

COMMISSION OF INQUIRY
INTO THE SOUTH AFRICAN COUNCIL OF CHURCHES

HELD AT PRETORIA

ON 11 MAY 1983

CHAIRMAN:

THE HONOURABLE MR JUSTICE C F ELOFF

COMMISSIONERS:

MR S A PATTERSON

MR T L BLUNDEN

PROF P OOSTHUIZEN

MR F G BARRIE

CHIEF INVESTIGATING OFFICER:

ADV K P C O VON LIERES SC

INVESTIGATING OFFICER:

ADV ETIENNE DU TOIT

SECRETARY:

MR M L MARAIS

ON BEHALF OF COUNCIL FOR THE

S A C C:

ADV S KENTRIDGE SC (Absent)

ADV P A SOLOMON

LUBBE RECORDINGS (PRETORIA)

/Idem

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THE COMMISSION IS RESUMED ON 11 MAY 1983

WOLFRAM KISTNER, still under oath:

MR VON LIERES: Dr Kistner, at the adjournment yesterday we were still dealing with conscientious objection and the article "Conscience in Conflict", and we had already dealt with the status of the document, its intention and so forth. There are just one or two loose ends I wish to tie up with you. Were you aware that there was a Committee of Justice and Reconciliation decision that such a statement or a document should be produced? --- Yes. 10

That is the one reported in the September 1975 minutes? Could I show that to you please? I show you now the minutes of the Committee Meeting of Justice and Reconciliation for the periode 16 to 17 September 1975. Have you got that in front of you? --- M'Lord, if I said yes, I referred to the resolution which you read yesterday, from 1976, on the document "Conscience in Conflict".

Yes, I refer now to the 1975 decision, that is the document - I want to show you that. --- Yes.

If you turn to page 2, if you look at paragraph 20 8.4, you will see it says there amongst others that The Reverend Wing presented a historical review of the question of conscientious objection which the Committee found to be extremely interesting and helpful. Have you got that?--- Yes.

If you then turn to page 3, you will see marked on page 3 that the Division recommended that a pamphlet on conscientious objection be prepared incorporating the paper of The Reverend Wing and further material. Do you see that? --- Yes. 30

If you now turn to page 4, where it is marked, you say, a pamphlet - it says there, a pamphlet was proposed and referred for action to the incoming Director? --- Yes.

Are you aware of this particular decision of your National Committee, the 1975 one? --- I am aware that I was told that I should do work on this issue. I am not - do not remember that there was any reference to these minutes, or this decision, but I was told that they wanted a pamphlet on this matter.

Now, the point I just want to make is this, that 10 even prior to your arrival at the South African Council of Churches, a decision had already been taken? --- Yes.

That a document on conscientious objection has to be prepared for publication. --- Yes.

And that the task to prepare that particular document was entrusted to your Division? -- Yes.

Fine. Now, you have told us yesterday that this historical review, in your view, should be amended in certain respects or should be altered, you are not quite happy with the document as presently advised. Now, although 20 the Executive and the National Committee were satisfied with the contents of the document, I think it could be of some importance if you could indicate to us in what respects you would consider alterations to this particular document "Conscience in Conflict"? --- I must say I have not studied that document again. If I remember that I felt that the research was not adequate at that time, and that in the historical review I would have to have far more details also on the background of conscientious objection in general, in other countries and also in South Africa, 30

and/...

and also the other history, what happened during the war, Anglo-Boer War afterwards, the First World War, and I had only used very secondary sources, and that was my feeling at that time. Moreover I felt that the issue itself - I was not sufficiently acquainted at that time with the issue itself, but I could not now pin down details in that document, what would have to be different.

Let us just deal with Part 4 of the document to which we have referred yesterday, which we discussed. That is the one with the heading "Conscientious objection, 10 a Lever for General Rejection of the South African System". Is there anything in that particular portion that does not satisfy you? That is the one you read yesterday? -- Yes. M'Lord, first of all, the information which I got about the Lusaka Conference was all information, at least about what happened there, with regard to this resolution which - information that could be used as background for understanding how this resolution was - came about. Secondly, the whole concept of holy war, I do not think, I should also have made more investigation of the concept of the 20 just war, and this is not yet in the document.

So subject to the correctness or otherwise of the oral information you received and used in Part 4, there is not really very much in Part 4 that you would consider altered? --- Well, I mean, if you do research, then you see what comes out of it, and then you decide what you have to write or not, but I found that the basis for this was inadequate.

But it may have been inadequate, but still you thought it was sufficient to write in the manner you have 30 presented/...

presented it here? --- I have ..

You completed the task you got from the General Secretary? --- No, I ..

At that stage? --- I said yesterday this was still an incomplete piece of work, and if I remember correctly, with Mr Rees, the General Secretary at that time, was concerned to show the Executive Committee the work I had been doing, because I was new. I do not remember that the Executive Committee studied the document exactly.

Let us accept that for a moment, and let us also 10 accept that it is common cause between us that your Committee accepted the document as being fit for publication after an introduction would have been prepared for it, the Executive accepted that recommendation. Now, from your personal point of view, you demonstrate to us - to the Commission that you are not quite satisfied with the research basis on which this document has been prepared? --- I said that was my - the reason why I did not continue at that time, and did not find to do that research.

Now, all I am asking you now is, what specificall- 20 ly do you have in mind that you wish to restate in respect of Part 4 of this particular - you have mentioned the Holy War? -- The Holy War, the whole concept of conscientious objection, the question of conscience, how can you test conscience, what is conscience.

So these are additional features you would want to incorporate there? --- Well, I did not say that I did - it is only glancing at it now. I do not remember exactly what I thought at that time, but I remember that I felt that this is incomplete and it does not deserve 30

publication.

Now, the point is, what you would like to add to it is extra material? --- Extra work and thinking.

Up to date, this document has not been repudiated by anybody in the South African Council of Churches? ---- I do not think it has been taken account of very much.

Allright. But nobody has said, this is not a Council document or it is inaccurate or we do not accept the contents of it? So it stands as it stands? --- I think, since I was not prepared to publish it, I did not make it 10 acquainted very much in the SACC, and I suppose you know how a meeting goes, where you have - an Executive Committee meeting where you have quite a log of issues, if that meeting is over, the people usually do not study all the documents which were presented, except if they are asked to do so and urged to do so, and this did not happen.

Well, you know, it is quite clear from your minutes of your Justice and Reconciliation Committee meeting, that this document was in fact discussed at length at this particular meeting. Do you recall that the meeting 20 instructed you for example to insert between pages 23 and 24 - 24 and 25? --- Yes, that ..

Some legislation on the military defence, and its effect on the Black community. Do you recall that? --- I do not recall it, but I saw it yesterday in the minutes.

Paragraph 9.1.1? --- Yes. I do not know whether I have the minutes - is it - yes, but are you - I read that yesterday in the minutes.

