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The Star 17/3/92

# SAP, military police cleared in murder case

MARITZBURG — Individual members of the SAP and Military Police implicated in the February 1991 assassination of Chief Mhlabunzima Maphumulo were cleared of all blame yesterday when an inquest hearing found that unknown people were responsible for the killing.

In a lengthy judgment given in the Maritzburg Supreme Court, the judge said it was clear Chief Maphumulo had a number of enemies.

However, no motive was established which would cast suspicion on any particular group or person and no finding could be made as to the identity of his murderers.

Referring specifically to the testimony of key witness Sipho Madlala, who claimed he was part of a security forces hit squad which killed Chief Maphumulo, the judge said he and the assessors were satisfied Mr Madlala's version was false.

The judge said corroboration for Mr Madlala's evidence implicating the security police in Maritzburg could be derived from the evidence of Lucky Mntambo, who claimed to be a member of a hit squad.

Mr Mntambo was judged to have been "an even worse witness than Mr Madlala".

Evidence by the SAP and Military Police witnesses was, on the whole, convincing.

Mr Justice Page said much of their testimony was supported by an immense amount of documentary evidence from many sources over many years and it was beyond the realms of reasonable possibility that this was part of an immense conspiracy to discredit Mr Madlala.

Speaking about the evidence of one Warber, a security policeman whom Mr Madlala had implicated in the assassination, the judge said there were no features in Mr Warber's evidence which made him doubt it.

The judge said the issue of Mr Warber supplying arms to Inkatha officials in Imbali was a "red herring" in the inquest.

The formal findings of the inquest were that the deceased was Joseph Mhlabunzima Maphumulo; the cause of his death was damage to both lungs and the arch of the aorta and damage to the brain caused by gunshot wounds; the date of his death was February 23, 1991 and his death was brought about by a murder committed by persons unknown. — Sapa.



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## Confusion over visit by Dutch premier

AMSTERDAM. — ANC president Nelson Mandela said on Dutch television he could not understand "the defiance" shown by Dutch premier Mr Ruud Lubbers in continuing his plans for an official visit to South Africa on August 11 and 12.

Mr Mandela also denied claims by Mr Lubbers and other government officials that the Dutch prime minister had made a firm deal with Mr Mandela personally and that the ANC leader himself had approved the visit in formal talks in Switzerland recently.

Mr Mandela said: "Holland is one of our best allies, and has helped the ANC at a time when most Western governments did not want to come close to us, and we are indebted to the Dutch.

"That is why we would like to give the Dutch government a welcome befitting this friendship. I told Mr Lubbers in Switzerland that he must wait with his visit until the political process has developed to that stage.

"The ANC will not meet Mr Lubbers if they come to South Africa in defiance of the ANC's wishes."

Mr J H van der Ploeg, spokesman for the Dutch prime minister's office, said everyone had been surprised after hearing Mr Mandela's comments earlier yesterday. Mr Van der Ploeg had immediately checked all the agreements made between the ANC and the Dutch government officials about the visit.

● In Rotterdam Mr Lubbers on last night told his Christian Democratic Appel (CDA) party that he was praying for President F W de Klerk and for South Africa.

Speaking at Enschede, Mr Lubbers said he was praying that the white population would vote Yes in tomorrow's referendum. "I am praying that they will vote for the future, a future without violence."

● In The Hague the Netherlands announced yesterday that it has lifted a ban on most sporting contacts with South Africa. — Sapa.



## OPINION

Jo-Anne Collinge looks at the clash between the NP's and ANC's pledges on property

# Land reform v security of title

**G**OVERNMENT land reform programmes and the constitutional protection of property rights sound like different aspects of a single cause, right?

Wrong — easily a dozen times wrong, says the land reform lobby. Nothing is more certain to hamstring Parliament's ability to redistribute land and house people than an unqualified protection of property rights in a Bill of rights.

The ANC, itself part of the land reform campaign, carries a heavy load for protecting the homeless and homeless in the constitution-making process.

It would probably like to purge the property clause from a future Bill of rights — after all, some countries got by without one.

But the National Party and the Government would no doubt put all their muscles into opposing this. The assurance to white property-holders that their title is safe has become a virtual refrain of the Die Klerk campaign for constitutional change.

Furthermore, the South African Law Commission report not only recommends that property rights

be protected and that compensation for expropriation "in the public interest" be referable to the courts, it sees in the ANC's draft Bill of rights a plan for "naked and arbitrary nationalisation of whatever nature without the courts being able to protect those prejudiced in any way".

The Wits Centre for Applied Legal Studies recently convened a conference of organisations who are determined to dismantle the apartheid land legacy. They debated hotly on how a Bill of rights could pass muster with the Nats as regards property and yet serve the dispossessed.

These were some of the moves they proposed:

- That land be treated as a special instance of property and dealt with separately in a Bill of rights. Various lawyers pointed out that "property" had been taken to mean physical entities such as land and housing; and intangibles such as copyrights, employment rights, social security benefits and shares in a company.

Land, it was argued, had particular characteristics that set it apart from most other property —

not least of them its finite quality and its position as an absolute necessity of life.

- That certain forms of affirmative action be specifically related to land rights. The ANC's Albie Sachs noted that a Bill of rights could be employed variously as an offensive and defensive weapon. And several contributors argued that the propertied classes had been outstandingly successful in invoking Bills of rights to defend their property.

In India a property clause that Prime Minister Jawaharlal Nehru — a convinced socialist — regarded as the key to implementing land reform, proved a formidable weapon in the hands of the propertied classes. University of the Western Cape legal expert John Murphy related that India eventually dropped the clause from the constitution in 1979 "after 38 years of wrangling with the Supreme Court. Before their repeal ... India's judges showed themselves more inclined to favour individual property rights than the imperatives of social reform".

Affirmative action provisions on land would make the Bill of

rights a potentially offensive weapon for the dispossessed.

- That the question of compensation be looked at afresh. Firstly, that it apply not only to those whose land might be expropriated or otherwise removed under the post-apartheid regime, but also to historic dispossession under apartheid. Secondly, that the compensation level be determined in such a way that financial considerations do not become an insurmountable obstacle to land reform.

