disability or are pregnant;

□ if they are out of the country on government service;

□ if they are absent from their voting district while serving as an election officer; or

□ if they are a member of the security services on duty in connection with the election.

This excludes citizens who are temporarily out of the country on holiday or business, or are studying overseas.

These categories were previously included from the Bill, but were withdrawn late last month following an amendment tabled by the ANC. The withdrawal

sparked a furore, with at least two opposition parties threatening legal action, and claiming that the exclusion of such voters was unconstitutional.

The DA has argued that the only South Africans who should be excluded from voting are those who have emigrated or who have taken up permanent residence abroad.

Thousands of South Africans living abroad are temporarily practising a variety of professions, such as medical doctors, teachers, nurses, engineers and clerks.

This group would have their vote taken away by clause nine, says the DA.

Sandra Botha, of the DA, said the Bill effectively disenfranchised voters who were abroad at the time of the general election and created a special class of people - government employ-

ees - who would be eligible to vote. She questioned whether cost considerations were the major factor influencing the decision.

Committee chairman Loretta Jacobus, of the ANC, said that cost considerations were not the primary factor for the decision, and the Department of Home Affairs had explained that in the 1999 general elections, 1 000 people had voted abroad and the exercise had cost between R3 million and R5 million.

The ANC has argued that scarce resources should rather be spent on registering the millions of South Africans who have not registered for next year's election.

Jacobus said the Bill would now be sent back to the portfolio committee for concurrence, before coming before the council for debate on October 21.

Prisoners want to cast their votes

SIPHO KHUMALO

THE country's prison population of 180 000 is up in arms over moves to deny them their right to cast votes in next year's general elections.

Their organisation is consulting lawyers over the matter.

Their concern comes amid reports that the cabinet cluster committee on justice has taken a view that only awaiting-trial offenders or those serving terms of less than 12 years will be allowed to vote.

Golden Miles Bhudu, president of the South African Prisoners' Organisation for Human Rights, said the position being adopted by the government was "saddening".

Bhudu said his organisation understood that there might be opposition to the idea of inmates voting among some sections of the public.

But the constitution stated that all citizens who were of a certain age and had the necessary documentation should be allowed to vote.

The constitution itself did not exclude inmates as non-citizens of this country.

The Independent Electoral Commission manager in KwaZulu-Natal, Ntombifuthi Masinga, said the issue of whether prisoners could vote was still under discussion.

"They fall under the matter of special votes which is still being considered," said Masinga.

"There is also a problem with registrations as some awaiting-trial prisoners could be out before the next elections, which means that the place where they had registered to vote would have changed", said Masinga.

Constitutionally, she said, there was nothing that could bar prisoners from voting.

THE MERCURY

FRIDAY OCTOBER 3, 2003

YES, YOU CAN HELP STREET CHILDREN

A VARIOUS RANGE of black, raised and street children in Johannesburg are asking for more love and shelter, and are willing to make a difference in their lives. They are asking for help. They are asking for shelter, food, clothing, and a safe place to live. They are asking for a chance to start a new life. They are asking for a chance to be part of a family. They are asking for a chance to be part of a community. They are asking for a chance to be part of a world.

SHARON M. S. 2003

BUSINESS DAY, Friday, October 3 2003

Vaccine for HIV children

Tamar Kehn

Science and Health Correspondent

CAPE TOWN — Scientists have developed a promising vaccine that offers protection against nine different strains of the pneumococcal bacteria which cause pneumonia and meningitis, even for children already infected with HIV.

The vaccine, developed by US-based Wyeth Pharmaceuticals, may also have the added benefit of preventing infants from spreading the bacteria to adults.

The World Health Organisation estimates that 4-million children die from pneumonia each year, most of them in developing countries south of the Sahara. Children infected with HIV are up to 40 times more likely to succumb to the disease.

In a study published in yesterday's edition of the New England Journal of Medicine, researchers report that a clinical trial among 40 000 children in Soweto showed the vaccine reduced the incidence of pneumonia by 25%.

It also significantly reduced the incidence of invasive pneumococcal disease, or pneumococcal bacteria in the bloodstream, and was effective against antibiotic resistant strains of the disease.

"No vaccine has previously been documented to prevent pneumococcal disease in HIV-infected children," said the study's principal investigator, Prof Keith Klugman, a public health specialist at Emory University in the US.