It is clear from that that the Committee looked at the document, they discussed the paper, as it says 30

here/...

here, it is to be published as soon as possible, they say, the Committee decided that The Reverend Wing and yourself should work out a short introduction referring to the historical background of the discussion on conscientious objection, then it instructs that a short paragraph be inserted on paragraphs 24 and 25, there is little doubt that sufficient attention was paid to it, similarly members who were present were Mr Rees, the then General Secretary, Reverend Massey - I am mentioning a few, Reverend Naude and so forth, and these people also attended the Executive of - of these 10 people also attended the Executive Meeting when this was confirmed. So the point I am just getting at is, from the minutes it is obvious that a lot of attention - or shall we say, that the document was discussed and subject to the amendments that that Committee proposed, it was accepted. Is that correct? --- Well, if it is in the minutes, it must be correct. Is that the minutes of the Executive Committee?

You have got the minutes before you? --- I do not see them here, no. I am sorry, I have not got my stuff.

Is not the real reason why this document was 20 not published, a completely different one? Is it not perhaps attributable to the fact that in the SACC you had a perception that the security legislation made it impossible to publish in a relevant way material on crucial issues? Was that not the reason why it was not published? --- I do not believe that this was the case, because I do not think that that was discussed, and I only remember my personal reservations against the contents and the inadequateness of the paper, incompleteness of the paper itself.

Let me refer you to a two-page document of 30
yours/...

yours entitled The Work of the Division of Justice and Reconciliation marked A3.3.1.1 and then in brackets, in your handwriting, 1977, question mark. It is undated and it - I do not know whether that 1977 is your handwriting? -- That is my handwriting, yes.

Is it? --- Yes. I think - yes, it could be, at least. I am not quite sure, but I think it could be.

Yes, it appears as if you were not quite sure whether the document related to 1977 or not. That is why the question mark is behind it. It is unfortunately undated. 10 But let us look at it, right at the bottom of this document, let us just identify it first. It is titled "The Work of the Division of Justice and Reconciliation", it consists of 1½ pages? --- Yes.

And it sets out the three main areas of work of the Division; it sets out the difficulties that are experienced in the work and considerations for future work on page 2, very broadly. Now, I would like to direct your attention to what you write here under the heading "Difficulties experienced in Work", paragraph 4 - Roman (iv) on page 20 1, sub-paragraph 3 there. You write here that the security legislation makes it impossible to publish in a relevant way material on crucial issues, for example, conscientious objection. Do you see that? --- Yes, I have seen that.

Now, is that not actually the reason why this document was not issued or published by the SACC? Because of the fear that the security legislation may step in? --- As I remember, M'Lord, this has not been considered with regard to this document. I would think if the document would have been completed, they would have checked it again, 30

but/...

but I do not know, I do not know those details. I remember only that I did not want to publish it.

Yes. I mean, I cannot do otherwise than show you what you have written yourself, the document in question is a history or historical overview of conscientious objection.
--- Yes.

Instructions were issued that it should be published, yet it is never published as other documents of the SACC were? You say you were not satisfied that it was accurate enough, but in your own writings one finds the 10 reservations that I have read to you, that the security legislation makes it impossible, this perception exists that the security legislation makes it impossible to publish in a relevant way material on crucial issues, for example conscientious objection. The date on the document is 1977?
--- Yes.

The date of the decision to publish "Conscience in Conflict" is February and March 1977. These two, I suggest to you, are so reasonably closely related in time, that this may very well be the reason. I do not know. I 20 did not write the notes? --- M'Lord, I only can say what was my motivation, and I cannot say anything else, that this - that I could not continue with work on the matter of conscientious objection, and there are other resolutions of the SACC in many cases which were not implemented simply because there was not the manpower to do it, and I was alone, and I cannot say whether this was the reason or not, but on my part, my reason was that one should not publish a document which is not more reliable.

But this is the observation you made, that 30
the/...

the security legislation is restrictive in the sense that it does not allow relevant material on crucial issues to be published. That is your observation; it is not mine? --- Yes, but it says, for example, conscientious objection, and we know that that is a very critical issue, but it is a general observation, if you publish something, you have to be very careful. And I suppose that even if I had completed the piece of work, as happened with other books, sometimes they were presented to lawyers for advice.

If it is accepted that the support expressed 10
for the liberation movements in that particular document, "Conscience in Conflict", would in fact amount to an infringement of the security legislation, whatever the name or title may be, then that would provide an obvious reason not to publish the particular document. Would you agree? I say if; I do not say it does or it does not? --- Well, that could have been the case, yes.

Now, you see, in this connection there is something that is - I would very much like you to explain to the Commission. If you turn to page 2 of your document, under 20
the heading "Considerations for Further Work", you say:

"It appears that little can be achieved at present in raising consciousness for Justice and Reconciliation issues by conspicuous activities and public statement, though these may also be necessary".

Do you see that, paragraph 3? --- Yes.

And just go to the top one where you say, subparagraph 2:

"Priority should be given to stimulating and co-
operating with small groups within the different 30
churches/...

churches which are prepared to take risks in the hope that they may influence a wider range of Christians". And if we can now go back to paragraph 3, I will read to you - page 2, the following sentence:

"In view of the diminishing tolerance level of the authorities an increasing pressure emphasis should be placed on assisting Christians in preparing in underground activity on non-violent resistance, and for sacrifice for a new order of society which guarantees respect of human dignity" 10

etcetera. Could you explain to the Commission what you are trying to convey with the suggestion that the emphasis should be placed on preparing Christians for underground activity on non-violent resistance? --- M'Lord, the first aspect is that I say here that emphasis on public statements may be necessary, but I really do not believe that this is the priority at this stage of the work of the Justice and Reconciliation Committee, because one should concentrate more on smaller groups, you can work better with smaller groups, and if - and you have to create an understanding 20 for the issues in smaller groups in the churches particularly, and that in such groups one can consider - large groups will never - or consider non-violent resistance, in smaller groups you can, because it always means taking risks. If you have a demonstration, of even if you do something within the church only, within the limits of the church, you would not get a great number of people doing such things, like for instance only going on the street with posters, which may be quite legal.

Let me just see whether I understand you. The 30
smaller/...

smaller groups, you can work better with them because they will more easily take a risk than the larger groups? Is that what you say? -- Yes, and they would more easily understand what it is about, because it means a certain commitment, and in any parish, I would say the same, if you want to introduce or make - create an understanding also for matters in the church, I prefer to work with a group in order that the parish as a whole gradually understands, and this is a general insight which has grown during the past two years, in other churches as well, that the 10 time for big conferences is not - or big conferences do not achieve, if you make statements, very often those statements, very often are not implemented. You must have people who are prepared to implement and to make sacrifices, personal sacrifices and so on.

Now, your insight that little can be achieved in raising consciousness for Justice and Reconciliation issues by conspicuous activity such as public statements, led you then to - this consideration that one should work with the smaller groups who are prepared to take the risks? 20 --- Yes.