Those arguing for land redistribution flatly rejected the notion of compensation at market-related prices, which applied for 10 years in Zimbabwe and effectively choked the process of land reform. The ANC has proposed that a notion of establishing "an equitable balance between the public interest and the interests of those affected" should be the basis of compensation. The Law Commission argues this method defies objective testing by the courts.

- That the constitution be used to redirect judges' attention to forms of land rights other than conventional freehold title. The diversity of "real" land rights — which re-

late to the way people occupy, use and gain access to land — must be placed side-by-side with the abstract notion of ownership embodied in title, argues Unisa's Dr Andre van der Walt. This means a wider range of people would have a claim to land they had occupied — perhaps for generations — without title; and that security of tenure could be guaranteed to such landholders. Dr van der Walt and others propose a land claims court or tribunal as a means of refining "pluralist" concepts of ownership.

The ANC, which found itself under fire from various quarters in relation to its original property clause, is redrafting the land and property provisions in its Bill of rights proposal. Still incomplete, the draft takes account of many of the above arguments.

It unequivocally protects the homes of all people, rich and poor alike.

It also directs the legislature very clearly to make land laws that will embody the principle of equity and will facilitate "provision of adequate housing for the whole population".

It obliges parliament to set up a land claims tribunal which will, among other things, investigate restoration of land to those subjected to forced removals or appropriate compensation where restoration is not feasible.

A separate property clause is being contemplated. And Mr Sachs hinted that the ANC would not seek State intervention in the area of what he termed "commercial property" — debentures, shares and various business interests. "It's the area least open to constitutionalising," he commented. The left had learnt that tight government control of markets was not viable. "We think that it should be open."

There is no way that resolution of the land question can avoid hurting somebody — either the homeless and landless will remain so, or someone has to give. What the ANC seems to be calculating is whether, with their homes and their business interests guaranteed, the present ruling group might not be prepared to forgo a measure of land — against some compensation — in the name of righting wrongs and securing a future society. □



# Police cleared in Maphumulo case

*Natal Witness 17 Mar 1992*

by VICKY QUINLAN  
Supreme Court Reporter

MEMBERS of the SA Police and Military Police implicated in the assassination Chief Mhlabunzima Maphumulo were cleared of all blame yesterday when Mr Justice Page found that unknown people were responsible for the killing.

In a lengthy judgment given in the Supreme Court, Judge Page said it was clear Maphumulo had a number of enemies, many of whom would have been happy to see him dead. However, no motive was established which cast suspicion on any particular group or person and no finding could be made as to the identity of his murderers.

Referring specifically to the testimony of Sipho Madlala, who claimed he was part of a security forces hit squad which killed Maphumulo, Judge Page said he and the assessors were satisfied Madlala's version was false and no reliance can be placed on his evidence.

"We therefore find ourselves back in the position in which we were before he testified," Judge Page said. He said while Madlala had initially appeared to be a quick-witted man with well-developed powers of expression, under cross-examination a very different picture emerged and the initial favourable impression was totally dissipated. Madlala found himself in conflict with every other witness on every point which could be measured and was also in conflict with a vast body of documentary evidence.

Judge Page said corroboration for Madlala's evidence implicating the security

police in Pietermaritzburg could have been derived from the evidence of Lucky Mntambo who claimed to be a member of a security police hit squad. However, Mntambo was judged to have been "an even worse witness than Madlala" and it was concluded that in the light of the "appalling quality" of his evidence, no reliance could be placed upon it. Judge Page said it followed that his evidence in no way strengthened that of Madlala's.

Evidence by the SA Police and Military Police witnesses were, on the whole, satisfactory and convincing, Judge Page said. Much of their testimony was supported by an immense amount of documentary evidence from many sources over many years and it was beyond the realms of reasonable possibility this was part of an immense conspiracy to discredit Madlala.

Speaking specifically about the evidence of Rolf Warber, a security policeman whom Madlala implicated in the assassination, Judge Page said there were no features in his evidence which led him to doubt its veracity. The judge said the issue of Warber supplying arms to Inkatha officials in Imbali was a "red herring" in the inquest. There does not seem to have been anything illegal in what he may have done although it may have been ill-advised, Judge Page said.

The formal findings of the inquest were that the deceased was Joseph Mhlabunzima Maphumulo; the cause of his death was damage to both lungs and the arch of the aorta within the pericardial sac and damage to the brain caused by gunshot wounds; the date of his death was February 25, 1991; his death was brought about by a murder committed by persons unknown.

## Attacks follow IFP rally in Ezakheni

*Natal Witness, Tue 17 Mar 1992*

ONE man was killed and three homes burnt down in two separate incidents in Ezakheni at the weekend, SA Police spokesman for Ladysmith Warrant Officer Bonnie Smith confirmed.

Mali Nzimande (24) was attacked and killed on Sunday night at his home in C section and on Friday night three homes — including one belonging to a Vusi Nkomonde — were set alight. The attacks coincided with an Inkatha Freedom Party rally addressed by KwaZulu minister Steven Sithebe.

Meanwhile, unconfirmed reports

that four members of the Mchunu family were ambushed by a group of alleged African National Congress supporters in Wembezi were received from Inkatha Institute's violence study unit head Kim Hodgson.

ANC spokesman Reggie Hadebe denied any ANC involvement in the alleged Wembezi attack.

More deaths were recorded in strife-torn Umlazi at the weekend, with two people being shot dead in two separate incidents and three others seriously injured. Their deaths takes to 80 the num-

ber of people killed in the township in the past six weeks.

At least nine houses were destroyed in hand-grenade and petrol-bomb attacks in the townships' "U" section on Sunday night. Hodgson said violence escalated in Umlazi following the assassination of IFP leader Winston Sabelo last month.

An ANC Southern Natal spokesman said ANC member Nkululeko Dlamini of section "U" in Umlazi was earlier gunned down by an alleged IFP hitsquad on Saturday. According to

Dumsani Makhaye ANC member Nane Zuke was shot and wounded on Sunday night and ANC chairman Morris Gumede shot at at least seven times. He alleged that an assassination squad led by KwaZulu police was responsible. The alleged attacks are being launched from "T" section in Umlazi.