The vaccine reduced the incidence of pneumococcal disease by more than 80% in non-HIV infected children, and by over 65% in children with HIV.

The vaccine could help prevent the spread of the disease, by reducing the number of silent carriers of the disease. About to two-thirds of children are asymptomatic carriers of pneumococcal bacteria, which live in the nose and throat and are passed on by sneezing, coughing or breathing.

The vaccine has not yet been licensed, although an earlier version, which protects children against seven strains of pneumococcal bacteria, has already been approved by the US Food and Drug Administration and the Medicines Control Council.

BUSINESS DAY, Friday, October 3 2003

Electoral bill approved despite opposition

DRAFT legislation providing the framework for next year's general election was approved with minor amendments by Parliament's social services select committee yesterday. The Democratic Alliance and United Christian Democratic Party said they could not support the Electoral Laws Amendment Bill because clause nine prevented citizens abroad from voting. *Sapa*

UMAFRIKA October 3-9, 2003

Akaphenywe naye uMengameli waleli lizwe

Mhleli

SINGUMPHAKATHI wase-Ningizimu Afrika, siyambonga uNksz Patricia de Lille ngokukhanyisela izwe laseNingizimu Afrika ngodaba lwezikhali ezathengwa nguHulumeni walapha.

Le ndaba uDe Lille wayiveza esengaphansi kwePAC, akaqali namuhla.

Bayinyathela yagqitshwa.

Namuhla iyayela. Sijabulile ukuzwa ukuthi izimali zethu kuthengwa ngazo izikhali, esingazi ukuthi lezi zikhali zithengelweni, kuzoliwa nobani.

Siyacela ukuthi oFezela baphenye uMengameli wezwe nePhini lakhe.

Siyambonga uDe Lille. Akukho okufihliwe okungeke kuvele.

**Johannes Mofokeng
BERGVILLE**

ISOLEZWE, ULWESIHLANU, OKTHOBA 3, 2003

Akasondele eduze uHulumeni

MHLELI: Sengathi isenkulu inkinga uHulumeni wethu abhekene nayo futhi sengathi kukhulu kuyanyelela. Kuningi manje uHulumeni wethu akwenzayo okungahambisani nomphakathi walapha eNingizimu Afrika kube kuyithi esamvotela. Buka nje abantu basahlala emkhukhwini edilizwa mihla namalanga, bayafa nayingculazi. Nemithetho ayishayayo uHulumeni ethinta iPrivatisation, Globalisation kanye ne-Outsourcing ayilungile.

Kuyo yonke le mithetho kuhlomula idlanzana kanti futhi nemisebenzi thamba ngobungani.

Uma ungase ubheke okwenziwa yizinkampahi ezinkulu,

ylapho ubona khona ukuthi kusekude phambili. Nakhu manje umasipala weTheku ulambisa abantu ukuze kuhlomule lelo dlanzana. Ngabe umthetho usebenza kanjani kumbe ugondeni uHulumeni ngokusungula uphiko loFezela?

Kade kumnandi betinyela abanye sibuka kumabonakude. Ngabe umthetho uyahluka yini uma unesikhundla esikhulu, nakhu phela esekhala uHulumeni?

Kukhona yini okungahambi kahle odabeni lokuthengwa kwezikhali nokunikwa amathenda omsebenzi? Phingezani izipho uma kusetshenzwa ngokweqiniso?

Sathenjiswa imisebenzi kodwa sesiyabona ukuthi kwakushiwo amatoho. Asikwazi nokuthenga izinto ezinkulu njengezindlu nokunye, ukukhokhela imishwalenze ngenxa yala matoho engikholwa wukuthi ayimithelela yayo le mithetho engiyibale ngenhla. Okubuhlungu wukuthi kwakhulunywa ngokuvikeleka kwemisebenzi, kodwa ngabasePhalamende kuphela abanesiqiniseko sokuphepha kwemisebenzi yabo.

Nginesifiso sokuthi uHulumeni asondele kubantu futhi axoxisane nabo ngoba asinalo elinye izwe esingabalekela kulo.

**P M Cele
UMLAZI**

THE MERCURY

Friday October 3, 2003

Mbeki must ask deputy president to resign'

SIPHO KHUMALO
POLITICAL STAFF

DA LEADER Tony Leon has urged President Thabo Mbeki to ask his deputy, Jacob Zuma, to resign his position, saying he (Zuma) has become a political liability to the ANC and the country.

