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#### THIS WEEK:

- \* Letter from the President: An African prayer for peace
  - \* Rule of law: Democratic institutions on a firm footing
  - \* What the media says: The difference between appearance and reality
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#### LETTER FROM THE PRESIDENT

##### An African prayer for peace

As Africans we are always thirsty for good news about all the countries of our continent to assess the progress we are making towards the renewal of Africa. It is therefore always very distressing to hear news that recalls the painful past of violent conflicts, wars, military dictatorships and famines, against which our continent is trying to turn its back.

May 5 seemed to be yet another day of good news for our continent, signalling that we were indeed advancing towards the realisation of the goal of Africa's renaissance.

On this day, Sudan took a step forward towards the restoration of peace in Darfur, as the Government of Sudan and one faction of the Sudan Liberation Movement/Army (SLM/A) signed a peace agreement in Abuja, Nigeria, after a protracted process of negotiations.

We take this opportunity once more to thank Nigerian President Olusegun Obasanjo, the African Union (AU) Mediator, Salim Ahmed Salim, and others who have been involved in the process to assist the Sudanese parties to conclude a comprehensive agreement that would end the costly conflict in Darfur.

We must also salute the Government of Sudan and Minni Arcua Minnawi and his faction of the SLM/A for taking the critical step to sign the negotiated agreement, thus creating the possibility for peace to return to Darfur, the refugees and internally displaced people to return to their homes, and the process of reconstruction and development in Darfur to commence.

It is most unfortunate that another faction of the SLM/A, led by Abdel Wahed Mohammed al-Nur, as well as the second Darfur rebel movement, the Justice and Equality Movement (JEM), decided not to sign the peace agreement. All of us therefore have an obligation to support President Obasanjo, AU Mediator Salim Salim, the AU Commission and others who have worked hard to secure the agreement of the warring parties in Darfur.

The agreement signed by the Government of Sudan and the SLM/A (Minnawi group) includes critically important elements that would have to be addressed in any agreement genuinely intended permanently to end the

conflict in Darfur. These are:

- \* a comprehensive ceasefire;
- \* a programme to disarm all non-statutory forces and integrate them in the national security forces;
- \* a resource-sharing formula;
- \* a power sharing agreement; and,
- \* dialogue and reconciliation within Darfur.

These issues parallel the similar issues contained in the Sudan Comprehensive Peace Agreement (CPA) signed in Nairobi, Kenya in January 2005, concluding the similarly protracted negotiations between the Government of Sudan and the Sudan People's Liberation Movement/Army, then led by the late Dr John Garang de Mabior.

Ever since the CPA was signed, we have been of the view that it provides an appropriate framework for the resolution of the crisis in Darfur. Necessarily, anything agreed about the future of Darfur has to be consistent with the CPA. We are certain that the Sudanese negotiators in Abuja understand this critical reality.

Though the CPA is a product of negotiations between two Sudanese players, the predominantly Arab and Moslem Government of Sudan and the SPLM/A, representing the black and non-Moslem Southern Sudan, it is of central relevance to the whole of Sudan. It creates the basis for the reconstruction and development of the whole of Sudan as a viable, stable and democratic federal state.

Obviously, anything agreed about Darfur cannot and should not result in unravelling the CPA. Rather, it should help to give meaning to the people in Darfur of the provisions contained in the CPA.

These include precisely the same issues contained in the Abuja Agreement on Darfur, such as equitably sharing political power and the country's wealth, and respecting the national, ethnic, linguistic, cultural and religious diversity of Sudan.

In the past we have said that with the conclusion and faithful implementation of the CPA, Sudan could provide our continent with a very important example of what we should do to address the fundamental problems that have resulted in conflict and instability in many African countries.

This is one of the central considerations that the Sudanese negotiators in Abuja must take into account as they negotiate what, for them, might seem to be merely a fight about the future of Darfur.

They must keep to the fore the understanding that what they will decide is of critical importance to Darfur, Sudan and Africa as a whole. This is one of the reasons that the African Union must remain centrally involved in working with the Government of Sudan and the population in Darfur to bring lasting peace to this region of Sudan.

The conflict in Darfur has resulted in strained relations and heightened tension between Sudan and Chad. The latter is now faced with the threat of a civil war. The Government of Chad has openly blamed the Government of Sudan for supporting the armed groups that have engaged in military campaigns to overthrow the Government of Chad.

Similarly, the Government of Sudan has accused elements within the Chadian Government of supporting the rebels in Darfur. The situation is of course complicated by the fact that Sudan and Chad share some ethnic groups, such

as the Zaghawa who live both in Sudan and Chad, and move freely across the boundary between these two countries drawn by the colonial powers.