KZP spokesman Lieutenant-Colonel Moses Khayile dismissed the allegations as "damaging lies". He said since the drafting of the peace accord a number of units were investigating Umlazi unrest. — Witness Reporter.



Natal Witness, Tue 17 Mar 1992



Part of the 200-odd crowd that marched through the city calling for a No-vote on Saturday.

## IFP denies No-vote march

THE Inkatha Freedom Party has distanced itself from a city march by people believed to be its supporters calling for a No-vote at the weekend. Inkatha Institute spokesman Ed Tillet said the march was not sanctioned by the IFP leadership.

The marchers, who are believed to be from Mpumuza, carried placards, saying "Nobody Invests in Chaos" and "FW has Insulted the Zulus", and "Zulus Say NO."

ANC deputy chairman Reggie Hadebe said Inkatha has no mandate to speak on behalf of Zulus. "Zulus are not a homogenous political group. For example, they are not speaking on behalf of myself and other Zulus in the ANC."

He said by calling upon whites to vote No, Inkatha is "cementing and consolidating an alliance with fascist rightwing forces".

The march comes immediately after

Transvaal leader Musa Myeni was publicly rebuked by Inkatha leader Mangosuthu Buthelezi for allegedly concluding a non-aggression pact with the AWB.

- The ANC Northern Natal has distanced itself from pamphlets distributed in Empangeni, Esikhawini and surrounding townships. The pamphlets call for a Yes vote in today's referendum saying "Viva Codesa, Viva De Klerk" and are apparently distributed by the ANC/SACP/Cosatu alliance.

Bongani Msomi, spokesman for the ANC's Northern Natal branch said his organisation was not responsible. The pamphlets were set on disrupting the ANC's plans to hold its own march in the region to co-incide with the countrywide marches tomorrow which demand for the ANC and its alliance to have a say in the budget.

— Witness Reporter.

## Civil servants' stayaway likely

A STAYAWAY by civil servants is likely to be held on March 20 following the continued deadlock in wage negotiations with the government, according to employee organisations.

The Public Service Caucus (PSC) says employee organisations are "not optimistic" that a satisfactory wage settlement can be reached between civil servants and the state at the next round of negotiations on March 23 in Cape Town. A statement issued in Pretoria said the government is insisting that the wage increase be restricted to below nine percent, as opposed to the civil servants' 15.3% demand.

"The 11 employee organisations unanimously rejected the 8.82% offer of the Commission for Administration, as it in no way addresses the legitimate requirements of public servants. Ten of the organisations agreed in principle to a stayaway on March 20. Certain organisations still have to discuss the form of the demonstration with their principals, and may issue individual press statements to clarify their position on the matter," the PSC said. — Witness Reporter.

## Pact discredited further

JOHANNESBURG — The Afrikaner Weerstandsbeweging's non-aggression pact with Inkatha Freedom Party central committee member Musa Myeni was further discredited yesterday when the party's Transvaal leadership distanced itself from the agreement.

The pact was signed on Friday afternoon, and announced at a Johannesburg Press conference by AWP leader Eugene Terre'Blanche and Myeni.

IFP Transvaal leader Themba Khoza said yesterday: "The Transvaal leaders of the IFP meet regularly in committee. They have never discussed the possibility of entering a non-aggression pact with the AWP." — Sapa.



# Townships quiet as whites head for the polling booths

The Star

17/3/92

## Staff Reporters

For the first time in weeks, Reef townships were reported to be quiet early today and police hoped the slaughter leading up to today's referendum would come to an end as white voters went to the polls.

"We have had no incidents reported today, we can only hope it stays quiet," said a Witwatersrand police spokesman.

Sporadic incidents around the country yesterday claimed the lives of another five people, bringing the death toll from violence since the announcement of the referendum almost four weeks ago to 275.

## Explosions

In the latest reported incident, a three-year-old child died and at least eight people, including three newsmen, were injured in two separate hand grenade explosions in Meadowlands, Soweto.

The child, a twin, was identified as Vusi Bani, whose home was destroyed in a pre-dawn blast.

The three newsmen, including photographer Joao Silva of The Star, were slightly injured when a grenade was lobbed at their car in Meadowlands yesterday morning.

In a bizarre accident yesterday afternoon, a 46-year-old Diepkloof woman was killed by a Putco bus which crashed into her house after an unknown gunman fired at the driver.

A Soweto police spokesman said the driver, who escaped unhurt, lost control of the vehicle.

Hundreds of township and hostel dwellers stayed at home, and the streets teemed with pupils who had not gone to school as tensions ran high in the township yesterday.

## Barricades

Groups of youths sang and toyi-toyed at street corners while others stood and watched the heavily armed police monitoring the situation.

Youths barricaded streets with large stones and diverted taxis and private vehicles to alternative routes.

Hostel dwellers claimed youths from Killarney and Meadowlands townships prevented them from going to work. They also claimed the youths had stabbed and assaulted some of them.

They accused the media of being biased against them in favour of the ANC.

Yesterday afternoon, a large contingent of police and Defence Force personnel in about 25 armoured vehicles continued to keep hostel dwellers and residents apart.

In another incident in Soweto, 32-year-old Victoria Skhaidy was shot in the back, allegedly by police, according to residents. She was admitted to Baragwanath Hospital. Police confirmed they had opened an attempted murder docket.

The bodies of two more people were found in a hostel in the strife-torn area yesterday. However, police said the victims, who had been hacked and set alight, could have been killed on Sunday.

## Refuge

Continued fighting in Alexandra yesterday drove about 15 families to seek refuge at the local ANC offices.

One person died and several others were injured in sporadic shooting in the township in the morning.

In a bid to restore peace in Alexandra, representatives of political and civic organisations will hold talks at Braamfontein Civic Centre this morning.

According to statistics from the Alexandra Health Centre and University Clinic, the violence has claimed nine lives since March 7, and there had been 69 gunshot injuries and 184 assaults by 3 pm yesterday.

Two gunshot injuries, two stabbing victims and one death were reported between 9 am and 3 pm yesterday.

In Natal, the death toll from Friday's pre-dawn battle in Umlazi, has risen to 22, social workers say.

