

Cape Times

FRIDAY, OCTOBER 16 1992

James McClurg

THE Government has been accused by a leading political columnist, Lood of NP-supporting Beeld, of raising false expectations in NP ranks.

Many reasons were being advanced, said Lood, for the mutterings of discontent in the NP over the agreement reached between the Government and the ANC, followed by a fall-out between President De Klerk and Chief Mangosuthu Buthelezi, leader of Inkatha.

He believed there was one important underlying reason for this discontent — disillusionment.

For some time past NP supporters had been deluded into believing that a moderate alliance consisting of the NP, Inkatha, other homeland parties and coloured and Indian voters could win the first planned general election.

"When Inkatha, Bophuthatswana and Ciskei unexpectedly broke away from the Government's Codesa alliance, Nationalists began to see their dream of victory fading and the ANC gaining an easy victory.

"NP leaders ought to guard against arousing false expectations in whites. This is a time for more stick and fewer carrots."

FW's choice — ANC or Inkatha?

CHIEF BUTHELEZI'S declaration that he will not hold talks with President De Klerk so long as the State President regards himself as bound by his latest agreement with the ANC seems unlikely to reduce pressure for the gap to be bridged.

Writing in Die Burger, Dr Oscar Dhlomo, of the Institute for a Multi-party Democracy and former prominent member of

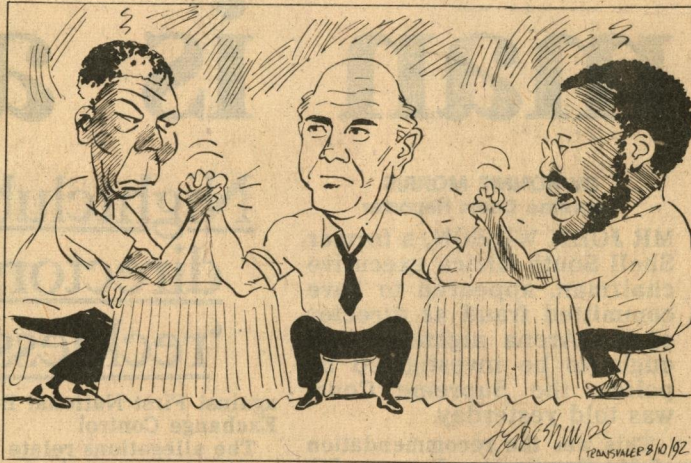
Inkatha, asked: "Can it be that President De Klerk has reached a critical stage where he can no longer satisfy both the ANC and the IFP and has to choose sides?"

"Has he perhaps done a political risk analysis and discovered it would be more cost-effective to ignore the IFP and propitiate the ANC?"

Whatever Mr De Klerk's motives, said Dr Dhlomo, he would be short-sighted if he ignored the IFP and its leader.

Meanwhile, in an interview with Anton Harber, editor of the Weekly Mail, Chief Buthelezi was "adamant" that he was not planning an alliance with other homeland leaders and the far-Right.

NP voters misled on election prospects — columnist



N. NATION 16/10/92

X Zulu king at an ANC rally?

ZULU king Goodwill Zwelithini should attend ANC rallies and not only those of Inkatha, Congress of Traditional Leaders of South Africa (Contralesa) president, Patekile Holomisa, told students at the University of Zululand this week.

Holomisa said the king was not only the king of Inkatha-supporting Zulus, "but of all the Zulus, including those who are members of the ANC".

Chief Holomisa also criticised the liberation movements, liberal politicians, the government and some homeland administrations for refusing to allow traditional leaders to participate in negotiations.

Contralesa viewed the negotiation of a constitutional solution "without descendants of the original rulers of the country" as tantamount to selling out South Africa's indigenous people, he said.

Contralesa respected all traditional leaders who were recognised and accepted by their people, said Chief Holomisa.

He said Contralesa would like to see a situation in Natal-Zululand where the king would not only be seen at Inkatha rallies and functions, but also at events organised by the ANC.

"If that were to happen, I am convinced that political tolerance would emerge in this part of Africa."

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ANC will march, say locals
Zululand observer
16/10/92

The ANC is determined to go on with its proposed march to Ulundi.

Media relations officer for the ANC (Northern Natal), Mr Bongane Msomi, insists 'it is still on'.

'We are definitely going to march', Mr Senzu Mchunu, regional secretary of the ANC (Northern Natal), would not disclose the date of the march, but gave the assurance that it would be made public well in advance.

'We have an idea of when we will march, but would not like to notify the media and public at this stage', he said.

2 The bastard always put you down!

Buthelezi mist ook in eigen stamland steun

OPINIE

Door Allister Sparks

16/10/92

Chief Mangosuthu Buthelezi's stormachtige afscheid van de onderhandelingen, juist op het moment dat president F.W. de Klerk en Nelson Mandela die weer op gang hadden gebracht, illustreert het chronische probleem van de politieke schermutselingen in Zuid-Afrika. In een samenleving waarin zwarten nooit hebben mogen stemmen heeft geen enkele zwarte politieke partij een bewezen legitimiteit. Ze pretenderen, paraderen, stellen zich aan, en maken overdreven aanspraken om hun invloed op het onderhandelingsproces te vergroten.

Sommigen beseffen dat hun invloed nu groter is dan ná de eerste verkiezingen die hen zullen terugbrengen tot hun ware proporties of zelfs geheel zullen uitschakelen. Dus oefenen ze — zolang ze de kans krijgen — zoveel mogelijk invloed uit. Dit betekent dat het land in gijzeling wordt gehouden door wanhopige minderheden.

Buthelezi is de belichaming daarvan. Hij geniet een internationale reputatie die niet in relatie staat tot zijn werkelijke aanhang. Pretoria presenteert hem als een van de drie grote leiders, samen met De Klerk en Mandela. Dat is misschien formeel juist in de zin dat zijn Inkatha Vrijheidspartij de op twee na grootste groepering is, maar zij is een armzalige derde partij, die ver achter de andere twee komt.

De kranten omschrijven Buthelezi gewoonlijk als 'de Zululeider'. Dat is een staaltje journalistiek steno, een simplificering die veronderstelt dat de leider van Zuid-Afrika's grootste en beroemdste stam van krijgers, inderdaad een macht vertegenwoordigt die niet kan worden genegeerd.

