

5. Aug.

2002 11:357

[NKATHA FREEDOM PARTY

No.6703

P.

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nâ\200\231{ o002 - I_\$_5

THE MERCURY.

â\200\230Monday, August 5, 2002

MDLETSHE STILL BASED IN ULUNDI

lGet a move

SIPHO KHUMALO

IVE maaor pari¬\202es repre-

I :i Isgnted in the KwaZyju-

Natal Legmlature have

" expressed. serious con-

cern that the Speaker of the

Pletetmaritzburg three manths

after parliament decided â\200\230that

thecxtysouldbeî¬\202:esoleseatof

.the leglslature. ..

Mdletshe, â\200\230who" was expected

â\200\230| to havÃ© moved to Pletermaritz:

bmgbytheendof .fune, 18 out of

.the country-

Ulundi, . which~ usÃ©d: . to

ghare the '.provincial seat

of the leg:slature with Pleter

maritzburg.

â\200\234In an.qpen letber sigried by

Aî¬\201'lcan Nattonal Congress

Chief Whip Ina Cronje, her New

National Party counterpart, Mr

Brian. Edwards, - African

Jeadar Josnne Dowps and: the

" Minority. Frontâ\200\231s Chief Whip

Sharneen Thakur Raubans:, the

parties, ralzed several concerns

over, Mdletshes ccmduct in this

| matter, . - -

"It s of great concern to us

â\200\230that diwring this time of reldcat-

maritzburg you, #s Spedker for

legislature, - Inkosiâ\200\231 Bonga y
Mdletshe, has failed to move to Â©

His. office â\200\230is still. based in .
â\200\230dently -

Chiristtan . DemocratiÂ¢ Party

-gaid.

ing from Ulundi to Pieter-

~on, parties
tell Speaker

: tbeleglslatureandchmrumnof'
the Executive. Board, have only

attended one out of the Jast five
board meetings. However, dur-
ing this sdmeâ\200\231 period ypu haveâ\200\231
seen fit to go on oviYseas trips
orf o lgss than two occasions, =
said the whips. - ..

Mdletshe- has been urged by
the foor whips to respond to

â\200\230iï~\202mmmw:riï~\202ngbynolateriï~\202mn

August' 9 2002 on the lssues

â\200\230raised. -

The anocraiï~\202c Alhance s
added its voice to the row, â\200\230with
its provincial leadex-, "Mr' Roger

';Burmws raisingâ\200\231 similar con-

cerns w;th Mdletsha mdependÂ»

Absentâ\200\230 I

â\200\234The 8peaker has been absant
froin hig affice despite the diff)-
culties relating to the previneial
auditor-generalâ\200\231s
admmtration of

Natal Legi angd the dis-

turbance hrovight about by flodr

crossing leglslahon, Burrows

A spbke,sman for the leglsla-

tare, Mr Malysi-Mnguni, said
" that the Speaker -was overseasâ\200\230

on governmentâ\200\234busmess and the
_process of moving from TUhundi:

toPlenermar;tzburg â\200\234in the
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into the :
e KwaZulu- -

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2002 11:98

5. Aug.

Monday, August 5 2002

THE MERCURY

Turnmg pomt for SA. p011t1cs

ASHLEY SMITH

CAPE TOWN: South African
politics faces a watershed week

as the United Demotratıc
Movement and â\200\230its allies tfy fo -

convince the Constitutional

Court of the nnconstitutionality -

of a set of laws allowitig MPs,

MPLs and councillors tadeffbctâ\200\230

to other parties and retatn their
seats.

The coilrt battle â\200\230sees, the"
United Democcratic Moveinent, .

the Pan African CongrÃ©ss, the
African Christian Democratic
Party and the research units of -
the universities of Steilenbosch
"and the Western Cape pitted

agalnst the govenmmnt and the' .