In non-violent actions? --- Yes. M'Lord, I say these bigger meetings are also necessary, but if you make a statement and there is no following behind you, then that does not mean very much.

CHAIRMAN: What sort of risks did you have in mind would the smaller groups be prepared to take? --- Occasionally demonstrations, meetings, like - or things like Act Stop has done, making people aware of their rights, going into the houses, talking to people about these matters, 30

that/...

that is what I thought about.

You have not told me what sort of risks you contemplated would be involved in the activities of smaller groups?

--- If you have a demonstration, you have a risk of - first of all, the personal risk of getting ostracised, the risk of being excluded from people who are close to you, that is a risk, you can be arrested in a demonstration; that has happened, even if you stand outside with posters, protesting against certain events, those are risks to be taken.

MR VON LIERES: But those risks are all open risks, 10 when you walk in the street you demonstrate? --- That is right.

If you carry a poster, the public at large can see?

--- Yes.

Just take this one step further: these small groups have to take risks, but now, you must prepare them for underground activities? --- Yes.

On non-violent resistance. Now, in my language underground activity means a secret resistance movement or something similar? --- Yes. 20

In yours too? --- Well, I would see it like that.

I must say the term 'low profile' would have been better, because I do not think I thought of organising a secret organisation.

Yes. Now, what did you have in mind that this underground activity should comprise of? --- As I told you, the whole question, for instance the question of removals, the question of issues like we have, people are arrested, that you demonstrate, that you make people aware, that you get people who are visiting the families. I thought 30

about/...

about these things. I never thought about having a secret underground movement.

You see, I was just going to ask you now, the word 'underground activities' immediately conjures up a picture of unlawful activities. --- Yes, it does that.

And why is it necessary for the church that is supposed to act openly and above-board, for staff of the church, which claims it acts open and above-board, to even contemplate activities such as underground resistance, and all that type of jazz? 10

CHAIRMAN: I would rather you did not use that sort of word.

MR VON LIERES: I am sorry, M'Lord.

WITNESS: M'Lord, I see that this word can lead to this understanding, but you should also take into account the word - the way in which I have actually worked. I have never worked secretly, underground. All my papers have been open. You have had access to them. If you look at the work of the Division, it has not been secret, underground work. 20

MR VON LIERES: But this is the .. --- And it would have been foolish to do it like this. You would have all sorts of secret places where you hide your stuff, and this has not been the way in which the Division has worked. It has worked within the churches without any secrecy.

Yes, I think the answer is possibly also that these are considerations for further work. That is the heading of the article, and this subdivision, you are not saying you are doing it at the present moment, but these are considerations for future work. That is the heading 30

under/...

under which this item falls. --- Mr Chairman, if this paper was written in 1977, today we have the year 1983, further work has happened since that time, and you can convince yourself that no secret activity has taken place, and was not considered.

You see, there was something else that I found in your papers, surrounding your collection of material to prepare your - the Division's inset on the investment issue, which I also found very strange. This is contained in a letter you wrote to Dr Dejung of the Ecumenical 10 Research Exchange in the Netherlands. Do you know the gentleman? --- I know him, yes.

And this letter of yours is marked D531, and it is dated 18 January 1978, and in the second paragraph you ask the gentleman whether it is possible that you could obtain approximately 500 copies of the report, that is the ERE Report from him. --- Yes.

And that ERE Report concerned disinvestment, investment issues in relation to South Africa? --- That is right.

Then you say to him: 20

"Under the circumstances under which we in South Africa have to live and to work, it may be advisable to contact authorities, either in the Netherlands or in the Federal Republic of Germany, and ask them whether the papers could be sent to us with their diplomatic mail".

Would you just confirm whether that is a copy of the letter you wrote to The Reverend Dejung? --- That is right.

And what I have read to you, is that what was written there? --- Yes. 30

That/...

That this gentleman must use diplomatic pouches or try to use diplomatic pouches of the Netherlands Government or the German Government, to import documents you are looking for? --- Well, I cannot deny that I have written this.

Yes, but why such covered, underground way of getting in 500 copies of a pamphlet? --- Because we have had experiences that we do not get these papers often, such - that it is very difficult sometimes to get - we do not know whether it will not be confiscated.

So do you consider the circumstances justify 10 the flouting of conventions? You know, a diplomatic mailbag is a highly respected article, not to be interfered with by anybody? --- Yes.

And you see your way free to make use of a diplomatic mailbag if it suits your ends? --- I did see that way free, because I was anxious to get these papers to be studied, and I did not know whether we would get them.

Now, it is quite a drastic suggestion to somebody overseas to make to such a person, to say, ask this government or that government whether you can use his or 20 her mailbag. Has this happened on more than one occasion? --- Well, it was not my custom to do that.

Did you get other documents in a similar manner? Through diplomatic mailbags? -- I remember similar occasions, but very seldom.

From which countries? --- Well, I do not think I should say that, M'Lord. I think in this case it was - I did ask this person to use that channel, but I did - I remember I think three occasions when I did get post through diplomatic channels. 30

Involving/...

CHAIRMAN: Involving which countries? --- The one was -
would have been Germany.

MR VON LIERES: The Federal Republic? -- Yes.

Netherlands, another one? -- I do not remember that.

Allright. Were these other countries who made their
diplomatic mailbags available, let me put it to you this
way, some of your overseas donor partners countries, or
countries in which some of your overseas donor partners
come from? You do not need to specify? -- I did not under-
stand the question quite well. 10

The countries that allowed the use of their diplomatic
mailbags, are those countries in which you have overseas
donor partners? --- We have donor partners in the Federal
Republic of Germany.

And the other countries? --- Yes, but I do not remember
that I did get from other countries, diplomatic mail. And
I must say, I even do not - if I think about the mail I
got, I did not even know that it was necessary to use that
channel. It was not used by me, but used from that side,
not from this side. 20

I see, you did not request them to use the channels?
They used it on their own? -- Yes.

Now, apart from this request, that this gentleman,
that Dr Dejung uses the diplomatic mailbags, did you direct
any other requests to any other persons, in different coun-
tries to the Netherlands, to use diplomatic bags to provide
you with whatever you were looking for?--- I do not remember
that.

Would this type of activity perhaps also be linked
to the influence that you perceived the security 30
situation/...

situation in this country has on your witness? --- I do not quite understand the formulation of the question.

Well, let me try and be perhaps a bit more - or less vague. In your 1978 submission to the National Conference, you write on page 4, under the heading "Difficulties experienced in the Work of the Division" as follows:

"The security legislation and the police measures of the South African State are a serious hindrance to the work of the Division. In view of the surveillance and information system of the State, 10 large-scale conferences no longer offer an opportunity for an open honest exchange of views".

My question is this: your perception that the security - well, first perhaps just confirm that what I have read to you is what has been written in the National Conference minutes? --- M'Lord, that has been written by myself.