In werkelijkheid zijn Buthelezi's aanspraken op die status twijfelachtig. Opiniëpeilingen zijn helaas onbetrouwbaar. Het gebrek aan telefoons op het platteland maakt het peilen van meningen moeilijk en duur en opiniëpeilers wagen zich niet op het roerige platteland van Natal en Zululand. Zelfs als ze er zouden komen, zou de hoeveelheid wantrouwen en angst te groot zijn om betrouwbare resultaten te krijgen.

Maar er zijn aanwijzingen dat Buthelezi zelfs in zijn eigen stamland geen meerderheid geniet. De weinige opiniëpeilingen bestreken de belangrijkste verstedelijkte gebieden, inclusief Durban en Pietermaritzburg in Natal. Daarbij is gebleken dat Mandela's Afrikaans Nationaal Congres door meer dan zestig procent van de bewoners wordt gesteund en Inkatha door slechts twee procent. Grondig onderzoek onder de inwoners van de townships heeft soortgelijke resultaten opgeleverd. Een onderzoekster berichtte dat getugeteerd, onder wie een aantal Zulu's in het gebied van Witwatersrand, „met afschuw” over Inkatha praten en de voorkeur geven aan De Klerk en zijn Nationale Partij boven Buthelezi.

De absentiecijfers bij de massacties van het ANC ondersteunen

Verkeerde grandmeets
deze gegevens. Meer dan negentig procent van de zwarten in Durban en Pietermaritzburg reageerden positief op de oproepen tot een algemeen staking.

Ooit, in de jaren zestig en zeventig, had Buthelezi brede steun in zijn stamland. En hij had zelfs aanhang in andere regio's toen hij — het ANC en andere anti-apartheidsbewegingen waren toen nog verboden — zijn thuisland, gesticht onder het apartheidssysteem, gebruikte om het zwarte protest een stem te geven. Maar toen het — sinds halverwege de jaren tachtig — kwam tot een golf van protestbetogingen onder het surrogaatbanier van het Verenigde Democratische Front (UDF), gaven de Zulu's gehoor aan de bezielende oproep van die partij. Na Mandela's vrijlating in 1990 zwol het stroompje van avalligen aan aan tot een overstrooming.

Voor de altijd snel aangebrande Buthelezi betekende de verkleining van zijn achterban een persoonlijke belediging. Hij gedroeg zich steeds agressiever, eerst tegen het UDF en later, na de legalisering ervan, tegen het ANC. Wat een bevrijdingscoalitie had

kunnen worden, verwerd tot een machtsstrijd die escaleerde in een burgeroorlog.

Tijdens die die burgeroorlog heeft Buthelezi — die wordt gesteund door de meedogenloze politie van zijn thuisland, een politiemacht die tot vorige week werd geleid door een blanke officier van de Zuidafrikaanse politie — snel aanhang verloren. Jonge Zulu's en stedelingen hebben hem massaal de rug toegekeerd, waarmee zijn aanhang werd beperkt tot het bastion van de stammen in Zululand.

Het is moeilijk vast te stellen hoeveel aanhang Buthelezi nog op nationale schaal heeft. Buiten de Zulustam heeft hij niets, afgezien van een aantal conservatieve blanken die een zwart alternatief zoeken voor het ANC. Als we ervan uitgaan dat 45 procent van de Zulu's hem steunt, kan hij rekenen op drie miljoen van de 35 miljoen Zuidafrikanen, dus op ongeveer acht procent, vergeleken met — volgens helaas niet erg betrouwbare peilingen — naar schatting zestig procent voor het ANC en

25 procent voor De Klerks Nationale Partij.

Hoewel Buthelezi onlangs bij het afbreken van het onderhandelingsproces uitriep dat zijn Inkatha „een nationale politieke kracht” is, heeft hij duidelijk zijn pogingen gestaakt om een nationale achterban op te bouwen, en roert hij de etnische Zulu-trom in een wanhopige poging zijn regionale aanhang uit te breiden. Men beweert dat hij een 'Franz-Josef Straussstrategie' probeert toe te passen, door net als die Beierse leider een regionale machtsbasis na te streven die hem in staat stelt een nationale rol te blijven spelen.

Maar nu zelfs zijn regionale basis twijfelachtig is, wordt Buthelezi steeds krampachtiger. Hij zoekt aansluiting bij andere thuislandleiders, die hij in het verleden verfoeide, zoals Lucas Mangope van Bophuthatswana en 'de slager van Bisho', Oupa Gqozo — en zelfs bij blanke extremisten in de Conservatieve Partij en Afrikaner-Boerestaatsbewegingen, in wat verdacht veel lijkt op een poging om een afscheidingsbondgenootschap te stichten.

Het enige dat Buthelezi zich

met zijn slinkende machtsbasis niet kan veroorloven is een gang naar de stembus. „De IFP zal niet deelnemen aan verkiezingen (voor een grondwetgevende vergadering) en zal de krachten bundelen met elke werkelijke democraat die vroege verkiezingen afwijst,” zei hij op 27 september, toen hij de onderhandelingsstafel verliet.

Die „werkelijke democraten” vertegenwoordigen tezamen hooguit tien procent van het toekomstige Zuidafrikaanse electoraat. Wat Zuid-Afrika duidelijk steeds harder nodig heeft zijn verkiezingen, die het schip voorbereiden voor de strijd, de marionetten uit de weg ruimen en vaststellen wie voor wie spreekt. Vervolgens moeten de gekozen leiders onderhandelen over een nieuwe post-apartheidsgrondwet.

Wat Zuid-Afrika niet kan gebruiken is een lange, verbeterde verkiezingsstrijd tussen de hoofdrolspelers, die de onderhandelingen over een akkoord zal verlammen, en sabotagepogingen door de bijrolspelers die de verkiezingen willen opschorten, een scenario dat het land gevangen zal houden in een ongezond interregnum van frustratie en geweld.

COMMENT

Flexibility

THIS week's wage agreement concluded between employers and trade unions in the metal and engineering industry carries with it some uncomfortable lessons for both organised labour and business, and for Finance Minister Derek Keys too as he seeks to construct an economy based on consensus.

One lesson is so obvious that it should not even need raising. But the fact that the dispute included a four-week strike by 80 000 Numsa members and a briefer, smaller one by the Metal and Electrical Workers' Union makes it necessary to mention it.

