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Counting down to democracy

Obstacles in the way of a constitutional settlement remain huge. The compromises they will demand make it impossible to predict with any certainty the course or timetable which negotiations will follow. But on the basis of the approach to date by the two main parties to the talks – the ANC and the government – it is now possible to construct a possible scenario for progress to the long-awaited liberation of South Africa.




Mandela

Nelson Mandela: AP/WIDE WORLD

THE GUARDIAN
Saturday February 20 1993

1 March 5   **MNPC**


'Multi-party Negotiations Planning Conference' at which a multi-party conference is organised on the lines of the abortive Convention for a Democratic South Africa (Codesa).

2 March - April  **Points of conflict**

Multi-party conference, or 'Codesa 3', to try to decide process leading to non-racial general elections and adoption of final constitution.


Inkatha insists this should not be 'Codesa 3', but a new forum, and that agreements reached at the Codesa talks are re-negotiable. The ANC insists that they will be binding.

CONSTITUTION

3 April - May  **Points of conflict**

Parliament to pass legislation for creation of a Transitional Executive Council (TEC) plus sub-councils to ensure free and fair elections. The multi-party TEC becomes operational in June.

The ANC demands that the TEC have executive powers especially over security forces and electoral matters. Government insists powers be advisory only.


4 Sept - Dec **5 Jan - April 1994** 

Present Tricameral Parliament to pass a new non-racial constitution for interim administration of the country, providing for non-racial elections and creation of a constituent assembly.

Non-racial elections for constituent assembly to work both as a 'constitution-making body' and parliament.

Points of conflict



Parties differ greatly on extent to which it will be bound by 'principles' agreed at multi-party talks. But ANC and government are both believed to envisage a 400-strong, single chamber made up of 200 members elected on regional lists and 200 on a national list.

6 1994 - 1999 

Rule by a coalition government, made up of parties winning more than a minimum number of seats in the elections. The threshold is likely to be either five, 10, or 15 per cent of seats.

Points of conflict

Structure and powers of this government disputed. ANC wants an executive president untrammelled by minority vote in the multi-party cabinet on 'specified' matters. The government is looking for a constitutional presidency and decision-making by consensus.

7 2000   

Majority rule

ANC and Pretoria rope Inkatha into the negotiation corral

DELEGATES and journalists at the World Trade Centre, the split-level Johannesburg venue where multi-party talks took place over the weekend, were provided upon arrival with a document setting out the procedure should the need arise for an emergency evacuation.

Point One read: "Don't panic. Try to be calm. We have planned for such an eventuality."

In the event, and despite negligible security measures, the conference unfolded without incident, the delegates from the 26 parties present returning home safely on Saturday evening.

The main objective of the two leading parties, the government and the African National Congress, was to see to it that crisis of any sort was averted. Political differences of substance were set aside and, as they had hoped, agreement was reached to meet again before 5 April.

When multi-party talks within the Convention for a Democratic South Africa forum broke off in May last year the tables at which the delegates sat were arranged in the shape of a horseshoe. This time, upon the advice of American experts, it was decided to arrange the tables in a circle — in the

manner of the United Nations General Assembly. This, the organisers were assured, would minimise confrontation.

And so it turned out, with even the Inkatha Freedom Party delegation, widely identified as spoilers-in-chief before the conference, meekly undermining the prediction of their leader, Mangosuthu Buthelezi, that this event was to be the most important in South African political history.

Inkatha bluster in the days and weeks before the conference had indicated that it would block all further progress unless the government and the ANC performed a complete about-turn and

From John Carlin
in Johannesburg

abandoned plans for an historic all-race election within the next year. Inkatha also wanted the notion of a federal state entrenched in the still-to-be-debated post-apartheid constitution.

Finessed by Roelf Meyer, the Minister of Constitutional Development, and Cyril Ramaphosa, the ANC secretary-general, Inkatha rolled over. A resolution was passed postponing the inevitable crisis until the next encounter. Every single potential political problem

was deferred. The trick, as ANC and government negotiators privately confirmed, is to rope Inkatha, the parliamentary Conservative Party and others fearful of democratic change into the process, thus making it all the more difficult for them to walk out — an option considered likely when the talks began on Friday morning.

If Inkatha walks out at the next meeting, the negotiators said, then it will be that much easier for the two big parties to say "Well, we did our best to bring them into the fold, now we'll just have to proceed without them."

Not surprisingly, both Mr Rama-

phosa and Mr Meyer, the co-captains of the process, declared themselves to be satisfied with the outcome of the talks. In separate press conferences on Saturday afternoon they echoed each other's words. "A great success." "A great day for South Africa."

Revealingly, too, each said that they expected the nitty-gritty of negotiations to be hammered out in private bilateral meetings rather than in public multi-party meetings. Several of these private meetings, including one between the ANC and Inkatha, are expected in the coming weeks.

No one was under any illusion that

any more than five or six of the 26 parties gathered at the World Trade Centre had any significance, much less support. But each one was democratically granted equal time to speak.

In the interest of order, and to avoid the customary tirades, a traffic lights system was installed next to the main microphone. Green meant the speakers could press on. Yellow meant their time was nearly up. Red meant stop talking. When the yellow light came on for Mr Ramaphosa he omitted a third of the text and raced to his conclusion. It didn't really matter. He remains in the driving seat.

THE OBSERVER, SUNDAY 7 MARCH 1993

26 parties set to take part in S. Africa talks

Johannesburg
Allister Sparks

TEN MONTHS after talks broke down, South Africa's main political organisations agreed yesterday to reconvene another, more inclusive constitutional convention within a month.

The new negotiating forum, given a deadline of 5 April for its first meeting, will resume where the Codesa talks left off, thrashing out the remaining details of how to draft a post-apartheid constitution.

This time, 26 parties will participate instead of 19. The newcomers include both the far-right Conservative Party and the black radical Pan-Africanist Congress, both of which boycotted Codesa, as well as African traditionalist groups and a white splinter movement, the Afrikaner Volks Union, which wants a separate Afrikaaner homeland.

The only political group still refusing to join in is the Azanian People's Organisation, a remnant of the Black Consciousness movement founded by Steve Biko in the Seventies.