Now, that perception, what you perceived to be the position, did that have any influence on your considering using non-conventional methods of communication, such as diplomatic mailbags? --- M'Lord, this does not refer 20 to communication with overseas. This refers to communication within the country, in a small group, people are far more open in speaking, and in a large conference, first of all, you never know who is in that meeting, but in small groups people are far more prepared to say what they think, and that refers to that.

That is what you say there, but the point I am trying to make is, you perceived that the security legislation, the surveillance system, is a threat? --- Yes, it ..

And the example you use to illustrate this 30 threat/...

threat is the fact that you may have informers in a large gathering which make that gathering lose its vitality, as an example? --- Yes.

Now, the general picture that the security legislation and security surveillance poses a threat, just concern yourself with that general picture; was that your - is that your impression, was that your impression in 1978, that the general activities of the security legislation and surveillance were hampering your activities? -- Yes, of course, because this work has to do - this type of work in 10 the Division of Justice and Reconciliation in bringing people together, and finding out their experiences, and they said this themselves, certain people, I would not speak in a large group.

Fine, I get the point. Now, that being the position, was that one of the factors or one of the considerations that made you suggest the use of non-normal modes of communication such as the diplomatic mailbag? --- Well, it was simply the consideration to get the material.

Now, what about the use of couriers, whilst we 20 are on it? Do you use couriers from time to time? --- What do you mean by couriers?

Persons who say they are a visitor in South Africa, who going back overseas, you provide them with documentation from the Council to take across, or if they come to visit you, they bring documentation from overseas? --- I do that always, for various reasons. I also do that sometimes with my personal letters, simply because it is very fast, and I have done that, yes. I do not see anything wrong in that.

Do you do that not only with regard to your 30 personal/...

personal mail but also with regard to your mail connected with Justice and Reconciliation issues? --- Well, the official mail goes largely by mail, but sometimes I send letters to friends, even to my children, I sometimes send with people who are visiting.

Now, .. --- And I do not think I have made a very strict distinction, but if somebody is there who can take a letter quickly overseas, I give it to him.

Now, these non-normal modes of communication, you see, they bring me back to this underground activity 10 that you have spoken about earlier. Why is it necessary? --- M'Lord, I do not think it is non-normal modes of communication. I think it is very normal modes of communication, because if I get a visitor and he communicates with a person overseas, whom I know, and he knows that person, I use that channel. I do not see how that is non-normal. It is rather personal.

Well, let us take a matter we dealt with yesterday, the making available - or the finding in the files of the South African Council of Churches a confidential 20 letter written by the President of the EKD, Dr Hammer. --- Yes.

That is not normaly, surely, to find it in the Council files? It should never have been here? --- Well, that was an unsigned letter also which I do not like.

The original German was not unsigned. --- Well, the note was unsigned by the person who sent it, did not sign it.

You see, that also indicates non-normal ... --- The anonymous character of that letter is abnormal, yes. 30

But/...

But is it the task of the church to function anything other than openly? --- The task of the church in - is a public function. There can be situations where the church has to do things in a personal way. I remember this has been the case in many instances between the church in the Federal Republic of Germany and in the other part, the Socialist part of Germany. This has been the case of communication in the early church, also, where there were difficulties in communication, and there have been numerous occasions where this method was used, but that does 10 not say that the church has not got a public function. But it is not something abnormal in the history of the church at all, and we prefer even by - to have communication not by letter-writing, but by having visitation.

Whilst we are talking about communication, you also have telex facilities to overseas? -- Yes.

And - is the - in your view, the situation in South Africa so abnormal that the Council cannot operate openly, transparently? Is it too abnormal that the Council must use covered methods of communication and contact 20 and get down to small inconspicuous groups who operate? --- I do not think this reference to small groups can be interpreted in that way. I admit that the word 'underground' conveys that impression, which was not my type of working, and I would not be able to work like that, and even with the letters which I send overseas with visitors, you were able to find them in the filing system. They were not kept secret. There were some letters which are marked 'Confidential', and those letters which are marked 'Confidential' in my files, which were accessible to 30

you/...

you and were not kept at any secret place. I sometimes communicate certain things to people also within the country, trying to discuss with them whether these are - these are impressions, whether these impressions are correct, but there was no effort to do secret work in the Council of Churches on my part, and I do not think it can be said on the part of the Council as a whole.

CHAIRMAN: Would the activities under the - operated in consequence of the establishment of the Asingeni Fund, was that not designed to be secret, at least in part? --- 10
I am not - the Asingeni Fund, it is true that now I am responsible for the - as head of a cluster of division for the Dependants' Conference which draws its money from Asingeni, but I am not very well informed about the origins of Asingeni. I think that would be a question to be put to Bishop Tutu. I must say, if I would have worked, had the intention to do secret work, the way in which I did it, it would have been the most foolish way.

MR VON LIERES: Another example that may fall in this class is the visitors - Ecumenical Visitors Programme. 20
--- Yes.

This is dealt with by and handled by ASATI, is that right? --- ASATI? ASATI is an institution dealing with theological institutions.

I am sorry, who handles the Ecumenical Visitors Programme? --- There is - a person is employed, a lady who is employed, and it is a group of people from different denominations, including the Roman Catholic Church.

When you originally wrote this letter in connection with the soliciting of funds to put up such a Visitors 30
Programme/...

Programme, you suggested that this fund could possibly be handled by ASATI who deal with a lot of visitors. Do you remember that? -- Yes, I do not - I remember that I wrote about this. This was the question where the office could be located, and we had to look for an office, and it was the office of this lady, was located in the same building where the ASATI has their offices, and the question also then arose who can - how can the money be administered, because you need facilities for that, and therefore ASATI was chosen as the - I think the secretary of ASATI 10 has certain functions with regard to that fund, to arrange the fund.

Other covert activities are for example, secret activities then, the payment of moneys to trade unions out of the discretionary part of the Asingeni Fund? --- M'Lord, I would like to have some information, how far this Ecumenical Visitors Programme is a covert activity. I do not ..

Let me just clear this position. Your original suggestion was that this Visitors Programme could be 20 housed under ASATI or something like that. --- It has been housed in the same building as ASATI, and initially we did not have a - a fund had to be established, an account, and initially that took some time, and we had for a transition period, it was with ASATI and later it was given an own account and ..

Who is managing the Visitors' Programme? --- A board of trustees.

And the employee that runs this programme, who pays her? --- It is paid from that account. 30

That/...

That is an account which is managed by whom, the board of trustees? --- That is right.

The board of trustees, is it linked to the SACC? -- No, there are persons - Bishop Tutu is one of the members of the trustees.