Addressing students at the University of Natal in Durban yesterday, Leon was critical of the way Mbeki had handled allegations that Zuma had solicited bribes from a French arms company.

Zuma is engaged in a bitter row with the Director of Prosecutions, Bulelani Ngcuka, who has said that

while there is prima facie evidence linking Zuma to fraud he will not prosecute because he does not have a "winnable case".

Leon also called on Mbeki to extend the terms of reference of the Hefer Commission, appointed by the president to investigate allegations that Ngcuka was once an apartheid spy.

He was also critical of the ANC, charging that it had ceased to behave like a government at all. "It is starting to behave like the mafia," said Leon.

He said Mbeki had failed to show leadership in the row. "His silence... has allowed the politics of loyalty to rip the ANC apart and damage the SA justice system in the process."

THE MERCURY

Friday October 3, 2003

THE MERCURY

FOUNDED IN 1852

Ulundi Dispute

THE dispute over the location of the head office of the provincial Department of Public Works highlights once again the cost to good governance of the insistence that Ulundi should be the administrative capital of KwaZulu-Natal.

Public Works Minister Mike Mabuyakhulu has announced a move to Durban, not on party political grounds but because he is unable to fill key posts with qualified people if they are to be headquartered at Ulundi, which is a remote outpost and unappealing to many urban professionals. Failure to fill the posts means the department is unable to operate at full efficiency and serve the public of KwaZulu-Natal the way it is supposed to.

The attachment of the Inkatha Freedom Party to Ulundi as a capital is understandable. It is symbolic, as the place where the Zulu nation rose again from defeat by the British to fend off apartheid – then political competition from the ANC. It is the heartland of IFP political support.

But Ulundi is not suitable as a capital of the whole of KwaZulu-Natal. The legislature has voted Pietermaritzburg as legislative capital.

The city has the infrastructure and geographical position to be the natural administrative capital as well, with a spill-over into Durban where appropriate.

The IFP needs to recognise that the eras of colonialism, apartheid and political transition are now past. The province needs to pull together to achieve cost-effective delivery.

ISOLEZWE, ULWESIHLANU, OKTHOBA 3, 2003

-IFP ithi akayi ndawo uMdletshe**S'KHUMBUZO MIYA**

PHEZU kwengcindezi enkulu ebhekene noSomlomo wesishayamthetho saKwaZulu-Natal, Inkosi uBonga Mdletshe (osesithombeni), yokuthi ahoxe esikhundleni sakhe ngenxa yophenyo olughubekayo ngezinsolo zokuphathwa budedengu kwezimall zeshayamthetho, iqembu lakhe i-IFP lishaya phansi ngonyawo, lithi akayi ndawo.

Lokhu kugcizelelwe nguMnuz Blessed Gwala, ongumkhulumeli we-IFP esifundazweni saKwaZulu-Natal engxoxweni neSoleziwe izolo.

Ingcindezi yokuthi uMdletshe naye kumele ahoxe esikhundleni ivele kakhulu ngemuva kwesimemezelo sePhini lakhe, uMnuz Willis Mchunu we-ANC, othe uyahoxa okwesikhashana esikhundleni kuze kube kuphuthulwa uphenyo ngezinsolo zokuphathwa budedengu kwehhovisi lesishayamthetho.

Njengamanje iBhodi yesishayamthetho iyaphenywa ngemuva kokuba umbiko kaMnuz Barry Wheeler,

onguMgcini mabhuku- jikelele wakulesi sifundazwe, uveze ukuthi kunokusetshenziswa budedengu kwezimall zeshayamthetho.

Lezi zinsolo zaholela ekutheni nyakenye kumiswe emsebenzini isikhulu esiphethe kuleli hhovisi, uMnuz Robert Mzimela, kanti uMnuz Joe Mkhize obambe lesi sikhundla naye uyaphenywa.

UMdletshe uphenywa kulandela umbiko kaWheeler okhombisa ukuthi washintsha amathayi emoto izikhawu ezingu-15 ezinyangeni ezinhlanu, kanti uMchunu yena kuphenywa ukuthi wenza ingozi ngemoto yesishayamthetho wehluleka wukubika emaphoyiseni kungakapheli amahora angu-48 njengokulandisa komthetho wezokushayela kuleli.