The negative impact of the Darfur conflict on inter-state relations, as between Sudan and Chad, as well as Eritrea to the east, which Sudan accuses of supporting the Darfur rebels, must communicate the strong message to the Sudanese negotiators in Abuja that, truly, the resolution of the Darfur crisis and the overall challenges of Sudan, would make an important contribution to the resolution of Africa's problems.

One of Sudan's eminent sons, Mansour Khalid, a distinguished politician, international diplomat and writer, published a book in 2003, entitled "War and Peace in Sudan: A Tale of Two Countries." The book deals with the long war between the North and the South of Sudan, which ended with the signing of the Sudan CPA.

In his book, Mansour Khalid makes an important observation that the Sudanese negotiators in Abuja should take to heart, as should all of us as Africans, as we work to build stable and democratic diverse African nation states. Khalid wrote:

"In the case of Sudan, the mainspring of war has been iniquitous attempts by one group to gain immoderate advantage over a presumed rival under the pretence of enhancing 'national' acquisitions narrowly perceived.

"In this light, Sudan's war may fairly be traced to a sense of perverted nationalism that never cared to keep the mean between two extremes. Invariably, perverted nationalisms are driven by a winner-take-all inclination. On no account do they put up with relinquishing a little; they always hunger for taking all.

"This acquisitiveness invites, as a matter of course, retortion by those who suffer most from its consequences either to reparate injuries or end injustices (real or perceived). Those root causes of conflict, if not identified, recognised and dealt with, inescapably fester and burst."

A just resolution of the conflict in Darfur, and all the other historic tensions that have affected Sudan, must indeed be based on the repudiation of any winner-takes-all approach, which makes it impossible to build the inclusive societies that are the only condition for the achievement of peace, stability and national unity and reconciliation in all African countries.

Everything must be done to expand the reach of the agreement signed in Abuja on 5 May, by ensuring that all Darfurians are persuaded to board the Sudanese peace train. Africa, and not only Darfur, Sudan and Chad, has great need for that piece of good news.

Thabo Mbeki

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## RULE OF LAW

Democratic institutions on a firm footing

The trial of ANC Deputy President Jacob Zuma, which came to a conclusion in the Johannesburg High Court this week, confirms that our democratic institutions are on a firm footing.

This was the view of the ANC and its Alliance partners - the SA Communist

Party (SACP) and the Congress of South African Trade Unions (COSATU) - who welcomed and accepted the judgement acquitting Deputy President Zuma on a charge of rape.

The Alliance partners have consistently indicated their support for the principled position that the law should be allowed to take its course, and that the rights and dignity of both the complainant and the accused needed to be respected and upheld.

The Alliance welcomed the fact that the case was conducted in line with key tenets of South African justice. These included that no-one shall be above the law, as enshrined in the Freedom Charter; the statement contained in our Constitution that: "Everyone is equal before the law and has the right to equal protection and benefit of the law"; and the Criminal Procedure Second Amendment Bill, 2001, which says: "the accused has the right to be presumed innocent until proved guilty beyond reasonable doubt".

"We are relieved that this trial has come to a conclusion, as it has been distressing not only for the families involved, but also for the Alliance and the country as a whole.

"The trial process confirms that our democratic institutions, which we fought for over many years, are on a firm footing. The verdict was reached after an exhaustive and transparent process.

"We call on all South Africans to accept and respect the judgement handed down today. The judgement means that Jacob Zuma is innocent of the charges levelled against him, and, as the judge indicated, was falsely accused," the Alliance partners said in a statement.

Support for due legal process and respect for the judgement, regardless of its finding, is a necessary part of our common responsibility to uphold and protect South Africa's democratic constitutional order.

The Alliance extended a special message of support and empathy to both families involved, who, during a distressing time, have had to endure the public exposure of personal details that would under other circumstances have remained private.

The Alliance partners reaffirmed their abhorrence of the crime of rape and all other forms of violence against women. We will continue to press for the severest possible punishments for those found guilty of such offences.

They noted the comments made by Judge Willem van der Merwe on the need of all sections of society, including the media and other commentators, to respect the court and due process of law, not to proceed from a position of ignorance, and to understand that evidence led in a trial should not be taken as policy statements, particularly regarding the issue of HIV and AIDS.

Now that the case has been brought to an end, the Alliance commended its membership, in particular, and the people of South Africa, in general, for heeding the call to allow the legal process to run its course; to respect the rights and dignity of those involved; and to exercise discipline, patience and restraint.

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#### WHAT THE MEDIA SAYS

The difference between appearance and reality

For some years now, the newspaper, Business Day, has not hidden its antipathy towards our movement and government. It has seized every possible opportunity to try to discredit both these valued national institutions.