ANC. -

-mine.the political contml of at-
* Jeast two megacitles .~ Durban

â\200\230and. Cape Town. ~ â\200\234andâ\200\231 one

provincial - gove*rm:!ent -

"KwaZulu-Natal., -

Although the coirt cage- only.
begins tomorrow, the UDM, the

Inkatha Freedom Party,. United..
â\200\230ChristisnDemocratic Party and -
;the ACDP WwilF inafch to the

Gauteng provincial legistatire
today to â\200\230deliver .aâ\200\231 hei¬\201tion to

Madiina and Pmecial and
Local Government Mmisher'

Sydney Mufamadi: -, ,
UDM . natipnal secretary-
MahzoleDzko safd yesterday the

petition would call on the gov-.

ment to "Ã@hop cheatmz the'

- - votelsâ\200\235,
% The ouu:ome ls set 'no dster K

"If people Want (ponĩ¬\201c;al)

_stirength Ini elections and not try
-to steal it through the back
of . 'the. Constitutional - Court
lo be.completed on Thursday,

.argue - that- the constitutional
Justice "Minister . Penueil -

â\200\230President Mbeki purely for the
. sake.of political expediency

.power they should hest the:r '

door,â\200\235 Diko said.
Also planned for the duration

arguments, which are scheduled

was picketing and other protest
actions, Diko said.
The UDM and its allies wiil

amendment allowing for floor
erossing was signed into law by

â\200\234They will put it to the court
that lifting -the anti-defection
clause is a way for the ANC and
she NNP to complete their power.

sharing deals at all levds of
guvammm e

THE NATAL WITNESS, MONDAY AUGUST 5, 2002

Buthelezi:

- Zulus must
unite

- INKATHA Freedom Party

leader Mangosuthu Buthelezi
called on the Zulus to unite on
Saturday at a gathering at the
Princess Magogo Stadium in
kwaMashu near Durban and
said that after three years of
promises nothing has been
done to address the concerns
of traditional leadership.

Buthelezi said the establish-
ment of municipalities through
the elections of December 2000
created the clash between the . .
powers of traditional leader-
ship and those of the municipi-

palities. -
- As early as January 1999
promises began to be made
that legislation would be
passed and that even the Con- -
stitution would be amended to
resolve the conflict between
the powers and functions of
municipalities and those of tra-
ditional leaders, he said. - -

He said both President
Thabo Mbeki and Deputy Pres-
ident Jacob Zuma entered into a
- an agreement with the coaliti-
on of traditional leaders in .
terms of which government -
undertook to amend the Consti- .
tution to remove any obstacles
preventing traditional authori-
ties from exercising local gov-
ernment powers.

- However, soon after the
elections the matter was -
dropped and no significant step

was taken to complement that
agreement, he said Buthelezi. i

He said Zulus should shelve
their differences and unite
under a common leadership
to defend their interests. :

Buthelezi- said traditional

authorities as local government structures- are. vital to, promote development in rural areas.

Speaking about the capital, city of KZN he said the ANC has also breached trust by insisting on shifting the seat of the provincial legislature from Ulundi to Pietermaritzburg.

- Writer
pe . tness Repo ...-)

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[NKATHA FREEDOM PARTY

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9. Ave.

THE NATAL WITNESS, MONDAY AUGUST 5, 2002

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-Prln;on Gideon. Zulu Reft} chats to cheliman of the House of Traditional Laadets and lFPâ
\200\231leadei Mnr guunm Butheie!! at the kr:bizu (meeti
i Magogo Stadium i kwaMeshu at the weekand. Reports page 2

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__\THE NATAL WITNESS, MONDAY AUGUST 5, 2002,

. Medicines Control Council losing its independence, says TAC

Aids drug doubts slammed

is losing its independence and

â\200\230{5 not ensuring access to safe and effective Aids medicines, the Treatment Action Campaign said yesterday.

THE Medicines Control Council \

"It was reacting to reports that the "

MCC is reviewing its approval of the : anti-Aids drug Nevirapine, because it has â\200\234serious concernsâ\200\235 about its effectiveness and toxicity.

TAC national manager Nathan Geffen said: â\200\234There is overwhelming evidence that Nevirapine is safe - for mother-to-child transmission (MTCT). Not a single serious side effect has been reported when Nevirapine has been used for this. ,

â\200\234We are very concerned that [MCC registrar] Precious Matsoso and [MCC chairman] Peter Eagles. are ... acting with political motives

- Gion. If Nevirapine is banned it will :

make a nightmare of es,â\200\235 he said. â\200\230 On the recent. Constitutional Court judgment that ruled in favour of the TAC and its bid to speed up the provision of Nevirapine to pregnant HIV-positive women; he said: | â\200\234They are trying to scuttle the

Â»

the MTC's.â\200\230 pro- .