And the other trustees? --- There are people like - from the Roman Catholic Church, Archbishop Hurley, Bishop Manus Buthelezi, then those are the trustees. I do not remember the other ones, and then there is a committee which does the more regular work. 10

So the point is, it was the SACC's, more specifically your Division's idea, probably more specifically your idea to arrange this Ecumenical Visitors Programme so that these visitors could meet up with relevant people who could inform them properly. You do not arrange this under the Council of Churches, you go and you arrange a special organisation for which you set up a board of trustees, and that organisation now is to conduct the Visitors Programme. Why did you not just keep it under the SACC's wing? --- There have been special reasons for not doing this, and first of all, 20 the idea did not come from me, but from a representative of the Roman Catholic Church, and they wanted - they saw how I was overburdened with visitors, and I personally had the concern to get these many visitors coming, more detached from myself. Also I noticed that you can very easily abuse visitors. Each person or each - involved a certain type of work, tries to convey that this work is the most important, and therefore we planned - we discussed this matter and said we would like to have an office which is independent from any particular church institution, so as to 30

enable the visitors not to be dominated or to be directed by the particular interest or concern of one particular church worker, because I have experienced how easily that happens, that you put yourself and your own concerns in the centre and other aspects are not taken account of.

CHAIRMAN: In any event, you say there was nothing secret about the establishment of this programme? -- No, there is nothing secret. There is an auditor. I do not see how this can be termed as underground activity.

MR VON LIERES: Let us just look at this particular 10
idea. This is all set out in a letter of 28 August 1981, directed to The Reverend Conring. Now, the reason why you actually want to set up this particular thing, this particular Visitors Programme, is set out in the second paragraph, and I would like to read this to you:

"At the same time we are aware of the intensifying efforts of the South African Government to influence visitors in a particular way through the services of Government-sponsored, supported travel agencies and information bureaux". 20

Do you recall that sentence? -- Yes.

Now, that sentence is related to something that appears on page 2 of the letter, the third paragraph, and that reads as follows:

"In our work we experience the disastrous effects of visits of people who come to our country and who return home without having had any experiential encounter with the suffering and the growing frustration of a great number, if not the majority of South Africans, and without having undertaken an effort 30

to/...

to obtain an insight into the underlying causes of the situation".

Do you recall that particular sentence? --- Yes. M'Lord, I would be grateful if I could see that letter.

Yes, I will give it to you in a second. Then - that is basically your motivation to counter the Government propaganda. Could I put it like that? --- That is some of the motivation.

Now, what happens next? The next thing that happens is that you enter into an agreement with the EKD that 10 you will not receive any visitors and they will not receive any visitors from South Africa, or you from Germany, unless these visitors have been properly announced through church channels. Is that correct? --- The SACC has done that, not myself.

Yes, I am sorry, I do not mean you personally. The SACC? -- Yes.

Now, I want to suggest to you that in fact this whole Visitors Programme is geared to try and achieve an information monopoly as far as church leaders are concerned, 20 or church figures who visit between South Africa and Germany, and that is the essence of it, and that is why you created a separate organisation? --- M'Lord, I do not think this suggestion is correct. First of all I said that this was a personal difficulty of my own. I could not cope with all the visitors, and I did not want visitors to be tied to my person.

Excuse me, I do not mean you personally. I say the SACC wants to create an information monopoly and provide only that type of information which it thinks a 30 visitor/...

visitor should receive. --- M'Lord, exactly, that was the purpose that we said we must have a place where visitors can go who are not only dependent on the SACC, and I wonder whether that is in this letter, but it has been discussed like that.

You see - what do you say to my suggestion? I do not want to confuse you ..

CHAIRMAN: I suggest that the witness - the witness wants to read the whole letter so that he can deal with what is put to him. 10

WITNESS: This service has been rendered by me hitherto mainly in a private capacity, outside the office hours with my home as base. However, it is assuming such proportions that it can no longer be handled in this way. That was one reason, and the other reason was the fact that this was, as was pointed out, the intensifying efforts of the South African Government and my concern was to get visitors to have more independent information, and the Roman Catholic Church had emphasised the need too, and actually initiative came from the Roman Catholic Church, and I do not 20 think it is said explicitly in this letter, but I had said that such an office should be independent also from the SACC, and in my personal taking care of visitors, I took care that they also visited, if they were prepared to do so, and if they had the time, of course visitors very often have their concerns which they have already determined before, but if they have the time, to go to members of the Dutch Reformed Church, to hear their side, of certain trends in the Dutch Reformed Church, I took care that they visited people in my own church, who are thinking 30

along/...

along completely different lines than myself, and I was concerned that there should be an office with rather more independent, and I see the Government propaganda especially, if you read the reports of visitors who have returned to Germany, that they have been influenced also in a one-sided way. It is true that these organisations, like the - certain organisations which are supported by the Government, try at least, they say they give you - they often say you can choose, a visitor can choose where he would like to go, but the simple fact that they come from Government- 10 supported agencies, is an impediment, in many cases, that people speak out openly, and the visitors always have to be introduced, and I have had this experience that the introduction, who are these people, is very important in certain circles, because people then otherwise would not give clear information. I in this letter also suggest that the funding of this office from the Protestant part should not come from the normal sources of the EKD, but from a fund which is available for supporting development orientated - I think it is called orientated education and 20 for political education in Germany. In Germany they have a special office for that, because it is not only a problem in relation to South Africa, but with regard to other countries too, that visits arranged through tourist bureaux do a lot of harm for instance, if visitors go into a very poor country, how they spend their money, the way they behave. That place does a lot of harm to human relations, if they have not a sensitivity for the economic situation, also for the political tensions in such a country, and there are agencies in different countries, church agencies 30 which/...

which draw the attention of tourists and also even of tourist agencies to this need. They bring them together and have conferences. I know of such an agency in Germany, and there are publications on the whole, the church's responsibility for tourism, and my concern was that if such work is being done in South Africa, that it is - money should come not from sources which are used for other purposes like development, but from such a source, because I see a very valid function and task of the church in relation to visitors. If you come from a Western country, you know, have to 10 know something about the economic, the political setting of the country which you are visiting, and also the churches, the individual churches, each one has its institutional interest and tries to present iteself. It is the same temptation with the church, and particularly the Government has a very powerful propaganda, and I thought that such an office should be independent. Moreover I think that such visitors should not use Government money for visiting other churches. They should come on their own. This was the concern for this office, and I cannot see 20 that there is any attempt to cover up anything.

MR VON LIERES: The public never got to know about your reasons for setting up the Ecumenical Visitors Programme in the way you described it now? --- The public, they have now produced a leaflet.

Now, let us just complete - let us just deal with your letter. You provide personal reasons and you provide Government propaganda that has to be countered. Now, apart from easing your personal burden with all these visitors - let me ask, does this programme ease your personal 30 burden/...

burden with the visitors? --- It does help me a lot.

Now, apart from that, is the way in which this programme - because remember, its main aim is to counter the Government propaganda. --- It is one of its aims, yes.