Police yesterday said two women were killed and seven people wounded in an attack in Sharpeville on Sunday night, Sapa reports.



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## Snipers push death toll to 50

SNIPERS fired on Alexandra residents on their way to work yesterday, killing one and injuring several others as the unrest death toll passed 50 since the start of the weekend.

People living in the area of the shootings were reportedly evacuating their homes under police escort late yesterday afternoon. Alexandra was declared an unrest area on Friday, with a dusk-to-dawn curfew imposed with immediate effect.

And in Soweto, five people — including three newsmen — were injured in a hand-grenade explosion in Meadowlands yesterday. Police spokesman Lt-Col Tienie Halgryn said the newsmen had apparently gone into the township to cover unrest.

A policeman was wounded when he was fired on during a patrol in Meadowlands, and two bodies with back wounds were found at a local hostel in the morning. Halgryn said the killings appeared to have

### Business Day Reporter

been carried out on Sunday night.

Vaal Triangle police spokesman Capt Piet van Deventer said yesterday no arrests had been made in connection with a shooting directed at shebeen patrons in Sharpeville on Sunday night, when two people were killed and seven injured.

ANC Alexandra spokesman Obed Bapela said the sniper attacks in Alexandra occurred as people were boarding taxis. "Shots were fired from several Madala Hostel windows. When the police came 10 minutes later, the snipers fired at them."

Police searched Madala Hostel yesterday and found three rifles, handgun and ammunition, SAP spokesman Capt Eugene Opperman said last night.

Inkatha Alexandra chairman Simon Nxumalo said yesterday's sniper attacks

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## Snipers

on residents were acts of vengeance. "The township has not been quiet since residents prevented the hostel dwellers from burying their comrade nine days ago."

Bapela said the ANC was considering pulling out of peace talks with Inkatha "because Inkatha leaders appear to have no control over their supporters".

Nxumalo denied Inkatha had no control over its supporters.

Representatives of the ANC, Inkatha, PAC, Azapo and church and civic organisations last week committed themselves to working towards the restoration of peace in the township.

In Nelspruit yesterday morning a man — Andries Sithole — was killed and an unidentified woman injured in a blast caused by commercial explosives at the home of Hoerskool Nylstroom principal Con Booyens.

Police said they were offering a reward of R20 000 to anybody with information leading to the arrest and conviction of those responsible for that blast and the one

### □ From Page 1

on Sunday at the home of the principal of Nelspruit's Lowveld Agricultural College.

Reacting to Sunday's explosion, Agriculture Minister Kraai van Niekirk said it was clear a group of political activists and sympathisers of a specific political grouping were active at the college.

Goldstone Commission Judge Richard Goldstone said yesterday the commission wanted urgent written representations on the violence in Durban's Umlazi township.

Goldstone said he had received a request from the Natal-KwaZulu regional dispute resolution committee that a committee of inquiry be established to investigate the violence in Umlazi, where 80 people died in the last month.

Violence continued to rage in Umlazi at the weekend with at least one death, one attempted assassination and one serious injury on Sunday, and a gunbattle between police and Malukazi residents yesterday.

The security force presence has been increased since 18 people were killed in the nearby Uganda settlement on Friday.



B. Day 17/3/92

## Budget uncertain if 'no' vote wins

BILLY PADDOCK

CAPE TOWN — President F W de Klerk's promise that he and his government would resign should he lose the referendum could mean the Budget will not be presented tomorrow.

The result will be known only at about noon tomorrow, just hours before the Budget speech is due to be made.

The months of work by the Finance Department in planning a reformist Budget could be in vain should the "no" vote win. Finance director-general Gerhard Croeser said yesterday the department had made no contingency arrangements.

At the beginning of the referendum campaign, De Klerk said the Budget would go ahead as planned, and NP secretary-general Stoffel van der Merwe is adamant it will not be delayed or shelved.

But CP leader Andries Treurnicht is equally adamant that government will not be able to present the Budget. DP finance

spokesman Ken Andrew says De Klerk's government would be in an invidious position trying to present a Budget when it had lost its credibility and all parties were fighting a general election.

Croeser said it was not his decision to present the Budget but if government resigned, it would imply the Budget could not be presented as only a Minister could do so.

The mini-Budget had been passed and there was enough money available for existing services until the end of June. Should the passing of the Budget — which normally takes two months — not be completed by then, a second part appropriation would have to be passed. Croeser said that in previous years when there had been general elections the country had survived on a mini-Budget for nine months.



B. Day 17/3/92

# Principle vs detail at Codesa

**Today's referendum is about continuing the negotiating process at Codesa. TIM COHEN reports on its progress.**

ONE OF the Codesa working groups was recently treated to a George Bernard Shaw aphorism which possibly cut a little closer to the bone than was intended.

The story goes that Shaw approached a woman and asked her if she would be prepared to spend the night with him for a million pounds. She considered briefly, and said yes.

He then asked if she would be prepared to spend the night with him for five pounds. She indignantly replied: "What do you think I am, a prostitute?"

Shaw responded: "That we have already established. All we are doing now is haggling about the price."

Codesa delegates were told the story because it was pertinent to one of the most problematic issues facing them: what constitutes a principle and what constitutes detail.

In the three months of Codesa's existence, delegates in almost every one of the five working groups have been faced with the problem of distinguishing between the two. Codesa has limited its role to providing a framework for the creation of a new SA rather than detailing precisely the elements of a the new SA.

Codesa's declaration of intent calls for the setting in motion of the process which will result in a new constitution, which means Codesa must build the vehicle but not the vehicle itself. But what constitutes setting up the process and what constitutes the process itself?

The distinction between principle and specifics can be difficult, particularly when organisations want

decisions to remain vague in some circumstances, while they want exactitude in others.

The danger is that parties will gloss over the difficult questions in order to gain the semblance of an agreement by achieving "consensus" on the principles, only to be forced to face those questions later.

Nothing demonstrates this danger more than the Pretoria Minute on the suspension of armed struggle, which resulted in parties not only having to face later the issues they had ducked at the time, but which resulted in arguments about what had been agreed in the first place.