â\200\234The judge it, he wrote CUEHRGE: |

-reat solely on Nevirapine MTCT of HIV. The judge clearly states that government is not Presy - cluded from adapting its policy to a manner consistent with the Constitution ! "tution if equally appropriate or - Det- "ter methods become available. -

Pan Africanist Congress MP and
Aids activist Patricia dea\200\231Lille said:

to reduce

a\200\234We will defy any <.ieciÂ\$ion by the | a\200\2313a\200\230;a\200\2317}! al oax mâ
\200\230gg.:gem oA SRGL,

MCCâ\200\235.

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9.Aug. 2002 11:59

- Divisions a

[NKATHA FREEDOM PARTY

Monday August 5 2002 SOWETAN

headache
for ANC

By Noxolo Kweza
Political-Reporter

visions among the
African National Con-
gress provincial struc-
tures and concerns
about the unity of the alliance
dominated yesterday's special
provincial general council
meeting held at the Johannesburg

. City Hall.

As a result, the council vowed
to do everything in its power to
ensure that the alliance remained
strong and relevant to all its mem-
bers. The emphasis on unity comes

against the backdrop of recent
tensions between the ANC and its
alliance partners, * the South
African Communist Party and the
Congress of South African Trade
Unions (Cosatu). :

Conspicuous by its absence

- from the council's declaration
was any mention of the pending
national strike against privatisa-

tion; scheduled for later this year,

Addressing about 700 delegates
from 336 local branches,
'ANC provincial secretary Mr
" David Makhura said: "We would

not allow the right and far left

" forces, whose agenda is to

weaken the alliance, a chance to
divide or even break the alliance
and ultimately derail the national
democratic revolution.

The meeting was convened to

prepare for the ANC's policy con-
ference, scheduled for next month

The coupil has since called
on alliance structures to work in a
way that avoids discussing their
differences in the media and

instead use the mechanisms

agreed upon during the (Ekurhu-
leni) summit. .

â\200\234Alliance members have a
good working relationship and
we â\200\230commit ourselves to imple-
menting . the resolutions of the

â\200\230national summit, particularly the

Ekurhiuleni
Makhura said.

â\200\234Alliance partners are
expected to meet on August 12 to
develop a programme of action.â\200\235
He said that for the past
couple of years, â\200\234the ANC had a
history of divisions that, in some
instances, resulted in dissolution

declaration,â\200\235

of some structures. However, -

during lastâ\200\231 year things have

improved.â\200\235) -

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â\200\230Buthelezi not -
well mformedâ\200\231

B}r Noxolo Kweza
Political Reporter

NKaTHA Freedom Party (IFP) president Dr Man-
gosuthu Buthelezi did not know what he was
talking about when he accused the Government of
dragging its feet in resolving the role of traditional
i leaders in local government; ANC spokesman Mr

i Smuts Ngonyam: Said yesterday.

%

Buthelezi also recently told a gathering of more
than 13 000 IFP-supporters at Princess Magogo Sta-

_ divm ip KwaMasbu, near Durban, that the ANC had
betrayed trust by opposing the IFPâ\200\231s decision 10)

declare Ulundi the KwaZulu-Natal provincial capital.

Ngonyama said Buthelezi did not do his home-
work and that he should have discussed the issue with
cabinet ministers before making public statements
attacking the ANC.

â\200\234He would have been briefed about the latest

developments on this matter as Minister Sydney
Mufamadi is dealing with it. There was an agreement
recently on steps to be followed to resolve the

.matter,â\200\235 he said.

. Meanwhile, chief i-\202:rccfor for ministerial devel-
opment and support in the Department of Provincial

and Local Government Mr Sledge Selesho said

Mufamadi was expected to finalise his analysis of the
white paper on the role of traditional leaders this
week. The paper was submitted to Mufamadi about a
week ago. |

. Selesho said the document was expected to be
presented to Cabinet before the end of September.

He said Mufamadi was given the document after
a meeting between members of the Special Cabinet
Committee established to address concerns of tradi-

tional leaders six weeks ago. -

it was agreed during that meeting that the policy development process should be fast-tracked and finalised.