Apart from a few selected industries and firms, the economy is in recession. Spare capacity and empty order books make a strike a far less certain economic proposition for labour than for business. That is why hundreds of companies were able to sit out the strike without making any concessions, and would have been able to continue doing so for some time even if the Supreme Court had not declared the strike unlawful because of balloting irregularities. Not that the strike did not make some employers a little bloody-minded, prompting dismissals of 3 000 workers at 80 plants. And, to the extent that the strike weakened the industry, the cost is being paid for in the form of more retrenchments.

Another lesson, less easily seen and more difficult to remedy, concerns the future of centralised bargaining. Strong, centralised employer organisations (like the

metal industry's Seifsa) and unions are important to the future of the economic forum which, it is hoped, will one day thrash out the basics of economic policy. This is already a difficult task given the wide range of opposing interests — labour versus business, the formal versus the informal sector, and protected versus unprotected industries. Atomisation of employer interests within industries will exacerbate this problem.

But the engineering industry's bargaining forum — next to mining the country's largest, affecting 9 000 firms and 320 000 employees — is threatening to crack up. Geographical differences militate against non-differentiated employment conditions. That is why businesses in the Free State and northern Cape, hit by the gold and diamond mining industry slumps, and Natal businesses, whose disadvantages are less clear-cut, have been offered special consideration should they apply for partial exemptions from the terms of the agreement. Similar differences in ability to pay apply between, say, the small engineering shops and the large, high-tech manufacturers.

The point is that, if centralised forums and employers' organisations are to survive to assist the process of joint economic decision-making which unions, business and government see as necessary to creating a framework for growth, unions are going to have to be willing to be more flexible when it comes to bargaining over wages and working conditions.

Death row

MORE than 270 people are on death row, and some of them have been there for years. Government suspended executions in November 1989, and it seems unlikely they will be carried out, because the suspension is expected to continue until a new constitution is enacted.

The Bar Council, through an editorial in its journal, *Consultus*, says the uncertainty is undermining the authority of the courts and is unfair to judges. Apart from the untenable situation for the legal system, the journal says, it is in the public interest that there should be clarity, and it is inhuman to keep prisoners on death row for unreasonably long periods. The death penalty should either be carried out, or abolished.

We believe it should be abolished.

In this transitional period, government is alternately accused of dithering or taking too many decisions on its own. When it comes to the death penalty, the stage has been reached where the resumption of executions is unthinkable. There would have to be daily hangings for months on end, or mass executions, to clear the backlog. And if these prisoners are to be reprieved, what justification can there be for reimposing the death sentence later?

Some will say the suspension of executions has contributed to the escalation of murderous violence in South Africa. A more likely cause is the breakdown of law and order. The certainty of punishment, not of death, should be the deterrent.

Amnesty Bill likely to draw flak from all sides

PRESIDENT F W de Klerk's controversial Amnesty Bill, which is to come before Parliament for discussion today, is expected to draw flak from most quarters.

De Klerk has several times in the past two weeks said he does not care about opposition to his unilaterally going ahead with the legislation to grant amnesty to security and state officials.

The ANC alliance, the PAC, the DP and the Labour Party have all expressed opposition to the Bill.

The ANC rejected government's offer to trade off the release of political prisoners for the general amnesty, insisting that only an interim government of national unity should be entitled to grant amnesty in a bid to forge reconciliation.

It insists that government cannot grant amnesty to its own members and has threatened to reverse the legislation later.

De Klerk, after meeting ANC president Nelson Mandela last month, said the legislation would be based on the same principles used in deciding on the release of the ANC's political prisoners.

The Bill would provide for full disclosure, to government, of the deeds for which the person was seeking amnesty.

Our Political Staff reports from Cape Town that the DP yesterday proposed that amnesty apply to political offenders only if there was full disclosure and following

BILLY PADOOCK

adjudication by a competent tribunal.

In an amnesty policy document released yesterday, the DP emphasises that no person should be allowed to escape disclosure and identification as a perpetrator of a political offence.

A general amnesty should not be pre-emptive of the process of reconciliation but should be a product of such a process, it says. "It is inapplicable and inappropriate that the present government should introduce or attempt to invoke amnesty proceedings. Accordingly amnesty legislation should be introduced by an interim government of national unity."

The DP document notes that every person seeking amnesty would have to be adjudicated by a competent tribunal which would investigate and report on the acts or omissions which led to the offence in respect of which amnesty was sought. "Any person who does not avail himself/herself of the amnesty process and procedures will be liable to criminal prosecution for whatever acts or omissions he or she might be charged with."

The DP also proposes that amnesty legislation should make provision for the victims of serious offences and human rights abuses, to be given recognition symbolically and substantially "subject to the resources of the state".

UN 'will be impartial in SA'

WASHINGTON — The UN could no longer take sides in SA, a senior UN official told a conference in Washington yesterday sponsored by the pro-ANC Lawyers Committee for Civil Rights under Law.

The UN had supported the ANC and PAC at a time when black South Africans could not speak for themselves, but that time had now passed, said UN special political questions director Hisham Omayad.

He made it clear that the role of UN agencies like the Centre Against Apartheid, which earlier this week held a session in honour of SA political prisoners, was being downgraded.

In strong contrast, ANC constitutional expert Dullah Omar suggested that the liberation movements should continue to

SIMON BARBER

receive preferential treatment from the international community because they had a higher "moral claim" than government.

He was supported by journalist Allister Sparks, who attributed the root cause of violence in SA to efforts by elements in the security establishment to destabilise the ANC, with at least partial support from President F W de Klerk.

Omayad headed the first team of 10 UN observers sent to SA to monitor mass action in early August, and accompanied special envoy Cyrus Vance and his deputy, Virendra Dayal, on their subsequent missions.

He said while the UN could act as a catalyst for constitutional negotiations, it "will not get directly in-

involved" in a process that had to be conducted by South Africans.

Omayad was involved in setting up elections in Namibia in 1989.

Omayad predicted that there would be "a minimum" of 100 international observers helping to defuse violence in SA by the end of the year, which would include the 50-member UN contingent.

However, the success of the teams being supplied by the UN, Commonwealth, EC and OAU, did not depend on their numbers, but "on the support they get on the ground", he said.

ANC 'will keep meeting government'

GABORONE — The ANC was determined to continue bilateral meetings with Pretoria to find a solution to SA's problems, ANC president Nelson Mandela told the OAU ad hoc committee meeting on southern Africa in Botswana's capital yesterday.