Yes, now, in the process of countering the Government propaganda, how does this programme function? Is it by selecting the people to whom the visitors speak, to put a view across that opposes that of the Government of how does it function?--- No, the idea is that first of all, that people who come to South Africa from a church, 10 they can have a place where they get the necessary information. You ask what is really the concern of their visit, where can they get information. Sometimes you give - and I have said, I will be available for them to come to me to give them an introduction into the set-up, the structures and the problems of different churches, because I work historically very much, but I could not do this programming of a visit, and in consultation with such a visitor, then you can make a programme and take account of what he is interested in. 20

And how do you now succeed in countering the Government propaganda in such a way? --- I think such people, as I pointed out in my report, and it has been discussed that way, that very often, with the churches as well as with other institutions, Government institutions, commercial institutions, you always send a visitor to a so-called key person. Now, I do not think that is the best way of getting acquainted with a country. Or you get people living in the hotels, that also is not the best way of getting acquainted with the people. The concern here is to 30

establish/...

establish links between Christians, and get acquainted with their normal way of life, and I must say that in my - in context with Germany I tried to warn them the same way. I asked them, if you get visitors from here, do not send them from one special occasion to another; bring them into an ordinary family, so that they see how people live, what problems they have, so that they do not think merely about the wealth of this country, which is apparently there, but also see the problems which people face, and you do not get that type of information if you go into a hotel 10 and go from one festive meal to another, and that is the concern of this Ecumenical Visitors Programme, to get a type of visitation service which is of a completely different nature, with church officials who come in their official capacity, it has very often to be different, because they have the official commitments.

Just two questions on this: does the SACC then provide the board of trustees with a key persons list that they approve of? Let us say a man now wants to look at industry, you say there must be a key person in 20 industry to whom this visitor can be referred. Have you prepared a list or caused a list to be prepared of the key persons in the various sectors of society, to which these people could be referred? --- Well, this has not yet happened, because this Visitors Programme is only in the beginning of its activity, but I remember that there was a group of church visitors recently, and the lady who is in charge of this programme had been asked to establish contacts with the American businessmen in this country, and she asked me how could I do it, and I 'phoned - because she is 30 not/...

not yet - she is still getting used to it. I 'phoned the American consulate and asked her whether she could come there to get lists of key people, commercial people in that area, so that they could visit those people.

Now, the second question: just to round off the key people, these key people, they are not of course, I take it, you check them out to see whether they are relevant? --- I must say I have not got the time to check that out.

It is done by your staff or other people in the SACC, or from reports back? --- M'Lord, this lady is working 10 now on her own. I do not even have the time, each time when she has a visitor, and makes a programme for them, to check that.

The second point about this particular thing is, the public was kept completely in the dark that it was the South African Council of Churches and the Roman Catholic Church on whose initiative this Visitors Programme was started? --- This Visitors Programme is a programme for churches, and the partner churches have been informed about this programme.

Now, can we take this whole Visitors Programme 20 one step further: the next thing that happened after this, was the decision that visitors were not to be received unless they were officially announced through church channels. Is that correct? --- But that was a matter which was independent from this. That was an SACC matter.

That is correct; it was independent from this one. I fully agree with you, but it is closely associated with the whole question of visitors, in general, not the programme itself, but visitors and the receiving of visitors? --- Yes, on the part of the SACC. 30

Yes/...

Yes. Now, that is - the programme is different to this, but it is also connected with visitors? --- I do not see the connection, because these are two different matters and I do not think one should link two different matters.

Allright, let us consider them then as two different matters, and I will ask you questions on the basis that it is a completely different matter. The Council had decided that it would not receive any overseas visitors unless this visitor was formally announced through the church, the overseas church who has sent that visitor to South Africa? --- In my recollection, the decision is not that it would not receive any visitors, but that it would not receive any visitors in an official capacity. That is a difference. 10

Allright, it would not receive any visitor in an official capacity? -- Yes.

And it urged on the EKD similarly? -- Yes.

Not to receive any visitor who is not there in an official capacity? --- Yes.

This official capacity implies that he must have been announced to the host country's Council of Churches, through his Council of Churches, with a CV, a curriculum vitae, what his special interests are, so that they can know how to receive him, right? --- Yes. 20

That would automatically exclude any churchmen who came to visit through for example Government-sponsored travel agencies or something similar? --- M'Lord, it would not exclude him from seeing persons personally, but ..

Not official? --- Inofficially, but if for instance there was the wish on the part of the SACC not to 30

receive/...

receive visitors from partner churches overseas through a Government-supported agency.

It has the effect, does it not, of officially preventing churches from meeting up with other church leaders simply because they do not arrive - have not been officially announced? Let us see what happened in - what your reaction was with regard to this overseas visitors programme which was sponsored by the Government-supported travel agency. I want to read this to you, because I want to come back - I want to put it to you that the SACC is in fact endeavouring to achieve a situation of information monopoly as far as these church leaders are concerned. I will read to you what you have written. This is a list of items that you wish to discuss with the General Secretary, and it is dated August 1981. I shall give you the document in a second. On page 2 at the bottom, paragraph 2 reads as follows:

"Overseas visitors whose journey to South Africa are sponsored by Government-supported travel or information agencies. Recently a delegation of church people from South Africa whose journey to Europe was approved by a Government-supported South African agency, was received by prominent German church officials. Dr Wille and several church officials have expressed their reservations against receiving visitors whose journey is sponsored by an agency supported by the SA Government. The Bishop of Berlin has refused to receive the delegation. Dr Wille did get into serious trouble with the EKD authorities as a result of his protest".

Do you recall that? --- It is only what was reported to me.

The same applies to Dr Herschelmann. Dr Wille has been threatened by the travel agency with a court case. Now I want you to listen very carefully, because I am now going to read you your recommendation:

"Recommendation: it is suggested that indirect support be given by the SACC to Dr Wille and Dr Hoerschelmann in the following way: The SACC could write a letter to the EKD Council describing 10
the difficulties it has with church visitors coming through travel or information agencies supported by the South African Government. It could be said that receiving such visitors as official church representatives can raise suspicions in its constituency. Moreover it is very difficult for the SACC to arrange contacts with relevant people in South Africa if they travel through a Government-sponsored firm. On the other hand, these people giving reports in Germany stating that their findings are based on con- 20
sultations with well-informed people from all different groups and institutions in South Africa, it is suggested that the SACC could ask the EKD that this matter be discussed between the two church organisations. The SACC could propose that no visitor from an EKD-related church in Germany is received by the South African Council of Churches as an official church representative, if he or she travels through a travel agency or information agency that is supported by the SA Government. It is suggested that 30
visitors/...

visitors from Germany be regarded as church visitors only if their visit has been announced by an official letter from the EKD".