In this regard, it has worked consistently to acclaim and promote everything and everybody it saw as actually or potentially capable of contributing to the weakening and defeat of these institutions.

Ever determined to achieve the success of its special project, at all costs, it has not hesitated even to peddle outright lies to advance its cause. It obviously proceeds from the conviction that no activity whatsoever is prohibited in the promotion of its strategic objective.

Strategically, its objective is to remove the ANC from its position of leadership of the nation, and replace it with another political force. This also entails the possible transformation of the ANC itself into a qualitatively new entity, while enabling the partners of Business Day to appropriate to themselves the leadership and control, the name and noble heritage of the ANC.

To put this cloak of deceit in place, an intense struggle would be waged to achieve the objective to transform our movement into an instrument that would in reality be radically different from what the masses of our people have known from their experience of many decades.

Thus, despite the familiar rhetoric it would use, the "new" ANC would, in substance, cease to be the representative of the objectives and the value system that have helped to sustain the hopes and the revolutionary and fighting spirit of our people for centuries.

In its 3 May 2006 edition, Business Day published an editorial entitled "Democratic institutions". In the main, this piece appears to be focused on recognising and paying tribute to President Thabo Mbeki's respect for our democracy and our democratic institutions.

However, relevant to what we have said about the well-established strategic goal of the newspaper, the true import of this editorial is in its 'sting in the tail', contained in its last two paragraphs. The editorial provides an excellent example of the difference between phenomenon and essence, between appearance and reality.

The two paragraphs make the firm assertion that President Mbeki and the government he leads are determined to undermine one of the outstanding products of our struggles, our democratically elected national parliament. The newspaper described our national parliament as "arguably the most important of all our democratic institutions".

As an important aside, we must note that strangely and most regrettably, for Business Day "parliament" only means the National Assembly, with no consideration for the important constitutional reality that "parliament" also includes the National Council of Provinces.

In the editorial, the newspaper makes an allegation about "Mbeki's apparent antipathy towards parliament, with which he seems to want as little to do as possible in his personal capacity, including reducing the occasions where he is forced to answer questions in the house to an absolute minimum".

It also says that "the parliamentary committees' ability to oversee the executive has also been repeatedly undermined during (Mbeki's) presidency".

It therefore concludes that "(Mbeki) needs to re-examine his own attitude towards what is arguably the most important of all our democratic institutions, (our national parliament)".

Of course, Business Day would never be able to produce any facts to substantiate any of the allegations it makes about the President's and government's disrespect for parliament.

The point, however, is that the newspaper is not interested in the truth. This is because the truth would be an obstacle to the pursuit of its strategic anti-ANC and anti-government goals. It must therefore ensure that its readers have no knowledge of the factual reality of the functioning of our democratic system.

Once every quarter, during the annual parliamentary session, President Mbeki stands for two hours at the podium of the National Assembly to answer questions posed by Members of the Assembly.

This arrangement was agreed through negotiations between the Presidency and the National Assembly, conducted after President Mbeki assumed his position after the 1999 elections. It was not imposed unilaterally by President Mbeki on the Assembly. In the period since this agreement was concluded, to date, the President has done everything to honour it.

Because it has no facts whatsoever to demonstrate its assertion, Business Day would never be able to show what the President has done over the last 6 years, to date, to "reduce the occasions where he is forced to answer questions in the house to an absolute minimum". The point, however, is that the newspaper is not interested in the truth.

Throughout his presidency, from 1994 to 1999, and with the conscious cooperation and approval of the National Assembly, President Mandela was never required to interact and never interacted with Members of the Assembly to "answer questions in the house".

We know of no occasion when Business Day, or anybody else, criticised this as showing disrespect by President Mandela for "arguably the most important of all our democratic institutions", or undermining democracy.

As Deputy President during the Mandela presidency, Mbeki answered National Assembly Members' questions every week or fortnight, speaking on behalf of the Presidency. This included answering questions that, in writing, had been posed expressly to President Mandela.

Subsequently, then Deputy President Jacob Zuma, and later, Deputy President Phumzile Mlambo-Ngcuka, have both continued exactly the tradition that was established during the period when President Mbeki was Deputy President.

These Deputy Presidents were and have been reinforced by the fact that now, contrary to the 1994/99 period, the President of the Republic answers questions in the National Assembly, within time frames agreed with the National Assembly. No member of the National Assembly has therefore depended on the Deputy Presidents to answer questions these members want to pose directly to the President.