Before meeting government the ANC would have talks with other "patriotic front" organisations to evolve a common position.

Codesa would have to reconvene once the round of bilateral discussions was completed, paving the way for structuring an interim government.

PAC president Clarence Makwetu told the committee violence had not subsided in SA because the root causes had not been addressed adequately.

He accused the state of sponsoring violence through mercenaries from Mozambique, Zimbabwe and Namibia.

"These mercenaries must be expelled under international supervision. Until this is done there will be no end to violence."

The PAC was offering itself as a mediator because it desired to end the violence. It awaited a response from the ANC. In that spirit, the PAC had met Inkatha president Mangosuthu Buthelezi and would meet government soon.

OAU secretary-general Salim Ahmed Salim recommended that OAU observers be sent to SA to monitor the situation. — Sapa.

Killings in Natal are on the increase

DIRK HARTFORD

KILLINGS and intimidation in Natal are on the increase — with Cosatu claiming widespread Inkatha-supported violence in northern Natal against its members and Inkatha alleging a new phase of covert ANC hit-squad operations in southern Natal.

Cosatu spokesman Neil Coleman said that since Inkatha's congress — when its president Mangosuthu Buthelezi "targeted" Cosatu — union federation members in the region had been terrorised.

He said the problem was particularly severe around Empangeni, where 18 Numsa members at Alusaf had been murdered this year. At Umfolozi Transport 15 workers had been murdered.

Numsa's regional secretary in Empangeni Mike Mabuyakulu said more than 600 Numsa members at Alusaf, fearing for their lives, had resigned from the union.

Coleman said workers at Alusaf, Spoor-net, Richards Bay Minerals and Indian Ocean Fertiliser reported being confronted by armed vigilantes demanding to inspect their pay slips for union deductions.

Those who were union members were beaten up and threatened with murder.

An Alusaf spokesman said the company was worried about the violence. Although there were no disruptions in the work place there was a war of attrition in the township. He said not all the workers killed had been Numsa members.

Alusaf employs 2 750 workers; Numsa's membership is about 1 300 members.

Inkatha spokesman Ed Tillet said in a report on violence that the prospects of civil war had been increased by the killing, since August, of 55 Inkatha members.

He said 230 Inkatha office-bearers had been murdered since 1985 — 49 since the peace accord was signed last year.

The report, in support of Inkatha's demand for the disbanding of ANC military wing Umkhonto we Sizwe, detailed recent murders and analysed the modus operandi of the ANC alliance in southern Natal.

□ Six people, including four from the same family, were shot dead at Oshabeni in Meh-lomnyama, near Port Shepstone, on Wednesday night, Sapa reports.

Police said yesterday a group of gunmen approached a house in the area on Wednesday night, claiming they wanted someone. The owner told them he did not know the person, and the group left. An hour later there were shots outside his house.

Too scared to investigate, he stayed indoors until yesterday morning when he heard that the Ngwazi family's home had been attacked and six people killed.

In Msobomvu, near Alice, four people — including an 11-year-old girl — were killed and six were injured in two simultaneous hit squad-style attacks on ANC supporters early yesterday.

Ciskei police confirmed the victims were ANC supporters.

Govt borrowing soaring

GOVERNMENT has, after only six months, borrowed almost R4bn more than budgeted for the full fiscal year, figures released by the Finance Department yesterday show.

A statement showed government had raised R22,4bn from the capital market. The extra borrowing is needed mainly because of the weak revenue situation.

The statement indicated there was only a slight improvement in the revenue position in September after a particularly bad month in August. For the fiscal year so far, revenue is up only 4% on the previous year against a budgeted 15,7%. Income tax and VAT were "much lower than budgeted".

The Budget deficit is now expected to reach 7% of GDP this fiscal year compared with a budgeted 4,5%. The Finance Department said the main reason for the higher deficit was the "intense" recession,

GRETA STEYN

that had lasted longer than expected.

"The influence of this on the exchequer receipts during the first six months of the financial year is obvious," the statement said. In the September quarter, revenue was down slightly from the previous fiscal year, implying a huge drop in real terms.

On spending, the increase for the year's first half was 18,1% against a budgeted 16,5%. The statement cautioned against concluding this pointed to an overrun for the full year of a similar magnitude.

The statement said government had completed almost 80% of the higher financing programme. It noted financial markets had already greatly discounted the Budget's course, and further upward pressure on the capital market rates for the rest of the financial year was unlikely.

ANC wary of Constitution Bill: Momberg

THE ANC regarded the Constitution Amendment Bill with suspicion in "these dying days of the Tricameral Parliament", Mr Jannie Momberg (Ind Simon's Town) said yesterday.

Speaking during the Second Reading debate on the Bill, he said the Minister of Constitutional Development should know from his dealings with the ANC that the organisation "will not look kindly on the appointment of token Blacks" (to the Cabinet).

The Bill did not aid the creation of transitional

executive structures.

The crux of the ANC's opposition to the Bill was that "we are busy with piecemeal changes to the constitution", Mr Momberg said.

Mr Isak Kruger (LP Nom) said the Bill contained an insulting element in that a person could be told he had the abilities to be a Cabinet Minister but not to fight and win an election.

Mr Charl Hertzog (CP Ladybrand) said the Bill would promote an undemocratic process in South Africa.

New govt will come 'through front door'

THE government would bring a transitional government in through the front door, not through the back door by means of the Constitution Amendment Bill, Dr Boy Geldenhuys (NP Brentwood) said yesterday.

Speaking in debate on the Bill he said the concepts in the Bill confirmed the government's commitment to constitutional government in the transitional phase.

The clause in the measure that permitted the indefinite appointment to the Cabinet of a person

who was not an elected MP was in line with agreement reached atCODESA on the desirability of separating the legislature and the executive.

The Bill provided for precisely the situation that might be the result of the negotiating process.

Mr Louis Stofberg (CP Sasolburg) said the clause that a Minister who became Acting State President would have to take an oath of office only the first time he held the position and not on subsequent occasions was "absolutely shocking".

It was a sign of the inner decay of the National Party in the years since it abandoned its principles that it could say that repeated oaths were tactical and were not taken seriously.

"We in the CP take all oaths very, very seriously," he said. The clause showed that the government was busy selling its own soul for a mess of pottage.