To what extent are Codesa delegates glossing over the difficult questions in an effort to secure "consensus" at a furious rate?

The answer is that their success so far has been distinctly mixed.

In some situations, a lack of detail is not a hindrance because the parties know the blank spaces will be filled in by another body with a clearer method of achieving agreement than the "sufficient consensus" method adopted by Codesa.

Hence, the one-line agreement on

the participation of political minorities will be clarified by an elected constitution-making body. The agreement says vaguely that: "A new constitution should provide for effective participation of minority political parties consistent with democracy."

Where Codesa has performed less adequately is on the establishment of a transitional executive structure.

The parties agreed last week on the necessity for such a body, but no sooner was the decision taken than a furious public row broke out about what the function and powers of the body actually were.

"Dramatic breakthrough", boasted government ministers, who interpreted the agreement as laying the foundation for a "super cabinet", leaving the distinct impression that Codesa delegates would be willing to take up cabinet posts.

"Not so!" shrieked the ANC. The body would stand independent from the existing Cabinet, but oversee it and other aspects of government.

In fact the agreement allows for both interpretations.

Sufficient attention was not paid to the detail at that stage, although the publicity which surrounded the issue will force the working group to address the problem more specifically.

Current Codesa management committee chairman and former Operation Vula trialist Pravin Gordhan says precisely because of the Pretoria Minute debacle, Codesa will be careful not to make the same mistakes — and as a victim of that dispute, he is particularly sensitive to the issue.

But do all delegates see the problem with such a clear focus? Differences over their "agreement" on a transitional executive authority show that they probably do not.

Codesa chairman and DP leader Zach de Beer says during his whole political career, he has driven to work thinking of ways to defeat his opponents. But Codesa has forced a profound change in his modus operandi. The only way to get others to agree is by making concessions.

De Beer's forthrightness forces him to assert what no other delegate has done so far. No Codesa delegate has yet admitted to a single concession, yet profound concessions have been made.

So far, concessions have been cloaked in semantics. What the ANC calls a constituent assembly, govern-

ment calls an interim government. Both do essentially the same thing: elect a constitution-making body and govern in the interim. Both indicate deviations from the organisations' original positions.

The desire to disguise concessions derives from the perceived need to create the so-called "win-win" scenario. The problem with this is that it is based on the assumption that political parties should all emerge from Codesa as winners, whereas the real winners ought to be SA's population.

Codesa delegates have yet to admit that reaching agreement only on principles can be the same as not reaching agreement at all; that agreement on details involves concessions and that making concessions requires a strong stomach.

Where Codesa is exceeding expectations is in its dedication to the process of negotiation.

Working group meetings are punctuated by what is referred to as "those famous tea breaks". The atmosphere has nurtured an understanding between delegates which has encouraged progress on issues which at first appeared insoluble.

Barring a "no" vote, it would take something cataclysmic for the process to be reversed at this stage, Gordhan says, but he warns that the organisations involved have very distinct agendas and their differences cannot be minimised.

But judging by the affable camaraderie that Codesa delegates display towards one another, SA's future may be less bleak than one is sometimes tempted to believe.



B. Day 17/3/92

### Lubbers says SA visit is on despite ANC's objections

THE HAGUE — Dutch Prime Minister Ruud Lubbers declared yesterday that he would visit SA as planned, despite objections by the ANC.

ANC president Nelson Mandela said earlier yesterday that his organisation still opposed Lubbers' plans for an official visit to SA in August, and that he personally should be consulted on the matter.

Interviewed by radio station Veronica, Mandela said the visit dates of August 10 and 11 were "unacceptable to the ANC because it is not certain that in August there will be an interim government".

A visit planned for February was postponed at the request of the ANC, which then said it had not been consulted about dates and considered the visit "premature and inopportune".

Lubbers said on television yesterday that government and the ANC had agreed to the August visit.

He made it clear the trip was organised when SA's transition to majority rule appeared to be progressing steadily, but said "this is not a condition, and therefore the visit will go ahead as planned".

He expressed concern about the "necessity" for De Klerk to win support in today's referendum.

Lubbers plans to visit SA with Foreign Minister Hans van den Broek and Finance Minister Wim Kok.

Meanwhile, the Netherlands has announced it has lifted a ban on most sporting contacts with SA. However, 14 sports, including field hockey and squash, remain blacklisted as teams are segregated. — Sapa-AFP-AP.



B. Day

17/3/92

**COMMENT****Behind the facade**

**M**ANY of the normal commercial flows that characterise a relatively open trading economy such as South Africa's have been in a state of suspended animation since the beginning of the referendum campaign. Understandably, before the watershed event in the country's development that takes place today, few investors and entrepreneurs have been prepared to gamble on the outcome.

Higher levels of trade, aid, investment, technology transfer, skilled immigration and cultural exchange are poised at the country's threshold. They await merely the assent of those qualified to vote today.

Those laden with the heavy responsibility of the franchise may do themselves and their voiceless compatriots a service by remembering, as they enter the polling booths, an oft-forgotten detail about South Africa in 1992. It is still a developing country.

Developing country status sometimes seems hard to associate with a nation that possesses its continent's only nuclear power station, advanced oil-from-coal technology, excess energy-generating capacity and great cities of skyscrapers, glass and steel. But these physical manifestations of progress, and the increasing proportion of national income generated by the services sector, belie the Third World hinterland behind the First World facade.

For, in truth, after the sanctions-plagued decade of the 1980s, South Africa is not only still a developing country: it is, by some economic

yardsticks, now underdeveloped. The inflows of capital and expertise that would normally have been attracted by an economy at this stage of its evolution have been interfered with for so long, and with so little response — until February 1990 — from those charged with its management that this is a retarded economy.

For a developing economy to be underborrowed at a time of hardship and deprivation for so many people is more than a mistake. It is a brazen betrayal of all its citizens, for whom this country's bounty is an inalienable birthright.

It is all very well to flaunt with self-satisfaction the fact that South Africa's foreign debt is equivalent to only 19% of gross domestic product and to 70% of export earnings when comparable ratios for somewhere like Australia are 42% and 265%. But the voting public cannot afford to bathe in any reflected glory from dry data like these while the provision of health, education and welfare to a majority of the country's people is below that afforded the enfranchised minority.