Now, these were your recommendations, please have a look at the document. Do you recognise the document I place before you? --- I recognise these notes as my document. It is a matter of the SACC General Secretariat, but I was involved in this matter, and usually when I go overseas, they bring to my attention matters which they would like to have discussed with the General Secretariat. Thus 10
in this instance I acted as somebody who had to put this matter to the General Secretariat. The background is the following, that we have experienced that people come to Europe, to our partner churches, and are announced as representatives of their churches, of SACC member churches, and very often they have no backing from the respective church, nor from the SACC, and that is very difficult for the churches in Germany to recognise this, and then they make statements which are not backed at all by their member churches, and they have no particular commission for 20
that. We in South Africa, the SACC has experienced the same difficulty, that people are announced, here is a member of the EKD Council for instance, coming to South Africa. Now, it was not cleared whether this person comes on behalf of the EKD or in a private capacity, and you never knew who do these people really represent; do they come here as visitors, and we felt that this is too unclear, and I personally, as far as I remember, have never refused to accept in my home such a visitor coming through a Government agency, because I think we have a task in 30

relation/...

relation to them, just as with regard to anybody, but we have to be clear whom does this church - this person represent, on whose behalf does the person speak, and if you do not know that in advance, you simply get a notice from the travel agency or the visitors agency, Government-supported visitors agency, a curriculum - usually they give some details about the life of this person, that simply is not adequate, and for connections between the churches and communication, we prefer to do that on a church level, without - also without any commercial or any Government agency in between, 10 and that was the motivation for this recommendation. And I saw that Dr Wille and Dr Hoerschelmann get a lot of fire because of their recommendations, they have made and said, well, I really feel that injustice is being done to them, because this is a valid concern to - that we know if a church visitors comes from overseas to us, whom does he represent, is he officially backed what he says by his church or by the EKD Council, is he an official representative, or does he come as a - or she come as a private person who happens to be in the EKD Council or in the EKD Synod, or in 20 the Synod of any regional church, and that is very necessary to know for a church organisation like ours. It is also necessary for a church organisation like the EKD and the regional churches.

These recommendations, were these the ones you decided to submit to the General Secretary after you heard the problems that Dr Wille and Dr Hoerschelmann had faced? --- I think it could have been recommendations also independently from that, because it is simply a matter of experience, because these visits cause confusion, and then 30

sometimes/...

sometimes a visitor makes a statement coming from the EKD, and that is completely in contradiction to what an official statement or letter from that body says, and that causes confusion.

But basically the recommendations listed here are yours? --- M'Lord, after every visit I have within the country, or outside the country, I make notes and I then go to the General Secretary and say what my impressions are, and then I leave it to him to decide what he wants to do.

CHAIRMAN: But are these recommendations yours? --- 10
They are mine.

MR VON LIERES: Now, let us just see what your recommendations say, first of all. Your recommendations want to provide indirect support by the SACC to these two gentlemen who refused to see this delegation, and the nature of the indirect support that you suggest, is to tell the EKD what difficulties you experience with church visitors coming through travel or information agencies supported by the South African Government. Then you suggest that it could be said in such a letter that receiving such visitors 20 as official church representatives, can raise suspicions in its constituency. In other words, you suggest here that the SACC should make the point that if the EKD were to receive such official church representatives, that may make the EKD suspect in the eyes of its constituency? Could you explain that to us? --- I would - I have not got the text now, but I think I am thinking there about visitors with - for whom we have to make contacts. I would have to see that. They - if we say these people come through a Government agency, that can raise suspicions. 30

But/...

But what is the concern whether the man comes through a Government agency or a travel agency or a church agency; if he is a visitor, he is a visitor. What has the mode in which he arrives, what has that got to do with the question whether he should or should not meet people? --- I think it is a matter of honesty, that we say, if we announce a visitor to certain people, from whom he comes, for what purpose he comes, through whom he comes.

Now, how is your constituency going to know whether you met X, Y or Z? Let us assume, in the course of 10 your normal business activities you have an appointment with Mr X who is an overseas visitor, with the next gentleman who is an overseas visitor, in the normal course of your business, how is the South African Council of Churches' constituency now really going to know that you saw two overseas visitors? Today the next person saw three, the day before, whatever the case may be. How is this going to raise suspicion? Just explain this to me? --- I wonder, is that said like that in that letter, the constituency?

No, it is not - yes, it is said, it can raise 20 suspicion in its constituency. The sentence reads like this:

"It could be said that receiving such visitors as official church representatives, can raise suspicion in its constituency".

Now, I am asking you, how can you - how can the meeting between senior members of staff of the SACC and overseas visitors raise suspicion in the SACC's constituency? Can you explain that? --- I think that it is possible, that if a prominent person in the SACC receives a visitor 30

from/...

from another country through a Government agency and that is recorded, that - and this visitors goes to other places, that that can raise a lot of suspicions.

You see, one gets the impression that if the Government sponsors a churchman's visit, then the SACC's ecumenical arms are closed, otherwise they are wide open.. Is not this type of attitude, this recommendation, something that goes completely against the grain of ecumenicity that you stand for? --- M'Lord, I do not see it like that, because I think if churches visit themselves, they are responsible 10 themselves for funding it, because you should not get any other interests involved, neither of any government or commerce, but it is a matter of the churches themselves, particularly if these people are church office bearers. And as I pointed out, personally, I have never refused to accept such a visitor and helped them on a personal level.

It seems to me more, according to your recommendations, that you are more concerned with the content of the reports such visitors would deliver in Germany than with the question who pays to get them here, because here you say: 20

"On the other hand these people give reports in Germany stating that their findings are based on consultations with well-informed people from all the different groups and institutions in South Africa". Is not what you are concerned with, the message that the visitor takes home? Is that not your fundamental concern? --- M'Lord, that is one of the concerns. It is not the only one, as I have pointed out, and I have seen such reports. I have even translated examples of such reports, where it is quite clear that these people have not 30

met certain people whom they should have met. They have not met people at the grassroot level; they have not - well, certain Black leaders or certain Black - they have not been in a Black home, and that you can see that from their reports. I do not say that they should not have met Government officials. We even - also with our people who come through church agencies, we sometimes help them to see Government officials, but we think that this is a matter which should not be handled through any organisation that is not a church organisation. 10

Doctor, one gets the distinct impression that if the message the visitor takes home, does not reflect that which the SACC considers to be the right message, then that is Government propaganda - has succeeded? -- I would not put it quite like that, because I think one can expect from a visitor that he sees different points of view and describes at least different points of view, and if I have to report on the South African Council of Churches I would not simply report about one particular line. I also have to talk about differences of opinion with the SACC, about where 20 there are tensions, and I missed this variety in those reports and found them extremely one-sided. But I would apply the same criterion to a person from a church, that he does not simply - or she does not simply convey what the SACC thinks, but also conveys what other people think, and what the Dutch Reformed Churches think, and I think that is a matter of honesty, that that happens, and you need to meet people of all walks of like in order to do that.

Now, if one can control the access that visitors have, that could assist one in projecting the message that 30

one wishes to have taken back, would it not? --- M'Lord, I did not expect - I did not want to say they have - the visitors who have been here, that is what is meant with this question. My message or the message of the SACC ..