Black Minister 'would need bullet-proof Merc'

THE Constitution Amendment Bill was such a major piece of legislation that it would destroy the negotiating process, Mr David Curry (DP Pniel) said yesterday.

Speaking in debate on the Bill, he said no Black leader of stature would accept appointment to the Cabinet under the measure. Anyone who did would have to be given a bullet-proof Mercedes as well.

The government should withdraw the Bill and re-negotiate it. When Black leaders had approved it, "then you can come to Parliament with nominations".

Of course suitable people had to be brought into the Cabinet, but the National Party did not need the Bill in order to do that now.

It could have asked a nominated MP to stand down, or put a prospective Minister up as candidate in the seat vacated by former Minister of Finance Mr Barend du Plessis.

The Bill offered no checks and balances in the nomination process.

Under a future dispensation the constitution would be sovereign. Now, however, there was no sovereign constitution. "We have a sovereign Parliament and

therefore the National Party is sovereign."

"We are going to change that," interjected State President, De Klerk.

"That is exactly what the NP must guard against," said Mr Curry. "What tradition are you leaving to Black people?"

Nomination was an accepted democratic practice, but it was done under certain safeguards.

In the United States the Cabinet was appointed from outside the ranks of the legislature, but the Senate and the House of Representatives had to approve the appointments.

Constitution Bill^x will ensure govt is 'orderly'

THE aim of the Constitution Amendment Bill was not to bring about fundamental constitutional change or anticipate the negotiating process, but to ensure the orderly running of government in the period before transition, the Minister of State Affairs, Dr Gerit Viljoen, said yesterday.

Speaking in debate on the Bill, he said it was completely incorrect to say that the National Party was indirectly writing a new constitution.

He said a Minister appointed in terms of the Bill would still be responsible to Parliament.

Such a Minister would have to answer questions, handle interpellation debates and defend his department's policies in debate on his Budget vote.

"He can do nothing unless he has the financial means, and for that he needs parliamentary authority."

He would also be as subject to motions of no confidence as his elected colleagues.

"The Bill will in no way derogate from answerability to the legislative authority," Dr Viljoen said.

Under the present constitution the State President had unlimited discretion to appoint Ministers for up to 12 months.

It was only after that

period that his discretion was limited. This ruling had a certain arbitrary character.

If the president could appoint a Cabinet Minister for 12 months without special qualification, it was not such a great leap in principle to allow him to appoint such a person for as long as he wished.

Mr Fanie Jacobs (CP Loskop) said the Bill implied that any MP who was appointed to the Cabinet would no longer be answerable to his voters.

It had to be read in tandem with proposed legislation on the abolition of by-elections.

The other implication was that when this Bill was accepted, the Mandelas and Hanis could be brought into Parliament.

"Is this right or wrong?" he asked. "We say to the country out there that this Bill is so far-reaching in nature that you can appoint people who ought to have no claim or right to sit in Cabinet."

Bop rejects claim by SACC on human rights

BOPUTHATSWANA yesterday rejected allegations at a South African Council of Churches conference in Bloemfontein that human rights were deteriorating in the homeland.

A four-man delegation, led by Bophuthatswana's Minister of Population Development, Rev S S Seane, attended the third and final day of the conference focusing on human rights abuses.

Mr Seane reminded the conference that Bophuthatswana was the first territory in Southern Africa to have an

ombudsman, and that it was the only administration in the region that enshrined human rights in its constitution.

He stressed that Bophuthatswana's Bill of Rights did not merely pay lip service to the existence of human rights, but it directly affected the legislation of the country.

He cited a recent case where Bophuthatswana's Supreme Court declared null and void certain sections of the Internal Security Act.

The conference also called on the SA Govern-

ment to repeal the Bophuthatswana Status Act as well as those Acts relating to the Transkei, Venda and the Ciskei, saying "this should be part of the process of dismantling apartheid".

The delegates also called on the Bophuthatswana Government to allow people living and working in the homeland the freedom to belong to organisations of their choice and meet freely to discuss issues which affected their lives.

They called on all

Christians to set up a mechanism which would actively monitor, publicise and act on human rights in the homeland.

Referring to a planned march on Mmabatho, Rev J Tselapedi noted that no date had yet been decided on.

"We are not speaking of any march at all. We are speaking of a religious procession ... We will sing hymns. We will be walking. We won't be jumping or shouting or carrying memoranda." — Sapa.

4 die in attack on ANC supporters X

EAST LONDON. — Four people — including an 11-year-old girl — were killed and six were injured in two simultaneous hit-squad style attacks on African National Congress supporters at Mso-bomvu near Alice early yesterday.

Independent monitors,

including a United Nations representative in East London, rushed to the area which, according to Ciskei Defence Force figures, has been one of the most conflict-torn areas of the homeland in the last month.

Three of the dead were from one family — Mr

Ben Badi, his wife, Mrs Nowinile Badi (68), and their granddaughter Vuyokazi (11).

Mr Eric Badi, their son and an ANC member, and another woman family member, Nonsikilelo, were injured.

Mr Elby Ngece was killed in the other attack.

His 25-year-old wife, Nzipho, was injured. Their baby daughter was unhurt.

Two sisters, Nomuyo and Nokusola, were also injured in the 1 am attack.

A sixth victim was treated for a hand wound

and discharged from hospital.

Ciskei police confirmed that the victims were ANC supporters.

The police were conducting a thorough investigation, a spokesman said. — Sapa.

ANC, SACP 'wanted general amnesty'

Political Correspondent

CAPE TOWN. — Both the ANC and the SA Communist Party proposed to Codesa that the government should establish a general amnesty, applicable to political offenders regardless of political affiliation, according to documents obtained by The Citizen.

Both organisations have since stated they are opposed to the government's intention to introduce a general amnesty Bill at the present sitting of Parliament.

The Amnesty Bill is due to be published in Cape Town today by the Minister of Justice, Mr Kobic Coetsee, for consideration by Parliament next week.

The ANC proposed: "An Amnesty Bill should be drafted, then adopted and passed into legislation, to be effective in all areas which constituted the Republic of South Africa at May 31 1961."

In its submissions, the SACP said: "If it is felt that a general amnesty

would be the best solution, then this must be discussed in this group.

"Possibly it offers the best solution. It is simple, easy and clean."

The "group" referred to in the SACP document is Working Group 1 of Codesa, which dealt with amnesties, indemnities, exiles and citizenship.