For South Africa to be underborrowed and cut off from further international loans in 1992 is no longer a sign of prudence, self-discipline, thrift or restraint. It signals neglect.

There must be no further delays to the normal process of economic development that can help the needy in this country. Any action by the voting few to do so today amounts to malevolence.



B. Day 17/3/92

### **Codesa scales down work**

CODESA has decided to scale down this week's operations drastically because of the referendum. The next meeting will be held tomorrow where the participation of Zulu King Goodwill Zwelethini and other traditional leaders will be discussed.







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## Probe camps run by ANC: Exiles

DURBAN. — The Returned Exiles Committee has called for an independent commission to investigate conditions in alleged ANC prison camps in Tanzania and Uganda.

Speaking in Durban yesterday, the chairman of the committee, Mr Pat Hlongwane, expressed dissatisfaction that the government and Codesa had not yet taken any action to redress the grievances of former ANC exiles.

Mr Hlongwane said he was sceptical about ANC statements that they would appoint a commission of inquiry into their camps abroad, and that the International Committee of the Red Cross would have access to the

camps.

He said an independent commission of inquiry should consist of neutral bodies such as the United Nations, Amnesty International and the Red Cross. — Sapa.



# Death list forged, says ANC, National Intelligence

By Martin McGhee

THE ANC and a top-level source in National Intelligence yesterday described a document headed "Proposed Death List After Take Over" as a fabrication aimed at discrediting the ANC and destabilising the referendum.

The list, marked Top Secret and containing the names of 76 prominent South Africans across the political spectrum, was received by The Citizen yesterday. It purported to be on an ANC letterhead and was addressed to the Chief of Military Intelligence (Tokio Sexwale) from the Director of Special Operations (Lester Dumacude).

An ANC spokesman, Ms Gill Marcus, said: "This is clearly a forgery."

We totally reject this document. It is part of the dirty-tricks campaign created to cause panic and spread propaganda against the ANC.

Apart from the fact that the letterhead was not authentic, there were other major discrepancies.

"The name Tokio is spelt Tokyo and he is chairman of the PWV region, not Head of Military Intelligence. Lester Dumacude should be Dumakude and the position of Director of Special Operations was an external position which is no longer valid," said Ms Marcus.

She dismissed the list with contempt and said it was a fabrication de-

signed as a threat to White South Africans.

"The ANC has no assassination policy aimed at any individuals or parties and the way this list has been drawn up at random suggests a forgery aimed at disinformation."

She scoffed at the inclusion of the ANC's own Mr Thabo Mbeki, a member of the NEC, and Mr Joe Modise, chief of Umkhonto we Sizwe.

The letter attached to the list said:

"Dear Comrade, Re Proposed Death List After Take Over."

"In order of our honoured President, Mr Nelson Mandela and in my capacity of your chief of staff, I must inform you now by means of this

memorandum of a proposed death list (hereby attached) which will become reality after take over in the RSA.

"In other words, fulfil the following orders:

"1. Keep this document top secret because only the five of us know about this secret agenda.

"2. Identify all targets and know how to reach every target on short notice.

"3. Train and prepare your Underground units to do a proper and covert job.

"4. Identify suitable places and methods to eliminate every single target covertly.

"5. Prepare unmarked graves.

"Do your planning and keep me informed. Your commander, Joe Modise, is definitely not to know about this document (a Victim) and you are under my direct command for this unnamed project."

A National Intelligence source said last night the document did not appear to be authentic.

Included in the hit-list were Cabinet Ministers, Dr Geert Viljoen, Mr Pik Botha, Mr Adriaan Vlok, Mr Herms Kriel, Gen Magnus Malan and Mr Roelf Meyer.

Homeland leaders such as Bophuthatswana's President Lucas Mangope, Brigadier Onpa Gqozo of the Ciskei and KwaZulu's Chief Mangosuthu Buthelezi featured alongside Right-wing leaders, Dr Andries Treurnicht, Mr Eugene Terre-Blanche and Mr Robert van Tonder.

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## THE CITIZEN COMMENT

### Please vote

TODAY is Referendum Day.

Whatever the parties have told you, it is not the end of the world.

It can, however, be the true beginning of a new world.

Which is why you should cast your vote for the continuation of State President De Klerk's negotiation of a new constitution, a new South Africa.

There is no turning back.

No way in which anyone can revive apartheid.

No way in which the Whites can rule the country on their own.

But we have told you that already, and we hope that our call for a Yes vote will not go unheeded.

At the same time we accept that there are genuine fears among many people about the future.

They have been told that a vote for FW is a vote for Mandela.

It is not.

It is a vote for the continuation of negotiations.

They have been told that Mr De Klerk is selling out the Whites.

It is not true.

He is, in fact, seeking to ensure that the Whites and other minorities are not subjected in any new dispensation to the domination and repression of the Black majority.

It is said that we are being delivered into the hands of the Communists.

Communism is not dead, but it is dying everywhere.

It can never be imposed on this country even if the ANC is dominated by Communists, for the simple reason that there is no country that can live under Communism when the people of the former Soviet Union and Eastern Bloc have rejected it and Communism is a swear word in almost every other country.

It is said that our precious and wonderful land will become a basket case like Zimbabwe and other African countries which are now ruled by former "liberation" movements.

This country has far too many resources, too many skilled workers, too many entrepreneurs of great initiative, to become a country that has to depend on handouts.

We did not become a powerhouse in Africa only to be reduced to poverty by people who do not have the expertise, the know how, to run our great factories, our mines and our business enterprises.

It is said that conditions will be such that there will be a mass exodus of skilled people.

But this country has so much to offer everyone that we cannot see its people take flight.

There is a future, a future for all of us, and we have to vote Yes to ensure that Mr De Klerk has strong enough support to ensure that the new South Africa meets our own needs and aspirations, as well as those of other races.

Not that we under-estimate the dangers that lie ahead, the difficulties, the uncertainties.

But we have to have faith in ourselves and our leaders, we have to believe that in creating a just society we will not be robbed of our own just rights.

It takes courage to make vast changes.