NgoMsombuluko uMchunu uthuse isishayamthetho ebesihleli eMgungundlovu ememezela ukuthi uyahoxa okwesikhashana kulesi sikhundla kuze kuphuthulwe uphenyo.

Exoxa neSoleziwe izolo uGwala uthi: "Lokhu kuyimfundisoze esezingeni eliphezulu futhi kuwukuhunga imigondo yomphakathi ukuletha isithombe esingelona iqiniso. Akukho lutho alushiye phansi: Yigama nje ukuthi ushiyile, wonke,

amalungelo anawo ayaghubeka," kusho uGwala.

Ekugcizeleleni ukuthi uMdletshe akazoshiya, uGwala uthi bakusisela kumthethosisekelo wezwe othi umuntu umsulwa aze ahlulelwe yinkantolo. "Asikwazi ukuxhanyazeliswa yizizathu ezaziwa yi-ANC kuphela ukuthi kungani uMchunu

enquma ukuhoxa," kusho uGwala.

Okhulumela i-ANC KwaZulu-Natal, uMnuz Mtholephi Mthimkhulu, uthi basishayela ihlombe isinyathelo sobuqotho esenziwe wuMchunu ngokuthi uma kunalezi zinsolo ezithinta izikhulu zeshayamthetho, abone ukuthi akabuyele eceleni okwesikhashana ukuzi kuphenywa lohu daba yisigungu esizimele kutholakale ukuthi umsulwa noma qha.

"Lokhu kukhomba ngokusobala ukuzinikela kwakhe ekutheni isishayamthetho sihlale sihloniphekile njengendawo engenankohlakalo. Ngeke singene

ekubhecaneni ngodaka lwezepolitiki kulolu daba ngoba alunapolitiki, lukhuluma ngezinsolo zenkohlakalo.

"Uma i-IFP isilwenza ipolitiki, kuphosa imibuzo yokuthi izimisele yini ekutheni ingabibikho inkohlakalo ekulawulweni kwePhalamende laKwaZulu-Natal," kusho uMthimkhulu.

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Comment

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Democracy not cheap

ONE of the most significant distinguishing features of our post-apartheid constitution is that it extended the right to vote to all South Africans over the age of 18. This enfranchisement of all South Africans of voting age in itself was in many ways the collective representation of everything that fuelled the struggle against minority rule.

Exclusion of any specific group of voters from any election therefore must be approached with the utmost discretion - and that includes South Africans based abroad.

Certainly, the ruling African National Congress makes a valid point when it argues that costs associated with the provision of voting facilities outside the country are prohibitively high. It has been suggested that on balance, it costs about R1 000 for a voter outside the country to cast a ballot. This is 30 times more than it does for a South African inside.

Cost is not a variable we can ignore - especially in a country faced with the challenge of addressing a substantial social deficit in the area of health care, housing and education. There are in any case precedents in our jurisprudence which recognise cost as a justifiable limitation to constitutional rights.

But it would be naïve to exercise similar limitations in the case of the right to vote. While costs might well be a justifiable reason, it is generally agreed that democracy is not cheap. This is precisely why we spend hundreds of millions on elections every five years.

In any case limited voting facilities will have to be set up to allow government employees abroad to vote. If the Electoral Bill in its current form is passed into law, this is a provision government will have to make. These same facilities can and must be used for others abroad. Facilities at all embassies and consulates ought to be sufficient to accommodate most South Africans who find themselves abroad on election day.

At the same time government should not feel any special obligation to accommodate South Africans disgruntled with our democracy, and who have, because of that, opted to live abroad. And there are many thousands who no longer have permanent addresses at home. Their exclusion will not compromise our democracy in any way. But bona fide citizens who find themselves abroad because of business, academic and similar other obligations must be encouraged to participate in the 2004 ballot along with government employees, even if it costs R1 000 a vote.

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Rasool still ANC's choice

By Waghled Misbach

Western Cape African National Congress (ANC) leader Ebrahim Rasool is expected to remain the party's choice for its premiership candidate in the forthcoming election, despite talk of factions within the party wanting to unseat him.

Rasool has headed the ANC through two elections but his critics have claimed that he has been unable to ensure a complete victory for the party thus far. The Western Cape will hold its candidates list conference in Guguletu tomorrow.

The Western Cape is expected to be followed by Limpopo next week and then the Eastern Cape. A national list conference is expected at the end of the month to determine who will represent the party after next year's election in the various legislatures.