The ANC document to the group states: "The ANC is desirous of creating a free political climate in which all parties and individuals involved in the process jointly agree that no parties or individuals should suffer criminally or by way of civil suit for activities, constituting offences in terms of South African law, undertaken for political purposes.

"The ANC submits that the preferable mechanism for providing such free and equal opportunity is to grant an amnesty to all organisations and individuals for previously defined illegal or delictual acts, with a cut-off date being the date of inception of Codesa.

In terms of the ANC proposals, the names of all for whom indemnity was sought should be published, with a three-month period given for possible objections to be lodged with a proposed Amnesty Board.

"All applicants shall be entitled not to be arrested or charged or detained in respect of any offences whatsoever, committed prior to the cut-off date until, such time as the Amnesty Board has disposed of their application."

The SACP said in its document that the speedy resolution of this volatile problem would be of enormous benefit to the negotiation process and the creation of a climate of peace.

"The advantage of resolving this once and for all is that it finally creates a cut-off point from which a new beginning can be made.

"Now, with a massive unresolved and murky problem, continued political violence is encouraged," said the SACP.

Mandela determined to push bilateral talks

GABORONE. —African National Congress leader Nelson Mandela yesterday said his organisation was determined to continue bilateral meetings with Pretoria to find a solution to the problems in South Africa.

He told members of the OAU ad hoc committee meeting on Southern Africa that, following its last meeting with the De Klerk Government, the ANC would hold further bilateral meetings with Pretoria next month.

"We will do everything in our power to ensure that the government honours the agreements which it makes with our

organisation," Mr Mandela said.

He said before these additional bilateral meetings, the ANC would also have discussions with a wide variety of other organisations in the Patriotic Front to evolve a common position which would be put to the South African Government.

He also said that Codesa, which had been put on hold after the Boipatong massacre followed by the Bisho massacre, would have to reconvene once the bilateral round of discussions was completed.

"This will pave the way for the construction of structures for the interim government," Mr Mandela was quoted as saying by

Ziana, Zimbabwe's domestic news agency, reporting from Gaborone.

"We hope that such arrangements will be reached before the end of the year so that next year we begin negotiations for a new constitution."

He said the ANC had an obligation to oppose the repression that was taking place in the "bantustans".

For this reason, the ANC was preparing for further marches to oppose repression in the homelands.

"We will continue to hold the South African Government responsible for these bantustan areas and engage it in discussion so that it removes curbs on political participation in these areas."

On unity, Mr Mandela said the OAU should "leave this matter to us".

He said the overwhelming majority of organisations that constituted the united front continued to work together.

"I am certain that in the fullness of time we will find the solution to the question of differences we have."

Also addressing the meeting, PAC president Clarence Makwetu said violence had far from subsided in South Africa because the root causes had not been adequately addressed.

Mr Makwetu said the state was sponsoring violence through mercenaries.

He said the death toll through violence had risen to 14 000 and the majority of the people were killed by high velocity weapons, not traditional weapons.

This clearly showed that only people from outside the borders of South Africa were involved in violence in Black townships. — Sapa.

THE CITIZEN, FRIDAY 16 OCTOBER 1992

More observers

FROM PAGE 1

Africa) is brought under control, no progress can be made in the negotiations (between Pretoria and the African National Congress)."

The Organisation of African Unity announced earlier that it would send a team of 15 to 20 observers to South Africa.

A one-day meeting in Gabon of the OAU's ad hoc committee on Southern Africa also agreed that Zimbabwe's President Robert Mugabe should contact political leaders in South Africa to seek a peace-

ful resolution to the country's problems.

OAU secretary-general Salim Ahmed Salim said the OAU observers would work independently of, but in co-operation with United Nations and other observers already in the country.

A special OAU representative would be based in Johannesburg to co-ordinate the deployment and activity of the observers, who could be deployed with the police, defence force and peace committees, among other groups. — Sapa-APR. Reuter

• See Page Four.

OAU and C'wealth observers coming

THE Commonwealth and the Organisation of African Unity are sending observers to South Africa.

The Commonwealth team will arrive today and tomorrow. Commonwealth Secretary-General Chief Emeka Anyaoku, said in London.

The 18-strong team, from a range of Commonwealth countries, includes the Director of the Australian Institute of Criminology, a former Deputy Commissioner of the Royal Canadian Mounted Police, a retired Nigerian general and a Ghanaian former Supreme Court judge.

Chief Anyaoku said: "All the major parties now accept that unless the violence (in South

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Bill rejected: Govt crisis

FROM PAGE 1

One of the effects of the Bill's rejection would be that Mr Derek Keys, Minister of Finance and of Trade and Industry, loses his Cabinet post on January 20, unless he obtains a seat in the House of Assembly before then.

He was appointed on January 20 this year, and the present Constitution required him to obtain a seat in Parliament within 12 months. This is one of the clauses the Bill would have repealed.

If the Bill is not re-introduced, a sitting member could be "promoted" to another post to create a vacancy for Mr Keys before January 20.

Changes to the 1983 Constitution require approval by each of the three Houses of Parliament and cannot be referred to the President's Council for adjudication.

The Bill would have enabled State President De Klerk to make appointments from outside Parliament, including Mr Keys and would have empowered him to name a chairman of the Cabinet when he is absent.

It was approved by the House of Assembly and House of Delegates, but in the House of Representatives (Coloured)

the vote was 39 in favour to 24 against.

Mr Roger Burrows, Democratic Party Chief Whip, raised as a point of order that in terms of the Constitution, this amendment required a majority of 50 percent plus one vote of the membership of the House of Representatives, or 43 votes.

Mr Eli Louw, Speaker of Parliament, then ruled that the Bill was "not approved in the House of Representatives". There was an immediate outburst from members of the DP, Conservative Party, Labour Party and Independents who had opposed the Bill.

The NP holds 44 seats in the House of Representatives, but one of its members had died and two others are ill and absent from Parliament. The Independent members voted against the Bill.

NP whips last night confessed that in moving the second reading, they had not considered the particular clause in the Constitution which required an absolute majority of the total membership of each House.

"Had we known, we could have delayed voting on the measure until we had the required majority," The Citizen was told.

Mr Keys smilingly

shrugged his shoulders when asked what he thought about the consequences. "I'm not commenting," he laughed. "I have always been in the hands of the State President."