Delegates were optimistic yesterday at what they called the constructive mood of the conference, despite some procedural wrangling that threatened

to derail it on its first day. The conference also survived a fresh outbreak of violence in Natal, where six schoolchildren were gunned down last Wednesday and 10 people killed on Friday.

Dawid de Villiers, the Minis-

ter of Public Enterprises who headed the ruling National Party's delegation, described the talks as 'a remarkable achievement' that would 'send a good signal to South Africa that all our political leaders want to overcome the problems facing us'.

There are still major hurdles: although the government and the ANC have agreed on the transitional process to follow, getting others to accept their deals will not be easy. And while widening the convention reduces the danger of revolutionary action from outsiders, the inclusion of the extremist groups will make it more difficult to get general agreement.

The most difficult issue will be to reconcile the government-ANC position that the constitution should be drafted by an elected constituent assembly, with the Inkatha Freedom Party's demand — backed by some other black 'homeland' parties and the Conservative Party — that the constitution should be drafted at an all-party convention before any election is held.

On the positive side, yesterday's conference appointed a 26-member committee to prepare for the resumed talks — an ongoing negotiating forum that will seek compromise formulae on these issues.

Joe Slovo, the Communist Party chairman who is on this committee, said he was encouraged by the positive mood there. 'I think people are getting tired of running the last mile five times,' he said.

Change in South Africa: Lessons from Namibia

Three years ago, following a year-long electoral/constitutional process under UN guidance, Pretoria yielded its rule over Namibia. This process was widely regarded as a trial run for change in South Africa when it could no longer be staved off.

That time now appears to be approaching. What are some of the lessons that can be gleaned from the Namibian experience?

Role of the UN. It is generally agreed that the Namibian electoral process would not have been "successful" without the presence of the UN in Namibia. Yet the UN presence was only a necessary, not a sufficient, condition.

Although South Africa illegally occupied Namibia, an international territory, it was able to dictate many of the terms of Security Council resolution 435 (1978) (which established the process for liberating Namibia) and then to hold off its implementation for a decade. Perhaps responding to this demonstration of political power, UNTAG, which was charged with overseeing the transition, came to Namibia unprepared/unable to deal with many basic threats to "free and fair" elections, e.g., widespread and continuous violence and intimidation by army and police units in the most populous part of the territory and blatant unfairness in government-controlled TV and radio. In addition, the UN Special Representative's interpretation of various clauses of res. 435 weakened its effect: He ruled UN police could not investigate complaints of intimidation and violence, but only refer Namibians to the South African police, even though they were often the alleged perpetrators. He also failed to require the dismissal of the incredibly brutal and mainly illiterate Koevoet police as unqualified for duty.

If the UN was so restricted in an international territory, it is unlikely that it or any other international agency will feel able to take any "controversial" (to Pretoria) action in "sovereign" South Africa-- or that it would necessarily be to the advantage of anti-apartheid parties if it could. However, an official presence, particularly if numerous and widespread, could inhibit much overt misconduct and could serve as a semi-guarantor/protector for private outside observers and press as they discover, document, and report conditions and conduct ignored or unreported by the international agency.

Time pressures. By holding up agreement on early steps set out in the schedule attached to res. 435, such as the terms of an amnesty for Namibian dissidents, South Africa forced UNTAG to agree to a series of unsatisfactory compromises relating to them: Each day spent in wrangling over these matters was a day lost to campaigning, a catastrophe for black Namibian parties whose members had never voted before. And the election had to be held on or about the dates specified in res. 435, since the rainy season would follow shortly and make balloting impossible.

This experience demonstrates the age-old truth that in negotiations time pressures are likely to put those who seek change at a disadvantage. Opponents of change will usually be able to pose a dilemma for the change seekers by forcing them to choose between small changes to be effectuated relatively soon and more desirable or far-reaching changes much later. Advocates of change, whose followers want total change immediately, have difficult choices to make-- and to explain and justify.

Electoral laws and practices. UNTAG had no staff members expert in electoral law or with practical experience in elections; and South Africa took advantage of this situation to draft a law that followed no known model. Cumbersome and confusing, it barred voting by Namibians living in Walvis Bay but permitted voting by some 10,000 white South Africans; hampered legitimate activities of party agents; enabled South African officials to unduly influence many voters; barred outside observers from the polling places; and built in opportunities for fraud and flummery by South African officials. Only last minute intervention by the UN Secretary-General's special counsel forced enough changes to produce a tolerable result; and the delay in reaching that agreement left the political parties less than a month to study the law and instruct their members about its intricacies.

Namibian political parties did not have the time or expertise to detect many of the shortcomings in the South African proposed law, nor the political clout to get it changed adequately. They were aided in this instance by outside observers, who were shocked by the law and its acceptance by UNTAG.

Constituent Assembly. South Africa made a final (unsuccessful) attempt to control events by issuing an (ultimately much amended) Constituent Assembly law. Draft provisions covered detailed procedures for the body as whole (unduly complicated and restrictive); selection and powers of officers; secondment of staff by the South African Administrator-General to the Assembly (a built-in Trojan Horse); provision for payment of salaries and expenses (potential bribery); voting procedure and adoption of constitutional provisions; control (virtual prohibition) of public demonstrations and petitions to the Assembly or its members; and a right of approval of all provisions of the constitution by South Africa!

Some of these attempts to control the Assembly and its deliberations were crude and obvious. Others, such as seconding staff and providing financial support for the Assembly, responded to actual or probable real needs and had therefore to be met by specific counterproposals, such as the right of the Assembly to coopt staff of its choice and to present a budget, which it determined and administered, for financial support. However, as one of the American drafters of res. 435 pointed out, in practical fact there is no non-military restraint on a constitution-drafting body except its own good political sense, as illustrated by the history of our own Constitutional Convention, which was established to amend the Articles of Confederation.

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NEC RESOLUTION ON NEGOTIATIONS AND NATIONAL RECONSTRUCTION

Further to our adopted document "Negotiations, a Strategic Perspective" this meeting of the NEC decides as follows:

1. We reject the National Party's power sharing proposal either for a permanent or fixed period.
2. In the interest of reconstruction and peace and the need to minimise the potential threat to democratic advance from divisive forces in the period immediately following the adoption of the new constitution, we declare our support for an Interim Government of National Unity (IGNU) which would exist up to the point of the adoption of the new constitution. After the adoption of the new constitution the IGNU would continue in the same form as a Government of National Unity and Reconstruction in order to phase in structures provided for in the new constitution.