It takes courage to contemplate a life that is different from the one to which we have been accustomed.

It takes courage to make peace with erstwhile enemies.

It takes courage to venture forward into the unknown.

But we are a people of courage, a people that has lived through many vicissitudes, a people that has faced the unknown in the past with fortitude.

Be proud of your South Africa, but also be proud of your roots, descendants of the original settlers, or descendants of those who came to this country at a much later date, even those who have settled here only recently.

Today is your day to show that you accept the challenges that face us.

Today is your day to show that you accept we must live together, all of us, Black, White and ~~and the new South Africa~~ together.

Today is your day to say to the Black peoples of this country we believe in reform. ~~We want~~

~~the reform to continue, we want to reach out~~

the reform to continue, we want to reach out to you and share this great country of which we are all citizens, of which we are all sons.

You can do so by voting Yes.

But above all, whatever your view, we urge you to vote.

For this is your chance to say Yes or No to the directions the State President has mapped out for South Africa.

We call on all of you, then, to cast your vote so that South Africa and the world can know where the White people of this country stand.

If we urge you to vote Yes, it is because we believe it is vital that you do.

For goodness sake do not stay away from the poll because of a sense of grievance, because of the crime wave, or because of the state of the economy.

All of these grave problems can be resolved.

But nothing can be resolved by your staying away from the poll.

Thus, we say:

Do not abstain.

Do not leave it to others to vote. ~~Meet the challenge by voting the only way the~~ negotiation process can be kept on track.

By voting Yes. ~~By voting Yes~~



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# Snipers kill 1, wound several in Alexandra

By Sapa and  
Andrew Whitlock

VIOLENCE continued in Black townships in the Transvaal and Natal yesterday.

In Alexandra, snipers at the Madala hostel wreaked havoc as people attempted to board taxis to travel to work.

At least one person was killed by gunfire and several others were wounded as gunmen, living in an Inkatha Freedom Party stronghold, sniped at commuters and local residents.

Director of the Alexandra Health Centre and University Clinic Dr Tim Wilson, said one person was admitted with bullet wounds to the clinic at about 9.30 am. He died at the clinic.

Several other people, some with stab wounds, were also rushed to hospital during the day.

A strong police presence was evident in Alexandra throughout the day. They searched a hostel and seized three weapons and some ammunition.

On Sunday night, gunmen burst into a backyard shebeen in Sharpeville, near Vereeniging, and sprayed patrons with gunfire.

Two women died instantly in the attack and another woman and six men were injured. Police said that while one man stood guard at the front gate of the property, five men went to the backyard shebeen where, standing in the entrance, they sprayed patrons with AK-47 fire.

And in one of the worst reported attacks of the weekend, the bodies of five men with their hands tied behind their backs

were found in Katlehong, near Germiston. They had been shot. Spent AK-47 cartridge cases were found next to their bodies, the SAP said.

In the same area, at the Masibuko hostel, the bodies of two men with bullet wounds were found.

In its reaction to the violence in the township the IFP yesterday slammed the SAP and the ANC, alleging that IFP members were being victimised.

IFP spokesman, Mr Themba Xhosa, who visited Alexandra yesterday, said IFP members were harassed by police when they arrived to attend Mr Xaba's funeral.

"IFP members were shot at by ANC members and the police.

"The shots that were fired at our members on Saturday came from five

different positions and yet the police were not able to arrest anyone," said Mr Xhosa.

The ANC yesterday claimed at least five people were killed during an attack by IFP supporters on houses in Ngwelenzana township, near Empangeni, on Sunday afternoon.

ANC leader Nelson Mandela on Sunday again blamed the government for the carnage and was quoted in a TV report yesterday as saying he would take the issue of township violence up with the government.

The organisation was adamant a shadowy "Third Force" was responsible for the violence and that the government could act decisively against elements in the security forces to stop the attacks.



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## Most sports curbs go

# Mandela objects but Dutch PM coming here

THE HAGUE. — Dutch Prime Minister Ruud Lubbers declared yesterday he would visit South Africa as planned despite objections by the African National Congress.

It was also announced that the Netherlands has lifted its ban on most sports contacts with South Africa.

ANC president Nelson Mandela said earlier yesterday that his organisation still opposed Mr Lubbers' plans for an official visit to South Africa in August, and that he personally should be consulted on it.

Mr Lubbers said on television that all parties (the South African Government and the ANC) had agreed to the August 10-11 dates.

He made it clear the visit had been organised at a time when South

## Dutch visit goes on

### FROM PAGE 1

Africa's transition to majority rule appeared to be progressing steadily, but said: "This is not a condition, and therefore the visit will go ahead as planned."

What concerned him at the moment, he said, was the "necessity" for Mr De Klerk to win support in today's referendum, support he described as an essential condition for the continuation of democratic reform.

Mr Mandela said on Dutch television last night he could not understand "the defiance" shown by Mr Lubbers in continuing his plans for an official visit in August.

Mr Mandela denied claims by Mr Lubbers and other government officials that the Dutch Prime Minister had made a firm deal with Mr Mandela personally and that the ANC lead-

er himself had approved the visit in formal talks in Switzerland recently.

Other heads of government — such as those of Australia and Canada — "had heeded ANC demands not to visit South Africa until the ANC had given its approval", Mr Mandela said.

"Holland is one of our best allies, and has helped the ANC at a time when most Western governments did not want to come close to us, and we are indebted to the Dutch."

"That is why we would like to give the Dutch Government a welcome befitting this friendship. I told Mr Lubbers in Switzerland that he must wait with his visit until the political process has developed to that stage (until after an interim government is installed.)"

"The ANC will not meet Mr Lubbers if they come to South Africa in

defiance of the ANC's wishes."

However, Mr Lubbers' advisers told Sapa they had a firm understanding with Mr Mandela about the visit, and he had approved the set dates.

Mr J H van der Ploeg, spokesman for the Dutch Prime Minister's office, said: "It is clear that Mr Mandela approved the official visit for August 11 and 12 personally. There certainly has been no misunderstanding between this office and Mr Mandela."

In another step toward closer Dutch-South African relations, the Netherlands Health, Welfare and Culture Ministry announced that visa restrictions will be eased for competitors in 32 sports. They include track and field, cricket, cycling, golf and equestrian sports.