Dr Tertius Delpont, Deputy Minister of Constitutional Development, who moved the second reading of the defeated Bill, said it was possible that the NP would seek a new ruling on the issue.

Legal experts would now have to study the Constitution to determine the situation. Only one of the clauses of the Bill required an absolute majority, rather than a simple majority, in each House. The question rose as to whether the other clauses were valid.

The clause requiring an absolute majority — 50 percent plus one vote — was that stating that the State President must preside at Cabinet meetings. The other clauses were not entrenched.

By omitting the clause allowing the State President to name an acting chairman of Cabinet, the rest of the Bill would require only "a majority of the members present" in each House.

The so-called Keys clause — allowing the continued appointment of the Minister of Finance —

could therefore achieve approval.

The NP said last night it might seek a ruling from the Speaker today in terms of Rule 136, that since the Bill had not been rejected by all three Houses, it could be re-introduced in some form.

Opposition parties indicated they would oppose any fresh attempt to introduce the same measure or any part of it. The DP and CP maintained the same Bill could not be re-introduced during the present session of Parliament.

Mr Ken Andrew, national chairman of the DP, said last night the party was very pleased at its success in defeating the NP on a constitutional Bill, because its members were wide awake and aware of the provisions of the Constitution and the Rules of Parliament.

"We think there are many unsatisfactory aspects of the Bill as it stands, so we are delighted that the Bill has been defeated."

"How the NP can unravel the issue now, I don't know. It also, of course, illustrates yet again the incompetence of the government, and its inability to do anything properly," said Mr Andrew.

GOVT CRISIS AS BILL IS REJECTED

By Brian Stuart

CAPE TOWN. — The government faced a constitutional crisis last night after a joint meeting of Parliament rejected the Constitution Amendment Bill, the National Party having failed to get the required majority in the House of Representatives.

Last night the National Party said it would consider re-introducing the Bill during the present session of Parliament in a form that did not amend an entrenched clause of the Constitution and therefore did not require an enhanced majority.

TO PAGE 2

Nat rift denied

By Brian Stuart

CAPE TOWN. — Rumours of a rift in National Party ranks were denied in Parliament yesterday by Mr Frik van Deventer, MP for Durbanville, who was said to be one of a number of Cape MPs who expressed dissatisfaction after the Kempton Park summit with the ANC.

It was announced yesterday that Mr Hennie Smit, MP for George, had been named as chairman of the Cape NP's information ser-

vice, after Mr Van Deventer stepped down from the post.

Mr Smit, who has represented George

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Nat rift denied

FROM PAGE 1

since 1984, is chairman of Parliament's Joint Committee on Security Services.

There were claims that the differences expressed at the recent Cape congress of the NP had not been resolved and could be raised at yesterday's NP caucus meeting.

The reports were denied by party sources. While events within caucus meetings are regarded with strict confidentiality, NP members were apparently satisfied with yesterday's caucus meeting.

Speaking during the debate on the Constitution Amendment Bill

yesterday, Mr Van Deventer said: "Let me make it very clear that the NP, that I myself, and the NP head council of the Cape, stand 100 percent behind the State President in the negotiation process and in the process of renewal."

To interjections from Conservative Party benches, Mr Van Deventer said that Mr Jan Hoon, MP for Kuruman and CP leader in the Cape, had to "stay out of the argument".

It was Mr Hoon who recommended him for the post of NP organiser in 1969. But while still in the NP, Mr Hoon had not had the courage to stand up within the NP structures and put his

views, but instead had resorted to "gossip in the dark".

"In the NP of today, we have the courage to do it, because the leader we have (the State President) is the greatest democrat South Africa has ever known," Mr Van Deventer added.

To a question from a CP member, he said he stood loyally by Dr Dawie de Villiers, as Cape leader of the NP.

Dr Andries Treurnicht, Conservative Party leader, said in a statement earlier that State President De Klerk had failed to satisfy some members of his own caucus who were "uneasy at the NP's direction".

Bill could provide a forward step: Delpont

THE Constitution Amendment Bill had not been introduced to bring about further reform, but it could be used to take a forward step if desired, the Deputy Minister of Constitutional Affairs, Dr Tertius Delpont, said yesterday.

He was replying to debate on the Bill, and apparently referring to the clause that will enable the State President to appoint a Black person to the Cabinet.

The NP had pointed out that there were "certain consequences of this legislation".

It had never said it was introducing the legislation because it wanted to pursue the path of reform. However, permitting black appointments to the Cabinet was a consequence that could be useful if those involved in negotiations wanted to make use of it.

"I don't believe this section will be used, but if it can be used, it's there to take a forward step."

It had been argued that the intention of the legislation was to make constitutional alterations, without consultation, that could have far-reaching consequences in that if people were appointed from outside, it could be said that a transitional

government or government of national unity was being set up.

"At no stage is it argued (by the NP) that it is the intention to take that step," Dr Delpont said. That statement had never been made in the committee appointed to draw up the Bill.

He also said he wanted to say categorically that the intention of the Bill had never been to allow appointment to the Cabinet of people who were not South African citizens.

Referring to CP objections to a clause that will allow a Minister to take the oath as acting State President once only, and not oblige him to repeat it every time he assumes the office, he said he did not understand the argument that this was a sign of moral disintegration.

The oath was that the acting President would be faithful to the duties that

the office demanded of him, and it could not be said that its moral binding force vanished because there were interim periods when a person was not holding the office.

He said Dr Denis Worral (DP Berea) had expressed doubts over the accountability of a Minister who was not an elected Member of Parliament.

"What then about the State President? Can it be argued that the State President is not responsible to this Parliament? Of course not, and yet the State President is not an MP."

He could not support the contention that in terms of the ethos of Parliament Ministers had to be an integral part of Parliament.

This might be an emotional argument, but it was certainly not a legal one.

Bill enables 'reversal of own affairs'

THE Constitution Second Amendment Bill was not aimed at bringing about a final re-arrangement of the own affairs dispensation, but was an enabling measure to allow for the planned, smooth, change-over from the old dispensation to the new, the Deputy Minister of Constitutional Development, Dr Tertius Delpoit, said yesterday.

Introducing the Second Reading debate on the Bill, he said it was aimed at reversing a process which had taken eight years to phase in.