The GNUR would exist for a specified limited duration, whose term would come to an end by the first election under the new constitution, which would be held no later than five years after the elections for the CA.

3. Such a GNUR shall be governed by the overriding principle that minority parties shall not have the powers to paralyse the functioning of the executive or to block the process of restructuring, more particularly:

- (a) It shall be made up of an executive in which there will be proportional representation of all the parties elected to the CA subject to a minimum threshold of 5% of the seats in the Constituent Assembly.
 - (b) The President shall be elected by a simple majority of the Constituent Assembly
 - (c) Representatives of minority parties in the cabinet shall be appointed by the President in consultation with the leaders of each party in question. The President shall have the right to insist on an alternative if the person proposed by such leader is, for specified reasons, unacceptable.
 - (d) In general the President shall exercise his or her executive powers after consultation with the cabinet.
 - (e) In the case of certain specified powers the President shall exercise his or her powers in consultation with the parties represented in the cabinet. In the event of a disagreement the President's decision shall require support from 2/3 of the members of cabinet.
 - (f) The specified powers mentioned in (e) are still to be negotiated and before an agreement is reached in this regard a detailed mandate will have to be obtained from the
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NWC sitting with either the chairperson or secretary of each region.

4. The meeting further reaffirms its positions concerning the Constituent Assembly that the Constituent Assembly shall be a sovereign constitution-making body which will be bound only by agreed general constitutional principles. It should be composed of representatives elected on the basis of national and regional lists. It would take decisions by a two thirds majority. Matters pertaining to the powers and functions of regions will also require an additional two thirds majority of the regional representatives sitting as a whole. The Constituent Assembly should complete its work as quickly as possible and not later than nine months after its election.

The NEC will continue to negotiate the issue of an effective deadlock breaking mechanism which would be used in case the Constituent Assembly is unable to conclude its work within the specified time frame.

5. The meeting of the NEC resolved that work should continue to build a national consensus on the question of future regional government, through discussions with other parties and organisations. All decisions concerning the powers, functions, boundaries and structure of regional government should be decided by the Constituent Assembly. Any Commission on Regions that may be established by a multi-party forum would, apart from delimiting electoral regions for the Constituent Assembly elections, only make recommendations to this Assembly.

6. Programme of Reconstruction and Development
In endorsing the package concerning inter alia a Government of National Unity, the NEC affirmed that such arrangements must, during the transition period itself, be reinforced by an effective programme of reconstruction and democratic transformation.

The ANC immediately needs to embark on a process to consolidate its ranks, supporters and those of the broad democratic forces around a transitional strategy to empower the oppressed majority.

This will entail:

- (i) identifying those key sections of the organs of state that require restructuring as a matter of priority.
- (ii) evolving an affirmative action programme, with definite time frames, to reconstruct the organs of state in conformity with a democratic society;
- (iii) a far-reaching programme of social and economic reconstruction to address the pressing needs of the majority of South Africa;
- (iv) a process of consultation and mobilisation of mass democratic forces and the convening of a conference on reconstruction and broad strategy. Such a conference to be held within four months.

MANDELA'S CHALLENGE TO THE CHURCH

Invited by the Free Ethiopian Church of Southern Africa to deliver a speech at their centenary celebrations in Potchefstroom on December 14, 1992, the president of the ANC, Mr Nelson Mandela, spoke about the historical links between the ANC and the Ethiopian Churches. He also took the opportunity of outlining the role of the church in South Africa today as he sees it.

For the information of our readers we publish the text of his speech - slightly abbreviated.

THE centenary of the Ethiopian Church should have been celebrated throughout the length and the breadth of our country because it touches all the African people irrespective of their denomination or political outlook. The Free Ethiopian Church of Southern Africa is one of the few surviving institutions from the previous century that is in the hands of the African people. This is a remarkable feat for which we have to give credit to the leaders of this church throughout the difficult years of the final dispossession of our people. Indeed our people were not only dispossessed of their

land and cattle but also of their pride, their dignity and their institutions. In celebrating this century you have, my brothers and sisters, disproved the lie that the African people cannot run their own institutions.

The links between the Ethiopian Church and the ANC and the struggle for national liberation in general go back to the 1870's when the products of missionary education observed and recorded that, as they put it, colonialism is a one teated cow that only feeds the whites. On the political front various provincial African political associations and newspapers mushroomed in the last thirty years of the nineteenth century. On the theological front African clergymen sought to free themselves from the fetters of white missionaries by establishing African Independent Churches. One of the most celebrated breakaways was that of Nehemiah Tile who founded the Tembu Church in the Transkei in 1884.

The fundamental tenets of the Ethiopian Movement were self-worth, self-reliance and freedom. These tenets drew the advocates of Ethiopianism, like a magnet, to the growing political movement. The political movement was to culminate in the formation of the ANC in 1912. It is in this sense that in the ANC we trace the seeds of the formation of our organisation to the Ethiopian Movement of the 1890s.

THE ROLE OF THE CHURCH

The contribution of the Ethiopian Church and the broad Ecumenical Movement in South Africa and internationally to the struggle against the heresy of Apartheid was unparalleled. One has just to look at leaders such as Archbishop Tutu, Dr Frank Chikane, Dr Beyers Naude and many more to measure the role of the Church in the struggle against Apartheid.

Some have argued that after February 2, 1990 the church took a little lonely walk in search of an identity and a role. Obviously this refers to the institutional church because individual Christians have been the backbone of the campaigns for accelerated and thoroughgoing transformation in South Africa.

We must, however, attempt to answer the question of the role of the church as an institution in the transition and beyond.

Politics & Religion

One thing that we must say unequivocally is that the church in South Africa cannot afford a retreat to the coziness of the sanctuary tempting as it may be in these confusing and challenging times. The church in our country has no option but to join other agents of change and transformation in the difficult task of acting as a midwife to the birth of our democracy and acting as one of the institutions that will nurture and entrench it in our society. That role suggests a number of tasks for the church in South Africa today of which we need only mention the following.