Sources said yesterday that Rasool is still being considered as the candidate.

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Zuma ally leads probe

Deputy president ex-lawyer sits on spy probe against Ngcuka

By Wagheed Mlsbach
and Amrit Manga

PROMINENT Durban Advocate Kessie Naidu, who is well-connected in Government circles, was yesterday appointed to lead evidence in the judicial inquiry into spy claims against Scorpions boss Bulelani Ngcuka.

Naidu recently helped Deputy President Jacob Zuma, Ngcuka's arch critic, formulate answers to a list of questions on corruption claims put to him by the Scorpions, the elite police unit.

Zuma and Ngcuka have been involved in an ugly public spat arising from investigations into the corruption claims. Zuma has suggested the probe was driven by hidden political agendas. He recently also accused Ngcuka of telling "despicable" untruths about him.

Naidu is known to be a close friend of both justice minister Penuell Maduna - who appointed him, and Zuma.

Despite Naidu's involvement in the case relating to corruption allegations against Zuma, Hefer Commission secretary John Bacon office rejected suggestions that any conflict of interest would arise.

"No, that does not constitute conflict of interest. You know how it is with attorneys. One week they represent someone against an opponent and the following week they are representing the opponent," he said.

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Legal people would never find work again if they ever used information from another client in a current case, he said.

Justice ministry spokesperson Zolile Ngayi said Maduna was satisfied with Naidoo's appointment.

"The advocate does not represent the Deputy President anymore, so there is no conflict of interest," said Ngayi.

Commenting on Naidu's appointment, legal expert Professor Shadrack Gutto said there was no conflict of interest.

He explained that the allegations against Zuma and the spy claims against Ngcuka were two very different cases and that "there would be nothing improper about Naidu's appointment".

He, however, cautioned that it is not "inconceivable that in the general public mind it may appear that Naidu's appointment is improper because he had acted for Zuma."

"The matter becomes more complex because the Deputy President had also been involved - while in exile - in the probe by the ANC into Ngcuka's role as an alleged apartheid spy," Gutto points

out.

But Naidu disagreed saying that "at no stage has the deputy president made any comment concerning the issue that is going to be investigated by the commission."

Naidu also said the Zuma was fully aware of his appointment "and has indicated he has no objection."

"There is in my view no possibility of a conflict. If there was, he (Zuma) he will be the first to object - and he would be entitled to," Naidu said.

Asked if there was any objection to his appointment from Ngcuka, Naidu said: "I consulted with his legal team and they expressed no objection to my appointment."

Rudolf Mastenbroek, Ngcuka's spokesman, confirmed that Ngcuka had no objections to Naidu's appointment. "Adv Naidu is a highly respected member of the legal profession, and we have no doubt that he will execute his duties with the meticulousness, independence and professionalism required of this important position," Mastenbroek said.

The Hefer Commission gets under way in Bloemfontein on October 13.

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IDs very easy to forge say experts

SOUTH African identity documents were among the easiest in the world to forge, experts warned yesterday.

Their comments followed Fraud Awareness Week which ran from September 15 to 20 countrywide.

South African Fraud Prevention Services chief, Pat Cunningham, whose firm provides a fraud database and analysis service for corporate clients said: "It is easy for criminals to either manufacture ID books from scratch or to alter existing books to reflect whatever information they choose."

Cunningham said there was evidence that organised crime had become involved in the illicit manufacture of

credentials.

"There are organised crime syndicates in various parts of South Africa with the most modern equipment available on the market that can provide anything from an identity book to a forged university degree," he said.

MIE Resource Services' Ina van der Merwe, who often liaises with the police commercial crimes unit said: "It is generally only when we do the verification of other documents such as matric and tertiary qualifications or do a credit check that fake IDs pop up."

Employing someone with a fake ID could have dire consequences, she said.

"For starters, the employer would have no idea who the person actually was. He or she could be anything from

an illegal alien to a convicted fraudster. We have had many instances of exactly these scenarios unfolding in businesses."

Cunningham and Van der Merwe agreed that the fact that one third of the 7 500 posts in the Home Affairs Department were vacant, coupled with the push to issue 1.5 million ID books in time for next year's elections, was an added problem.

"The department is hopelessly understaffed and there is widespread corruption within the department which has led to large numbers of fraudulent IDs being issued," Cunningham said.

Home Affairs officials were not available for comment. — Sapa