Phase out

The powers being given to the State President constituted the only practical and effective

process by which the own affairs dispensation could be phased out in a planned and orderly way.

"It must be borne in mind that this legislation concerns not only principles, but also people.

"These provisions are, however, tempered by the requirement that all proclamations made by the State President in this regard must be tabled in Parliament that can disapprove of them, in which case they will lapse," Dr Delpoit said.

Chaos

Mr Jan Hoon (CP Kuruman) said that in his 23 years in Parliament he had never seen as much chaos as at present.

The role of the Ministers' Councils would fall away and the self-determination which Whites, Coloureds and Indians had until now was being transferred to an Administrator.

The Bill was the result of a constitutional dispensation which the Conservative Party had said in 1983 could not work.

Place being made for 'Gqozos': Louw

THE Constitution Amendment Bill was simply technical window dressing, Mr S K Louw (Ind Rust ter Vaal) said yesterday.

Speaking in debate on the Bill he said it was clear proof that place was being made for "the Gqozos of Ciskei, the Buthelezis of Ulundi, the Mangopes of Bophuthatswana" in the South African Cabinet.

What was needed in SA now was a democratic government.

More than 300 local government councillors had been murdered and eliminated as a result of legislation that was unacceptable.

"How many more do you want to mislead with this legislation?" he asked.

NP sees Constitution 'as legislative tool'

THE National Party Government merely saw the Constitution as a legislative tool in the hands of the majority party, and not as a basic law, Mr Colin Eglin (DP Sea Point) said yesterday.

Speaking during the Second Reading debate on the Constitution Amendment Bill, he said the DP believed the Bill was pre-empting the negotiation process.

Dr Corne Mulder (CP

Randfontein) said South Africa would probably be the only country in the world where a Cabinet Minister need not be a citizen.

ANC won't serve in 'any' Uncle Tom's Cabinet'

THE ANC and its allies would not serve in any Uncle Tom's Cabinet, Mr Rob Haswell (Ind Pietermaritzburg South) said yesterday.

"It really does deserve that name, because the government has not repealed Section Five of the constitution which prevents a Black man from becoming president."

He was speaking in debate on the Constitution Amendment Bill, which will allow the president to appoint Blacks to the Cabinet.

"At a time when we should be promoting democracy, the government is promoting autocracy," he said.

The State President's ability to hire and fire should be reduced rather than increased if the objective was harmony and unity in a multi-party Cabinet.

There was always the danger that if negotiations turned sour from the State President's point of view he would appoint or be tempted to appoint an

anti-ANC alliance Cabinet.

"There can be no telling what a desperate NP will do if they see their outside chance of defeating the ANC in the polls becoming an even longer shot."

The ANC was dedicated to creating a society which was permeated by democracy, rather than just setting up checks and balances

Judged by this standard, the Bill failed to meet the grade.

focus on the Press X

THE Universal Declaration of Human Rights of 1948 reads:
"The advent of a world in which human beings shall enjoy freedom of speech and belief, and freedom from fear and want has been proclaimed as the highest aspiration of the common people..."

"Article 19: Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."

Will post-apartheid South Africa accept these noble principles? Will it be truly free to exercise its responsibility?

To steal a phrase, it is in the need to protect society against human faults - greed, vanity and dishonesty - that Press freedom finds its purpose.

South Africans, blacks in particular, have lived through decades under a Government which has denied them information and knowledge. This has been described as human degradation, comparable to the denial of basic rights such as jobs and shelter.

As South Africa staggers towards a new order, white South Africans continue to know very little about life in black townships because of this denial.

And until now, very few white South Africans knew how on October 19 1977 the Government, in the form of one Jimmy Kruger, profoundly dealt black advancement - and unity - a death-blow.

It was on this day that, in one fell swoop, the *World* and *Weekend World* newspapers were banned together with 18 black organisations.

October 19 has become known as "Black Wednesday" because it was on a Wednesday 15 years ago that life in the townships came to a standstill. The forces of darkness had worked relentlessly during the previous night.

The late Mr Percy Qoboza, editor of the *World* and *Weekend World*, had been visited by Security Branch officers who officially informed him that his newspapers had been declared illegal.

Similarly, many other leaders had been visited and told their organisations had been banned.

This purge was premeditated. Earlier, Prime Minister Balthazar John Vorster, had warned the Press to "put its house in order".

Qoboza had been summoned to a meeting in Vorster's office in Pretoria - also attended by Kruger, then Minister of Justice and Police - about the "anti-Government line" the newspapers were adopting.

At a subsequent public meeting addressed by Vorster in Durban, a 3 000-strong audience of whites roared that the Prime Minister should ban the *World* and *Weekend World*. Kruger then did

Press freedom finds its purpose in the need to protect society from human faults. But will post-apartheid South Africa accept these principles? **Themba Molefe** explores the degradation suffered under apartheid which denied blacks the right to know:



Sowetan staffers Joe Tholoe, Mokgadi Pele and Mike Tissing took to the streets to demonstrate against Government threats to muzzle Sowetan.

it.

In spite of the argument being put forward that these newspapers were actually moderate and their existence important to both blacks and whites, this reasoning went unheeded.

Professor Anthony Giffard of Rhodes University argued at the time that only black journalists could articulate their people's aspirations and tell what was happening in their townships.

He said the paper gave prominence to the intrusion of police activity in the life of the community, demanded an inquiry into allegations of police brutality, told of people being ejected from their homes and defended the basic rights of people.

If whites had read the *World*, Giffard said, they would have realised earlier how blacks felt about Afrikaans as the medium of instruction at black schools.

"Whites seldom became aware of black issues until they reached disaster proportions," said Giffard.

After banning the newspapers Kruger said he believed in Press freedom... "but there are people in South Africa who can't write a straight story - they are politically-committed".

Kruger, who said the death in detention (on September 12 1977) of black consciousness leader Steve Biko left him cold, is dead now. So is Vorster.

In January this year media lawyer Mr Peter Reynolds observed that Section 205 of the Criminal Procedure Act remained on the Statute Book.

Section 205 of the Criminal Procedure Act is used by the State against journalists and for many years had been a matter of considerable concern, said Reynolds.

It provides that journalists can be subpoenaed to force them to disclose confidential sources or face jail.

"We need to clean up laws which unnecessarily gag the Press, otherwise we can expect a future government to take over where the present one leaves off," warned Reynolds.

Sowetan

16/10/92