SPECIFIC TASKS

1. The church must warn its adherents against the dangers of **superficial changes** that may leave power and privilege in the hands of whites and a sprinkling of affluent blacks.
2. The church must keep in public focus the **legacy of Apartheid** and help to design strategies for addressing it.
3. The church must act as the **conscience** of the present and future society. This is what is sometimes called the ministry of values.
4. The church must take an active part in the mobilisation of our society for **democracy** including education for democracy aimed at creating a culture of tolerance and at enhancing the moral fibre of our society. As part of this process of education the church can also gear itself towards democratic practices.

"In the ANC we guarantee both the freedom of religion and the independence of the Church"

5. The church can help our people in the difficult task of **national reconciliation** that is underpinned by confession and restitution. The church will also help in the reconciliation process through a clear and unambiguous rejection of false reconciliation as it did throughout the years of its fight against the Apartheid heresy.

6. The church must put a lot of energy into the **war on violence**. It must help our society identify the root cause of the violence so that the scourge can be eradicated totally from our midst. Many of the victims of the violence look up to the church for spiritual and, sometimes, physical healing.

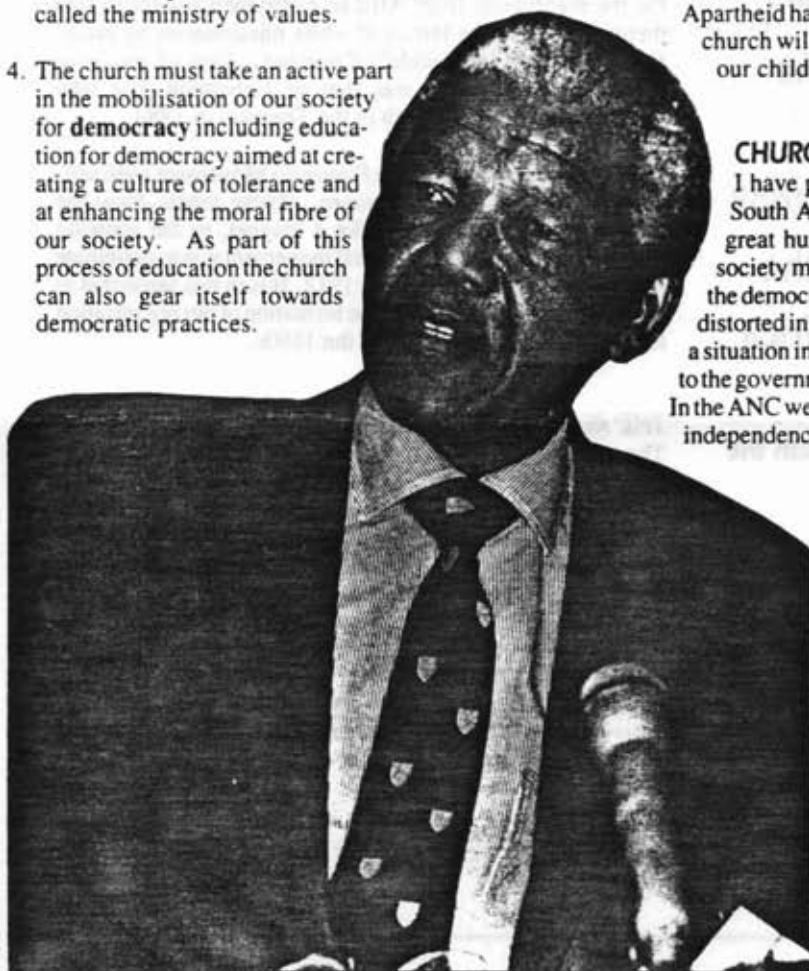
7. The church must take an active part in the **building of a new nation** in South Africa. National social reconstruction is a massive and difficult process that will among many other things, entail the reconstruction of the family and the community, the thorough democratisation of political institutions in practice rather than merely in the constitution, and the democratisation of the economy.
8. It is clear that the solution of the **education crisis** that Apartheid has created cannot be left to the state alone. The church will have to take some of the burden of educating our children for the challenges of the 21st century.

CHURCH A MAJOR FACTOR

I have put these challenges in front of the church in South Africa today not in a prescriptive spirit but in great humility. I am convinced that, unless we as a society make full use of the potential our churches have, the democratisation of our society is going to be slow and distorted in some instances. I would not, however, support a situation in which the church is subordinated, in any way, to the government of the day or any other societal institution. In the ANC we guarantee both the freedom of religion and the independence of the church.

Mr President, Officials of the Free Ethiopian church of Southern Africa and all adherents, I have put to you what I believe to be the issues that challenge the church in the period of the transition to democracy and beyond fully confident that the Free Ethiopian church is still going to be a major factor in our society as it enters its second century.

As I conclude brothers and sisters, I pray that God may give you strength and vision not only to survive another hundred years but to become a beacon of hope that all South Africans can look up to whenever difficulties arrive. □



WITH CHURCH HELP, HOSTEL RESIDENTS ARE WORKING TO STOP VIOLENCE
by Josephine Carlsson, Southern Africa Church News

"This is my father", said Mr Maganzine Dlomo, a Zulu living at Jeppe hostel in Johannesburg as he embraced a 88-year-old Xhosa man.

"He is the father of the whole community at Jeppe and we will protect and honour him," Mr Dlomo told representatives from more than twenty Johannesburg hostels who had come together on February 6 for a peace service.

After years of fighting that has been described as tribally or politically based (Zulu-Xhosa or Inkatha-ANC), residents in the large, single-sex hostels in black townships in and around Johannesburg have finally begun to make peace.

In December last year, the first peace service was held at Jeppe with 188 men attending, coming from only two hostels. This time at Selby, also in central Johannesburg, the service attracted almost a thousand from most of the hostels in the area; men that just a few months ago would only visit each other's hostels on killing raids.

"I know that some of you were even scared to come here today," Rev Mvume Dandala, a Methodist minister told the meeting. In November he had been asked by the residents of Jeppe and Selby hostels to chair their peace committee.

"Let us not fight with weapons, but with our minds," Rev Dandala said.

"Let us identify what is really oppressing us and let us fight to repair that and invite God to be with us."