- Political analyst Advocate Sifiso Khane who teaches politics at the University of Port Elizabeth said Bathulezi's frustrations stem from the fact that his party never lost a seat in KwaZulu-Natal. -

"This is more than just an issue about amakhosi,

the TFP feels

that the ANC's failure to resolve the amakhosi issue has not been resolved, they must end up with nothing," Sifiso Khane said.

Sifiso Khane said Bathulezi must also be crying

out from now on. ks

IFP spokesman Rev. Musame: "The 2015 election was a setback for the party."

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BUSINESS DAY, Monday, August 52002

DA seeks parl_iamen'tarV' debate on pardonsâ\200\231

Ernest Mabuza

DEMOCRATIC Alliance

leader Tony Leon has called for a
parliamentary debate on contro-
versial presidential pardons given
to 33 Eastern Cape prisoners.

The call, made yesterday at a
party rally in Port Elizabeth, came
after Bast London delicatessen
owner Martin Whitaker was al-
legedly murdered by one of the
released prisoners.

Most political parties and for-
mer Truth and Reconciliation
Commission chairman Archbishop-

.

op Desmond Tutu criticised the
pardons. But justice Minister
Penuell Maduna defended the
pardons last week when he
signed pardon recommendations
for 40 to 45 more criminals.

*The fact that one person al-
legedly committed a crime; for
me it's neither here nor there be-
cause what you are saying to me

is that I must be so cautious as
never to make any mistake what-
soever,â\200\235 hesaid.

This incensed Leon. He said:â\200\231

I have instructed our chief whip

to apply for an urgent parliamen-

tary debate on this issue.

"Whatever the outcome of.

that debate, one thing is certain:
the {African National Congress)
failed Martin Whitaker, just as it
has failed the people of the
Eastern Cape.â\200\235

Leon criticised Eastern Cape
premier Makhenkesi Stofileâ\200\231s role
in the release, "The premier was
quite content to claim the status
of key motivator when the par-

Whitaker's murder,â\200\235 Leon said.

He also â\200\230criticised govern-
ment's handling of the leaked
draft of the mining empower-

ment charter. â\200\234Investors- wiped
R56,3bn off the market capitali-
sation of the principal SA mining
stocks after the draft was pub-

- lished." Leon said that when the

harm had already been done, the
government tried to distance it-
self from the charter, saying it was
designed to stimulate debate.
â\200\234The signal that the leaked

. . documents sent out â\200\224whose au-
thors were issues. But he has been -
remarkably silent since Martin -

thorship is apparently much
higher up the government food
chain than they care to admit â\200\224
sent a dramatic and drastic signal
to our business friends overseas
â\200\224sell SAâ\200\235]

He also accused govern-â\201liem

.of not being interested in creating
a stable and investment-friendly

climate. -â\201ie criticised the Com-â\200\231

- munity Reinvestment Bill, which

will force the banks to provide
housing finance to the low-in-
come housing market.

and instead of using a carrot
of incentives ... (Housing Minister
Sankie Mthembu-Mahanyele)
intends to use the heavy stick of
penalty and criminalisation. This
type of heavy-handed social en-

gineering will also have a raft of .

unintended consequences, most
of them negative, Leon said.

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BUSINESS DAY, Monday, August 5 2002

Fre# Kockott

MARITZBURG â\200\224 KwaZulu-Natal
legislature - speaker Bonga
Mdletshe could be -dismissed
should he not provide satisfacto-
ry explanation for falling to
relocate his office from Ulundi to
Maritzburg,

He also has to explain unde-
clared overseas trips and repeat-
ed absence from office.

" Other political parties except
his own-Inkatha Freedom Party
(IFP), have called on him to ex-

legislature's binding resolution
declaring Maritzburg as the only
legislative seat.

In terms of this resolution,
pa

plain bis â\200\234contemptâ\200\235 of the .

adopted during a full sitting of the
legislature an May 31, Mdletshe
and his office staff were required
to relocate their offices from
Ulundi to Marizbwg.

faited to do so, but has also

missed four put of the last five
meetings of the legislatureâ\200\231s ex- -
ecutive committee.
â\200\230This is despite Mdletshe sexv-
ing as the chairperson of the.
executive board. :

During this period he is said to
have travelled abroad on at least
two occasions without informing
the chief whips of other parties
serving on the comumittee.