The Dutch boycott on seven more sports, including boxing and soccer, will be lifted as soon as the South African sports associations concerned have been admitted to the relevant international organisations. — Sapa-AP.

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## 'Yes vote will cut Swedish sanctions'

A Yes vote in today's referendum would help eliminate sanctions imposed on South Africa by Sweden, Swedish Minister for Foreign Affairs, Margaretha af Ugglas said yesterday.

In a statement she expressed "high hopes" that the Codesa process would "proceed rapidly, resulting in a new and democratic constitution for South Africa in the near future."

"It is extremely important for the reform process to move ahead without interruption. This is crucial not only for South Africa but also for the whole of Southern Africa," Mrs af Ugglas said.

"If this could be achieved, the final obstacles to the speedy elimination of our sanctions, which are still in force, can be removed." — Sapa



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# Joined AWB coffin demo: May lose post

By Martin McGhee

THE Chairman of the Returned Exiles Coordinating Committee (Recoc), Mr Mwezi Twala, is likely to lose his position after taking part in an AWB demonstration outside the SABC's head office on Saturday.

Recoc's secretary, Mr Nicholas Dyasop, told The Citizen yesterday that Mr Twala's involvement in the demonstra-

tion was bizarre and implied co-operation between Recoc and the AWB.

"In fact, it was a shock to learn of this regrettable action by our senior member. He joined in as an individual and not as one of our members," said Mr Dyasop.

Mr Twala caused a stir when he was seen on television carrying a coffin with AWB members during the demonstration.

Mr Dyasop said that

Recoc had not had the opportunity to speak to Mr Twala, but drastic action would be taken against him.

"We believe he should be relieved of his duties," he said.

Mr Dyasop said he found it incomprehensible that someone who was back in the country because of the State President's reform programme, should now demonstrate against that reform.

"South Africa is on the right track and as an apolitical organisation, we view the AWB as a threat to peace because of its terroristic attitudes.

"Mr Twala has abused his power and should no longer hold his position," said Mr Dyasop.

Mr Twala was not available for comment yesterday.



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## Ciskei bids to halt ANC in court

THE Ciskei Government has lodged an application for an interdict against the African National Congress in a bid to halt the movement's planned campaign to end the rule of Brig Oupa Gqozo.

In sharp reaction, ANC Border spokesman, Ms Marion Sparg, yesterday said the application did not bode well for the agreement reached between the Ciskei and the ANC in Pretoria last week.

Notice of the application was served on the regional executive committee of the ANC on Saturday, the day on which symbolic voting in support of a call for interim administration in the Ciskei was to have taken place.

The organisation had already announced the postponement of the "voting" however, because of several incidents of violence in the past week.

The interdict also followed a week of uncertainty about the practical implementation of the agreement signed last

Monday in Pretoria, the ANC's Border region having said the next day it did not consider the agreement to have any effect on its planned campaign.

Yesterday, the ANC said the interdict application sought to restrain the occupation of government buildings, defiance of legislation and any harassment or intimidation.

The Ciskei was also apparently applying for costs of the application to be borne by the ANC.

The case is scheduled to be heard on March 26.

Ms Sparg said the ANC had referred the matter to its lawyers.

"In a letter received by the ANC today, lawyers for the Ciskei administration advised the organisation that Ciskei had decided not to pursue an interdict to halt the voting process itself.

"There would have been more progress to stability and a climate for free political activity if the Ciskei administration had contacted the ANC directly, as was agreed in the meeting in Pretoria."

— Sapa.



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# Blacks view 'no' majority as disaster

By Jo-Anne Collinge

Probably for the first time in South African voting history, the results of an all-white poll are being as eagerly — and tensely — awaited in black communities as they are among the voting minority.

With polling day imminent and the result a mere 48 hours away, there is a clear perception among black people excluded from the voting that a "no" majority would be an unthinkable disaster.

While political organisations like the ANC initially regarded the outcome of the white poll as a foregone conclusion, the apparent effectiveness of the right-wing campaign has shaken this assurance. For many, the words "future" and "yes" have become synonymous.

There are those in the black communities who look no further than the probable reintroduction of the pass laws as the likely result of a Conservative Party victory. This alone would be grounds for defiance and conflict, they claim. "I'll never, never carry that dompas again — they can do what they like," said one. He was clearly reflecting a mood that has now taken hold strongly.

There are others, at last enjoying the fruits of past battles waged against apartheid — for example those living in Johannesburg's centre city and suburbs — who are also watching the "white fight" keenly.

"A 'no' vote means I could lose my house," remarked a woman who has battled for months since the abolition of the Group Areas Act to get her property transferred from a nominee into her name.

Civic associations are concerned that hard-fought gains



would be reversed in the fields of housing and local government negotiations, in the event of a "no" vote and the collapse of national constitutional talks.

Sandy Lebese, publicity secretary for the Civic Association of the Southern Transvaal (CAST), had no hesitation in saying that those with the privilege to vote should exercise a "yes" vote — although CAST regretted that President de Klerk had resorted to a racial poll.

In past racial elections, whites (and later Indian and coloured people) who chose to boycott the polls were regarded as politically "correct" in the townships, from the vantage point of the liberation struggle.

This is no longer uniformly true. Heated "to vote or not to vote" debates have been taking place in left circles — with disenfranchised black activists hotly advising white proponents of the boycott that they are playing with the future of the voteless majority.

There are also those who have transcended racism in their personal lives — people who have married, had families or adopted children in disregard of the old official colour barriers. They fear a "no" vote — and find themselves in the curious situation whereby only one member of such families has the vote on which the entire household's future depends.

(Report by J Collinge, 47 Sauer St, Jhb)



The Star 17/3/92

### Trudeau in SA

CAPE TOWN — Former Canadian Prime Minister Pierre Trudeau, who is on a private visit to South Africa, is expected to meet President F W de Klerk and ANC president Nelson Mandela. Mr Trudeau, who arrived in Cape Town at the weekend, would not comment.

His spokesman said Mr Trudeau would also meet representatives of the DP, CP and PAC.