"Xhosas and Zulus are brothers," Mr Dlomo from Jeppe hostel told the crowd. Mr Dlomo had been elected by his hostel to make contact with men living at Selby hostel, regarded as a Xhosa and ANC stronghold. He recounted how a few days after heavy fighting between the two hostels last August 25, he had gone to Selby and asked the leaders: "Until when will we kill one another? I haven't come to you with an apology, but whatever happened yesterday, I have come to you to ask: 'Is there no other way we can live?'"

He was, much to his own surprise, well received by the Selby hostel residents. They in turn elected five men, led by Mr German Mlatsheni, to continue the peace discussions.

At the February 6 peace service Mr Mlatsheni acted as host, welcoming representatives from other hostels who had come to pray and make a solemn pledge to keep the peace. As a symbol of this promise, a candle of "hope and pain" was lit - the candle, like the Selby hostel itself, surrounded by a barbed wire fence. After the service, all the men shared a festive meal.

"The most interesting thing is that the whole initiative is from the hostel residents themselves, with a real sense of seriousness and commitment on their part," Rev Dandala said after the meeting. "I have found myself that there are very wise people who are living in these hostels." Dandala cautions that it would be a disaster for any outside group to think that it could know what is right for hostel residents without an adequate process "to determine what the people who are living in those hostels feel."

Rev Dandala sees the role of the church in this process as affirming and restoring the people's dignity and common African culture. "I think people are looking for somebody that can mediate with integrity" he said. "There is recognition that the church has a critical role to play because the killing of people is quite a serious thing."

"On the other hand the fact that the church is still trying to stand for truth might antagonise people now and again. But I think the essence of the discussions we have had so far has been in saying that there is nothing wrong in differing in views."

There are still threats to this peace process from those who might want to incite violence. In South Africa's tense transitional period some political leaders may not approve of the peace, since a destabilised situation can further enhance their own goals of staying in power. And some of the hostels in the Johannesburg area have not yet adopted the peace pledge.

Still, Rev Dandala says: "I am extremely hopeful about the future because when people start and commit themselves to talking, if they allow social events to happen between them and start to know each other again on a personal level, that in itself reduces the potential of violence."

At the Selby peace meeting, well attended by national church leaders, the hostel residents' initiative got strong support. Rev Peter Storey, the vice chairman of a Regional Dispute Resolution Committee set up under the National Peace Accord, said he had learned from the residents how peace could be achieved "in action" and not just discussed on an abstract level.

Rev Frank Chikane, General Secretary of the South African Council of Churches, said "there are heroes of peace here and we should recognise the great work they have done. The message is that the people have made peace." Chikane warned the hostel residents to be "careful not to be led into violence."

"I believe there will be no more violence among us, if it comes it will come from somewhere else." (SACN)

PRIVATE security companies are becoming embroiled in Natal's war zones, where the line between political and criminal violence is increasingly blurred.

At least two companies and scores of individual security guards have been implicated in the political conflict between the African National Congress and the Inkatha Freedom Party. Exacerbating the situation is a lack of adequate controls and the fact that the companies are often staffed by former security force members and rightwingers.

Security companies and guards operating in kwaZulu are not subject to the restrictions imposed by the Security Officers Board, which stipulates that all companies and their employees be registered and that all employees have clean records. In effect, a convicted mass murderer may work as a security guard in kwaZulu.

Employees of Reaction Against Theft (Rat) have allegedly participated in attacks in Umlazi township. According to Umlazi residents, the Rat guards were approached by Inkatha-aligned councillors to help in an attack on ANC supporters last year. They said the Rat guards wore brown camouflage uniforms and that white men in identical garb were spotted at the scene of the conflict.

Shane Lockston, who heads Rat, allegedly sells rounds of ammunition to IFP supporters. He denied this, saying: "I can't afford to sell ammunition to Inkatha. I would lose my licence for weapons and have to close down."

Lockston also denied that his guards had participated in any violence, though he added that he had heard rumours to this effect. "I'm not at the site, I don't know what the guys are doing in the day. You don't know who you're employing these days. I employ 90 percent whites, and half of them are Afrikaner Weerstandsbeweging members. The AWB is Inkatha-orientated."

A source in the industry said many security company bosses had joined the IFP, which gives them easy access to gun licences in kwaZulu. Last year kwaZulu leader Mangosuthu Buthelezi issued a statement saying gun licences must be given on demand to IFP members, to protect their communities.

Gavin Ainsworth, a manager at Springbok Patrols, denied that he is an IFP member, though he was photographed as a delegate at the IFP's annual conference last year, wearing IFP garb.

According to security guards, their bosses prefer to recruit IFP members. Two employees

Security industry booms in Natal

Private security firms are having a field day in kwaZulu, where they are unregulated and the line between political and criminal violence is blurred. By PHILIPPA GARSON and SARA BLECHER

from CRG in Empangeni said they had been told they would be fired if they refused to become "informers" for their boss. Their company refused to employ ANC supporters, they said.

The industry source said: "Because of the good relations between Inkatha and the AWB, we employ mostly Inkatha members. When a person applies, he is asked about his political affiliation. But there's no trust of Inkatha people either. So those who do the dirty work are mostly whites."

"Most of the white members in the security companies are AWB members or sympathisers. Most companies take former army or South African Police guys because it's cheaper. They don't have to be trained."

The source described security companies as "the best front you can use. You can work in the townships and no one's going to ask you what's going on."

"People in companies do get up to things that are not necessarily company policy. There's no control over them, like in the police force. They work as individuals. The owner isn't in the field, he sits in his office. The guys in the field can do what they like."

Many guards, he added, move from one company to another to avoid detection. "A guy will pull off a job, maybe there'll be an unnecessary killing, then he'll move off to the next company."

Security Officers Board registrar Frans Lubbe confirmed that some companies were moving their offices to kwaZulu, where they do not fall



Gavin Ainsworth, a manager at Springbok Patrols, photographed at the IFP's annual conference last year, wearing IFP garb

under the ambit of the Security Officers Act.

"They are not compelled to register there," Lubbe said. "But that's kwaZulu's problem. They should say they would like to have them registered in terms of our Act. They don't fall under our control, but there's nothing we can do about it."

Even if a company is registered in South Africa, it may use unregistered guards in kwaZulu. Many Natal townships, like Umlazi and kwa-Mashu, which are a mere stone's throw from Durban, also fall under kwaZulu's jurisdiction.