In an open letter, the chief.
whips of tie African National -

KwaZulu speaker faces censure

Congyess, New National Paxy,
African Christian . Democratic
Party and Minarity Frent have ac--
cused Mdletshe not only of gross

. dereliction of duty, but also of
However, he has not only -

treating â\200\234the resofutions of the
highest legislative body in the
province with contemptâ\200\231.

respond to the charges in writing,
bynolaterthantheend of this
waek. i

The Democratic Alliance
provincial leader Roger Burrows -
safd should Mdletsheâ\200\231s explana-
tion nÃ©i satisfy lie legsaun?'s
executive board, action could be
instituted against him that could
ultimately finl 0 a snotion of no
confidence beingpassed.

&

The letter demands Mdietshe -

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[NKATHA FREEDOM PARTY No.6703 P.

2002 11:52

5. Aug.

BUSINESS DAY, Monday, August 5 2002

Rulling W111 be a test for SA's highest court

MA Mzizi

CONSTITUTIONS are not merely texts, embodying concepts, principles, and ideals. They are living documents, and their life depends in no small part on the institutions responsible for interpreting them. In 1994, that interpretative responsibility falls principally to a new Constitutional Court, wrote Margaret A Burnham in an article originally published in the January 1998 issue of the Boston Review. Undoubtedly the Roor-crossing legislation, which is presently before the Constitutional Court, provides the greatest challenge to the independence and integrity of the country since 1994. SA's constitution, justly acknowledged as one of the finest in the world,

contains inviolable principles and

/

" ideals to provide clear parameters

within which the nation is governed. It is not a bendable or a pliable text to serve the whims and fancies of the governing party of the day

Nor is it populist, For instance if a referendum was to be held now; it is very likely that the majority of people would vote for the restoration of capital punishment. The constitution is the ultimate guarantee of the rights of the individual against the "tyranny of the majority" of

Amendments to the constitution

" should only be effected in exceptional circumstances and when they are clearly in the interest of the entire nation, Or as [argued in Parliament for

the Inkatha Freedom Party (IEP) re-

cently, surely the principles enshrined in the constitution must be

difficult to amend and only after very careful consideration should amendments be contemplated.

Hovering ominously over this entire process has been government's failure to consult with civil society

over the proposed amendments to the constitution, The "bills -have been

rushed through Parliament without any apparent reference to opposition political parties, nongovernmental organisations, civic forums or canvassing the wider public.

In terms of the constitutionality of

the legislation, the IFP cannot see how the proposed amendment to the anti-defection clause can be separated from electoral reform because the two are fused together. There is some merit in the argument that the clause is solidifying the party system and that our democracy is mature enough to provide for greater movement.

if the time is ripe for reviewing the anti-defection clause, it must be done

-so within the context of wider electoral reform so that members can

cross the floor with the moral legitimacy that they are accountable and directly linked to the electorate who put them there.

That is one of the primary reasons why Home Affairs Minister Suthu Buthelezi established the Elec-

toral Task Team, chaired by Van Zyl ~ Slabbert; Why did government not

wait for the findings and proposals of the task team before bringing the legislation to Parliament? -

At least in this regard government has not been coy. It was pure political expediency as a bilateral accommodation between the New National Party and the African National Congress, as a resolution of the recent IFP annual general conference pithily put it. .

No one believes that if the scenario was reversed and the legislation was likely to tip the balance of power away

from the ANC, that they

was adapted for

would have proceeded with the leg-

isolation with such undue haste.
One must hope that consideration

. will be a red light to the Constitutional

Court in weighing up the argument
before it. Is this amendment in the
interest of the whole country or in the
interests of the ruling party?

If the technical arguments are finely
balanced, the moral imperative upon
the court to act impartially is un-
ambiguous. The court must strike
down the floor-crossing legislation, at
least until the task team reports back.

Tomorrow's ruling will clearly in-
dicate if SA is moving closer to a sys-
tem of government that is both a
wicket-keeper and umpire and which
in future may be prepared to
move the wicket every time the bowl-
ing gets a bit rougher.

W Mzizi is the IFP Spokesperson for
Justice and Constitutional Affairs.