From the very first day of our democratic order in 1994, our members in government have respected the principle of collective responsibility that informs the work of cabinet. It was for this reason that, during the years of our first democratic parliament, the National Assembly accepted that the Deputy President could answer all questions for the Presidency, including President Mandela.

The ANC-led government continues to respect this principle of collective responsibility. In this regard, and by agreement, Deputy President Mlambo-Ngcuka answers questions in the National Assembly fortnightly, representing the Presidency, including President Mbeki.

Any suggestion that the Presidency, including President Mbeki, has sought to reduce its exposure to "members' questions" is entirely false. This suggestion has been made with absolute contempt for the truth, to promote a particular agenda.

Apart from the prescribed four annual two-hour periods when the President must, in person, answer questions posed by Members of the National Assembly, every year, the President is also obliged to interact with the National Assembly on two other occasions.

These are the presentation of the State of the Nation Address, which marks the opening of the annual session of parliament, and the Debate on the Budget of the Presidency.

On both occasions, members of the National Assembly are afforded the opportunity to respond to the President's addresses. As during "question time", on these occasions the President has to respond to the debate that follows his presentations.

We must also make the point that with regard to the Budget Vote of the Presidency, the debate of this vote gives the specific opportunity to Members of the National Assembly to comment as they wish on the performance of the President, the Deputy President and the Minister in the Presidency, within the context of their constitutional, legal and societal responsibilities.

In the twelve years of our democracy, nobody, including the Presidency, has ever tried to restrict or circumscribe any comments that members of the National Assembly might want to make, outside the context of rules decided exclusively by Parliament itself.

In addition, the President also addresses the National Assembly on various important national and international occasions, both at his request and in response to invitations extended to him by the National Assembly.

With regard to the latter, the National Assembly, rather than the President, makes the determination as to whether the President's statement should be debated by the House or not.

With respect to the rest of the national executive, all our ministers and deputy ministers regularly appear before the parliamentary portfolio committees, both at their own request and in response to invitations extended to them by these committees.

Contrary to what Business Day said about "the parliamentary committees' ability to oversee the executive", no section of the National Executive has ever refused to appear before and account to these committees.

To confirm this, one only needs to understand the budget processes, including the consideration of Supplementary Estimates. Neither the Annual Budget nor the Estimates could legally be allocated without honest and open interaction between the Legislature and the Executive, since the former allocates the public funds that enable the latter to function.

In addition, each national department of government has to submit an Annual

Report to parliament, which is duly considered by the legislature. All national departments of government have done this in all the years of democracy, respecting the task of the legislature to exercise its task to oversee the executive.

Every week during the parliamentary session, adequate time is allocated by the National Assembly for ministers and deputy ministers, organised in clusters, to answer questions posed by members of the Assembly.

Therefore, Business Day has an obligation to explain what it meant when it said that "the parliamentary committees' ability to oversee the executive has also been repeatedly undermined during (Mbeki's) presidency". It must also answer the question about what happened in the period 1999-2006, as different from 1994-99, which proves this editorial assertion.

Regrettably, we have not discussed the important issue of the interaction between the Presidency and the National Executive on one hand, and the NCOP on the other, which is an important House that Business Day obviously discounts as part of our parliament. Hopefully, we will have an opportunity in future to address this important matter.

Over the recent past, to date, our movement has had to address various specific challenges which it has never had to confront in the past. It would be idle to pretend that these have not and do not present a problematic situation to the entirety of our membership, organisation and popular base.

Those dedicated to the task to oppose and defeat us, such as Business Day, have made and are making the major mistake that all this gives them the God-sent opportunity to insert themselves into this situation, in their interest.

Accordingly, they are working hard to promote the weakening and destruction of our movement, trying at all costs to exacerbate what they have convinced themselves are irreconcilable contradictions within our ranks. At the same time, they strive to drive a wedge between our movement and the masses of our people, to undermine our mass support.

There are a number of factors that distinguish us from our political and ideological opponents, such as Business Day. One of these is that, at all times, we respect the truth. Another is that, at all times, we pursue policies focused on serving the interests especially of the poor of our country.

Yet another is that we make no promises to the people which cannot be achieved. Another is that we will never abandon the direction and the value system that has positioned the ANC, in the minds and hearts of the masses of our people, as their trusted leader.

Business Day may fight against us, and is free to do so. Neither the ANC nor the government will do anything to limit the capacity of this determined opponent to pursue its goals.

However, we know this as a matter of fact, that whatever might have happened yesterday and today, the hopes and prayers of the opponents of our movement, including Business Day, that during the 94th year of our fighting existence, we will collapse under a heap of internal contradictions, encouraged by forces external to our movement, will be stillborn. The ANC lives! The ANC leads!

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