Since the board was established in September 1989, it has registered 100 000 security personnel, who are subjected to extensive screening. According to Lubbe, "terrible stuff" has been weeded out in the screening process. "Some of the potential security officers we've eliminated are habitual criminals," he said.

The board has lodged an application in the Durban Supreme Court to shut down the business of controversial Combat Force director

Norman Reeves. In the murder trial last October of a Combat Force employee, it emerged that Reeves had issued "shoot to kill" instructions to his guards and offered R100 "bonuses" for every "black head".

During the trial, Mr Justice P Meskin referred to Combat Force as "nothing less than an unlawful private army". The trial led to an investigation of Reeves and his company by Natal attorney general Karl Koenig, which is still under way.

Reeves employs ex-32 Battalion and Selous Scouts members, and also uses *kitskonstabels* and police ammunition for his security operations. He was fined last year for possessing a number of unlicensed firearms, some belonging to the SAP.

Last week, the controversial director and his guards were at the centre of conflict between taxi drivers and a kwaZulu-owned bus company, Eagle Liner Intercity Coach Services, in Durban. Employed by the bus company to protect passengers and the driver, Reeves and his armed guards provoked angry responses from a crowd after arresting a man.

In Port Shepstone on New Year's Eve, a white security guard shot several people, injuring four, at a taxi rank. The incident occurred during a skirmish between residents and off-duty police, who arrived at the rank in a bakkie with covered number plates. A security guard from Balmarn Security also arrived and opened fire. Witnesses said the guard had arrived together with the off-duty police, but the police denied this. Peace monitors now fear that the carefully negotiated peace pact in the area is in jeopardy.

Evidence of the involvement of private security companies in political violence is not restricted to Natal.

In the Ciskei, Peaceforce, which aims to hire 2 000 people — the size of the Ciskei Defence Force — was involved in an incident in November during which schoolchildren were shot.

The Goldstone Commission is also investigating an incident where guards from Springbok Patrols were allegedly involved in an attack on train commuters in Soweto in November last year.

Lubbe said he had never received any information implicating security companies in violence: "Maybe there are certain security officers with political preferences, but they have specific duties prescribed by their employers."

No employers, Lubbe added, would admit to having political agendas.

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FROM: SOUTHERN AFRICA CHURCH NEWS

February 26, 1993

DUTCH REFORMED UNITY STUMBLES OVER RELICS OF APARTHEID
By John A Evenson

An attempt at unity between the racially separated Dutch Reformed churches in South Africa came to naught during a stormy, closed meeting in Bloemfontein, Orange Free State, February 18.

The concern for unity is important, not least because the white Dutch Reformed Church (DRC) will not be accepted back into the World Alliance of Reformed Churches until it has convinced that body that it has turned its back on apartheid.

The disruption of merger talks came as the "Coloured" Dutch Reformed Mission Church (DRC-M) and the "Black" Dutch Reformed Church in Africa (DRC-A) decided that the DRC's proposals for unity were little more than a continuation of apartheid, this time expressed in terms of the preservation of "cultural and ethnic groups."

To atone for the past, the two churches called upon their Dutch Reformed "mother" church to openly declare apartheid a heresy, affirm this as a confession of faith, and, in a demonstration of this confession, break its ties with the secret Afrikaner society known as the Broederbond.


These calls disturbed Dr Peter Potgeiter, Moderator of the Dutch Reformed Church. "I thought that was something of the past," he said, "because we have very clearly distanced ourselves from apartheid and everything that goes with it."

On the last call alone, Professor Potgeiter seemed to be on insecure ground. He and many other prominent leaders in the DRC are known to be members of the Broederbond, the clandestine protector of Afrikaner cultural, economic and political power since its founding in 1918. The Broederbond has been the elite think-tank of apartheid, orchestrating Afrikaner domination of the nation through members well-placed in church, government and commerce. Most of the cabinet, including President de Klerk, are Broeders, as are key leaders in South Africa's military, security police and civil service. Recent newspaper reports indicate the Broederbond's current strategy is to ensure "Afrikaner survival" by expanding membership from the ranks of educators, clergy and government officials.

"We are dismayed that the white church can be understood to be in the grips of the secret Broederbond," said Rev Zak Mokgoeba of DRC-Africa. "When you talk to them, you find that their allegiance is to the racist Afrikaner ideology...not to the Gospel of Jesus Christ."

DRC leaders, among them Broeder members Potgeiter and Professor Johan Heyns, defend the Brotherhood. Potgeiter says that his church has twice investigated the Broederbond and found "nothing that indicated that membership would detrimentally effect the work of a minister in the church." Prof Heyns protested questions in the meeting about his membership, saying if his "integrity as a human being was being questioned, we cannot talk any further."

But Rev Russel Botman, Vice-moderator of the DRC Mission church, said it is Heyns' integrity as a Christian brother that is at stake. Botman told Heyns, "If you are a brother of those in the racist Broederbond, then you cannot be



our brother."

The white church's model for unity also dismayed the DRC Mission and DRC Africa churches. The fact that the DRC has declared its congregations are now open to all races has not, in the eyes of Black church leaders, been more than a gesture. According to Rev Botman, the DRC'S proposal for unity still presumes separation to be the norm. It would set up a new "bonding synod" over the existing racially divided structures. All groups would meet in this synod for prayers and limited decision making, but policy for each of the old churches, now to be divided according to culture, would be determined by their own separate local and national deliberative bodies.

Instead of one integrated church, it would be "like a four-chambered parliament," said Rev Botman, "with White, Coloured, Indian and Black interest groups, defined now in terms of culture instead of race, each with their own synod."

The demands that the DRC must clearly declare apartheid a heresy and the condemnation of apartheid a "status confessionis", a confessional matter, are also stumbling blocks to the merger.

Until now, the DRC has refused to go beyond calling racism a "grievous sin" and apartheid a "serious deviation." The Afrikaner church is reluctant to condemn as heretics its former members, now dead, who, according to its Church and Society statement of 1998, supported apartheid with "honest and noble intentions...concerned to achieve the optimal development of all population groups within the framework of their own cultural traditions."

For the 85% of South Africa's people who suffered under apartheid, the white church's past blessing of the system of enforced racial discrimination is not as easily forgotten. Members of the Coloured and Black churches remember the pass laws; the forced removals from their houses and lands; the brutal police and security force activities against those who called for justice and human rights; the people killed in prison, in political assassinations or from disease in the poverty stricken homelands and townships. They are dismayed that white Christians believe they can erase the years of brutality by saying, "we made a mistake, apartheid was sinful," and then continue with policies, now less overtly oppressive, preserving white Afrikaner economic, political, cultural and religious power.

But white church officials seem to expect the black churches to be grateful for the DRC's admission that apartheid was sinful. They now adopt the role of victim, saying, in effect, "how can you not forgive us and accept our model for church unity?"

The meeting had one unifying result. The DRC-Mission and DRC-Africa church representatives had not been of one mind regarding their own unity plans. Set to merge themselves a number of times in the past, they stepped back because certain influential leaders thought it would be better to join all four Dutch Reformed churches together at one time.

Now, with a combined membership larger than the DRC, the Mission church and DRC-Africa plan to combine in a "Uniting Dutch Reformed Church" in April 1994. They have invited the DRC and the tiny Indian Reformed Church to join them in this fully integrated church, with people from all races united at every levels of worship and decision making.

According to Dr Sam Buti, Moderator of the DRC-Africa, the door for the DRC to join the Black churches is still open. "We are already one body in Christ, and we must work out that one practical unity in the structure of one body."

Rev Botman also urges the DRC to accept the invitation to "unite with the Black churches on the basis of a non-racial unity, with no protection for any group or racial cultures." "If they do," he says, "we will accept that as living proof that they have broken away from apartheid and have accepted the confessional stance of the Black churches."

Rev Botman is also adamant on the problem of the Broederbond: "We cannot have a church controlled by a faceless, anonymous power body. It is unacceptable. They must resign their membership in the Broederbond."

"We want deeds now," said Botman, "it is too late for words." (SACN)

How dead men tell tales on SA police

In his first exclusive interview, pathologist Dr Jonathan Gluckman tells **David Beresford** of his plans to lift the lid on murders in custody

THE career of the celebrated South African pathologist, Dr Jonathan Gluckman, is set to culminate in a confrontation with the authorities over what is likely to be remembered as his life's work — the exposure of police murders of prisoners in custody.

Civil rights lawyers are joining forces with Dr Gluckman to launch an independent investigation into deaths in detention, which seems likely to uncover a scandal even more serious than previously appreciated. The inquiry, headed by the Johannesburg silk, George Bizos SC, is expected to show routine collusion by doctors and magistrates in covering up police killings.

The decision to launch an independent inquiry by the civil rights group, the Legal Resources Centre, follows a recent row between Dr Gluckman and South Africa's minister of law and order, Hernus Kriel, over deaths in police custody. Mr Kriel produced a lengthy report on the subject — based on a police analysis of Dr Gluckman's medical records — and claimed the pathologist had slandered the force.

Dr Gluckman has responded, in his first interview since the controversy broke out, by challenging the minister to sue him.

"There is nothing I would like better than to stand in a court and be prosecuted for libel and slander of the South African police," he told the Guardian. "It would be the ultimate accolade of my career."

The 78-year-old Barts graduate, who won an international reputation as a result of his evidence in the Steve Biko inquest, has been in the news again over the last week as an expert witness in yet another case in which police are accused of murdering a prisoner.

The victim, a Soweto youth, Bethuel Maphumulo, surrendered himself to police after hearing he was wanted in connection with an armed robbery.

Police claim he subsequently drowned in a swimming pool while trying to escape. A bizarre account has been given by police of how Maphumulo, wearing handcuffs, engaged in

a life and death struggle with an officer nearly twice his size which culminated in the two men tumbling into the pool.

Dr Gluckman's post-mortem examination showed Maphumulo had suffered eight fractured ribs, among other injuries. Most significantly, he was found to have suffered a fracture to the hyoid bone in the neck which, Dr Gluckman has testified, almost always results from manual strangulation.

The dead youth's mother, Margaret, claims she was also beaten and given electric shocks by police after bringing charges against them over her son's death.

Dr Gluckman's office, in downtown Johannesburg, is decorated with photographs of the pathologist in the company of some of South Africa's leading lawyers during famous inquests of the past. Like that of Ahmed Timol, the anti-apartheid activist who in 1972 was enjoying a cup of tea with his interrogators (at least by their account) when he decided to escape by leaping out of a 10th floor window at security branch headquarters in Johannesburg. And the earlier Lenkoe case, over a detainee who was said to have hanged himself in his cell.

"That's when I started getting in conflicts with the police; when I realised they were a lot of liars," Dr Gluckman recalls. "Ernie Wentzel [a leading barrister who had had experience of security branch interrogation himself] told me where to look for signs of electric torture. I went and I looked and I found it — I would never have found it myself. It was a tiny little mark . . . between his toes. Since then I always look between the toes."

The outcome in the Lenkoe case, as with Timol, as with Biko, was "nobody is to blame", a phrase which has become an epitaph for so many deaths in South African police custody.

Paradoxically, Dr Gluckman has not appeared as a witness at many inquests. The reason, the pathologist explains, is that most cases are disposed of by what are known as "informal inquests" in which police and

magistrates agree on the cause of death without a formal hearing and often without the knowledge of the family of the deceased. "I would judge that the majority of such cases are dealt with by this informal inquest system."

Another alarming aspect of deaths in detention is the frequency with which post-mortems are seemingly fabricated by state pathologists or district surgeons. A striking example is the case of Simon Mthimkulu, aged 19, whose death precipitated last year's public blow-up between Dr Gluckman and the minister of law and order.

Curiously, Mthimkulu's death did not feature in the "Kriel Report" with which the minister attempted to defend the police force against Dr Gluckman's allegations. The teenager's body was found in the veld near Sebokeng township last July. Two friends who had been with him described how they had been picked up by a police armoured personnel carrier when they were seen near an abandoned stolen car.

The boys were taken to the local police station and, according to Mthimkulu's friends, badly beaten. His friends were released, but without Simon. Police subsequently told the Mthimkulu family that the boy had been "spanked" and also sent home.

The family went to the Legal Resources Centre which called in Dr Gluckman. The pathologist not only found a horrifying display of injuries all over the boy's body, but discovered evidence that the district surgeon had faked a post-mortem. The body had the conventional post-mortem incision, but when Dr Gluckman opened it he found the internal organs were undisturbed; the district surgeon had seemingly just made a cut and sewn it up again.

The pathologist is planning to retire this year. "I have my house, there on the wall," he says, gesturing to an idyllic photograph from the south of France. But he is determined to cap his career by nailing the South African police on deaths in custody.

Quoting the minister of law and order as having said that "the only reason he was not prosecuting me was that I was shortly going to retire," Dr Gluckman said fiercely: "There is nothing I would like better than to be prosecuted. In which case all of this can come out in open court, in front of a judge."

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Deaths



TOTAL DEATHS

February 1992 to February 1993

West must act or the losers take all

THE GUARDIAN
Friday March 5 1993

US recognition of the Angolan government is imperative to halt Unita's holocaust

Victoria Brittain

PRESIDENT Clinton's humanitarian air drops in Bosnia are an important symbolic gesture which recognises that the United Nations is failing and the US wants to redeem that failure. In Angola, where the UN's failure is far clearer, he should make an even more important symbolic gesture by announcing the immediate diplomatic recognition of the elected government in Luanda.

On Monday morning, the latest UN deadline for Unita to present itself for peace talks in Addis Ababa expired. Over the weekend a UN appeal for a truce and an offer of UN helicopters and a plane to fly Unita representatives out of Angola to Addis Ababa was refused by the rebels — not surprisingly as the delegation had never actually left the Zairean capital of Kinshasa to go into Angola. These rebuffs to the international community follow five months of a Unita offensive after the refusal of their leader Jonas Savimbi to accept the results of September's multi-party elections.

This offensive has shattered the country beyond anything even 16 years of the US and South African-backed war prepared people for — three million uprooted people are threatened with starvation, according to the UN.

In Huambo — the Central Highlands city which has become the symbol of resistance during its six weeks' siege by Unita — 10,000 people are estimated to have died, thousands are wounded, tens of thousands have fled into the bush. There is no water, electricity or communications, no doctors; patients have been murdered in their hospital beds; abandoned children wander the streets.

Dozens of other towns have similarly been reduced to rubble, or have become ghost towns after being taken over by Unita. In the paediatric hospital in Luanda, a child dies every two hours because of the lack of medicines.

This holocaust can be stopped by the international community. Diplomatic recognition of the multi-party government in Luanda by Washington would be a first step. Second, all governments, perhaps led for once by the British, should close Unita offices in their countries and urge the representatives to go back to Luanda where the 10 Unita deputies in the National Assembly is reassurance enough that they can still participate in opposition politics. A mandatory UN Security Council Resolution should enforce the compliance of South Africa, Zaire, Ivory Coast, and Morocco, countries which are still aiding Unita.

Finally, the war crimes tribunal being set up for Bosnia should be extended to cover Savimbi and other Unita leaders. These people have participated in the decision, publicly announced, to reduce the country to the level of Somalia, taken part in the current house-to-house killings, the assassinations late last year in Huambo of symbolically important

MPLA whites like the Marcelino family and Dr David Bernadino. They also ordered and carried out the burning alive of dozens of women in Unita's Jamba stronghold, and the killings of Unita leaders such as General Tito Chingini, once the movement's foreign minister, who posed a threat to Jonas Savimbi's totalitarian leadership.

There has been no public disapproval of any of these well-known crimes by either the UN, or the three-party observer mission of the US, Russia and Portugal. Nor did any of these powerful players on the Angolan scene ever criticise Savimbi or his organisation in the 16 months leading up to the elections when they prepared their military offensive under the nose of the UN. They refused to return huge areas of the country to government control, turn in their heavy weapons, bring their fighters in to the assembly points or commit themselves to work in the unified new national army.

Verbal condemnation of Unita has finally surfaced in recent weeks from the US State Department on January 23, when they feared the American oil installations at Cabinda were under threat, and on a recent visit to Luanda by Britain's assistant under-secretary of state, Anthony Goodenough, when his open criticism of Unita's military actions did much to reverse Britain's reputation in Luanda as a Unita supporter.

Eighteen years ago, the CIA's assessment of the 4,000 men in Unita was scathing, but went on to say that "we can prop up the FNLA and Unita so they go into independence on an equal footing... negotiated settlement."

IN THE last 18 months, aiming still to force that negotiated settlement, South Africa and Zaire have launched a campaign of economic destabilisation by means of a flood of banknotes printed in Zaire, sabotage of electricity and water, suicide commando squads trained by the Israelis and hardened by use in Inkatha operations against ANC supporters, marine commandos, constant supply flights into Unita-controlled areas, supply convoys of trucks through the Caprivi Strip, and a 50,000-man army with heavy artillery, tanks and helicopters.

US satellites yesterday located nine of the crates of emergency aid dropped into Bosnia before their intended recipients had found them. It is inconceivable that this technology would not have picked up the C130s and other smaller planes which entered Angolan airspace illegally for the Unita resupply from South Africa and Zaire. But the US chose to keep quiet about this attempt to overthrow a newly elected multi-party government.

The lessons for Africa are that the West has a very selective interest in the democracy it preaches, and that the UN lacks the courage to confront its most powerful members with the consequences of their partisan choices. For a minority of those in Mozambique and South Africa now also preparing for a post-apartheid transition, the lesson of the West's lenience towards Savimbi will be that violence can keep change at bay.

Mr Clinton's gesture towards the Angolan people cannot wait.

A founder member of Unita has been named new Angolan ambassador to London, *Victoria Brittain writes*. Former general Tony da Costa Fernandes defected from the movement last year.

Angolan Television in the capital city of Luanda said in late February that UNITA's information secretary, Jorge Valentim, had been arrested by Savimbi's security men as he tried to flee into Namibia.

The report quotes Valentim as declaring he had had enough of the war which he described as unjust.

Other UNITA officers were said to have been detained and yet another executed. A number of defections from UNITA occurred throughout last year.

On 7 March the Angolan government said it had withdrawn its troops for the long-contested city of Huambo. 10,000 at least are said to have been killed in the country's second city of over 500,000.