The message of the SACC. --- That they should meet people and describe the whole difficulties of the church, the tensions and divisions also within the member churches, which exist.

THE COMMISSION IS ADJOURNED

ON RESUMPTION:

10

WOLFRAM KISTNER, still under oath:

MR VON LIERES: Doctor, let us deal with a different aspect. I would like to discuss your organisation, the Cluster of Justice and Society as it is known, to see whether we understand the functions. Have you got the sketch that I prepared? --- No, I asked for another copy.

Did I not give you a sketch this morning? -- Not yet. Is it here?

Yes, I gave you a sketch this morning. --- M'Lord, I tend to be forgetful. I did not see it.

20

Let us give you another one. --- Thank you.

Could we just see whether we more or less understand your organisational structures correctly in the Cluster of Justice and Society. We have got this Divisional Committee that controls the Cluster, as it is set out in the second position there? --- Yes.

Then you are the Senior Director of this Cluster of Justice and Society, is that correct? -- Yes, but there are some aspects of this sketch which are not quite correct.

Yes, that is what I would like to clear up with you/ ..

30

you. That is why we are discussing this. Now, directly under you, Justice and Reconciliation - you have directly under you the Division of Justice and Reconciliation, is that correct? -- Yes, that is right.

And then you have two other departments, shall I call them, which is the Dependants' Conference? --- Yes.

And the African Bursary Fund? --- Yes.

And the Director of the Dependants' Conference is Miss Hughes? -- Yes.

And the Assistant Director is Mrs Mazibuku, as set out there? -- Yes. 10

And the Director of the African Bursary Fund is Miss Ratebe? --- Yes.

Now, is there any other department that should have been included in this sketch, apart from these three, namely Justice and Reconciliation, DC and ABF? --- Not under the same cluster.

Not under the same cluster? -- No.

Now, the projects or the main activities or the functions, they would basically resort under Justice and Reconciliation? --- Yes, but I have to make some comments on the whole sketch. 20

Yes, please do? --- First of all, the Dependants' Conference, these divisions, and African Bursaries, are not directly under myself. They have their separate committees, there are divisional committees for Dependants' Conference and for African Bursary Fund and for Justice and Reconciliation.

These divisional committees of these two departments, do they .. --- There are three divisional committees. 30

Yes/...

Yes, one for the Dependants' Conference, one for the African Bursary Fund and one for Justice and Reconciliation?
-- That is right.

These are three separate committees? -- Three separate committees, and in addition I would like to remark that the cluster system has been introduced some time ago, and then the work was interrupted, they had a special committee in the Council, priorities ..

And objectives committee? --- Objectives committee, which worked on a re-organisation, and the intention was to bring certain divisions closer together, so as to facilitate supervision and also to avoid overlapping. But that type of re-organisation is not yet completed. As far as I know the Priorities and Objectives Committee, for the time being has stopped with the work. Mr Dan Vaughan, who is very much engaged with the work of this Commission preparing material and so on, was responsible largely for that type of work. As a result, the final form which the clusters will take, and the procedures have not yet been worked out, and the Cluster until now, at least this cluster, has had mainly the function of co-ordinating and mutual contact between the different divisions, and I was responsible for that, but I am not - I did not even yet attend the committee meetings, I think, once or twice, of Dependants' Conference, African Bursary Fund, I did not even attend yet the committee meetings, and I am not too well informed, but we had meetings, staff meetings of the three Directors, where we discussed what - there are certain things which we can do in common, can we share staff, if somebody goes on leave, can somebody help from another/...

another division. Thus that cluster system is still in the process of organisation.

At this stage, do you as Senior Director have any responsibility towards the Dependants' Conference and the African Bursary Fund? --- Not on the details, but if there are staff problems, if somebody goes on leave, then I have to do it, but I have not yet - the normal procedures and that falls under that special committee, and also with the finances, for instance, they have - they get a lot of their money from Asingeni Fund, and that is being handled 10 by the General Secretary. I am a signatory when the General Secretary is not there, but I am not aware of the details how this Division - all the details how it functions. I tried to get some information occasionally, but I have not assumed responsibility for the details yet.

So at this stage the cluster concept has not been finalised? -- Not in detail, no.

And you - as you see it, at this stage, you have perhaps a responsibility as far as personnel is concerned, with regard to DC and ABF but nothing else? --- And 20 personal co-operation and trying to find out, are there things which we can do together, but the different divisions still have a considerable degree of autonomy with regard to the matters which concern their division.

Could we then turn to Justice and Reconciliation itself, and some of its projects and main activities, as they appear today. Now, this is not supposed to be a complete list. You can add on as many more activities as you wish to. I have just tried to group them, sort of, in the main trends. Now, firstly, under you you have what is 30 called/...

called the Commission on Violence and Non-Violence? ---

Yes, that is a sub-committee of the Justice and Reconciliation Committee.

And that is chaired by The Reverend Rob Robertson who has already testified? --- Yes, he is the Secretary there.

He is the Secretary, sorry. Some of this Commission's activities are set out at the bottom here, they are concerned with conscientious objection, group areas, and with strategies connected with positive non-co-operation, civil dis- 10
obedience and so forth? --- Yes. M'Lord, the whole area of group areas is - comes in as a side-line, but actually Reverend Rob Robertson is working also with the organisation Act Stop, and he does not do that in his capacity as a staff member of the SACC. On the other hand, we are concerned that there is somebody represented, represents the SACC also in Act Stop.

Shall I say you accept the benefits that may flow from any successful Act Stop actions? --- Well, I would not make an official statement on that, but .. 20

You can make a personal one. In any case, Act Stop is really also engaged in demonstrating non-co-operation as far as group areas and that type of thing is concerned? --- That is right.

And in that sense it would be related .. --- To non-violent action.

To non-violent action? --- That is right.

Are there any other activities of the Commission on Violence and Non-Violence which you think should be mentioned? --- Well, M'Lord, there have been different matters 30

which/...

which have been discussed, for instance, I remember a discussion on how to prepare staff members of the SACC who have to go to critical areas, where there is dispute between two parties, how to behave in such situations, to calm down people. That was one concern, so that you do not intensify the tensions but behave calmly, because there were staff members saying, how can we go into such a critical situation where there are different groups, and in the Black community, who are very hostile to one another, how can we go there without protection, and that one tries to help them 10 to develop methods, to do that and calm down the tension. That is one aspect. I think - yes, those - it does not come to my mind what else - anything else, at present.

The - under these strategies of positive non-cooperation and non-violent actions and so forth, The Reverend Rob Robertson has also identified these seven areas in which activities could take place, which were accepted. Do you recall that? --- Yes, I do not even recall that, because I was not in that meeting, and I had been away for quite - I do not know when it was. 20

I will show you the document later. Let us go over to the next activity then, faith and ideologies. Could you briefly describe to the Commission what the task of this particular commission is? --- M'Lord, this is a study commission, and it consists mainly of scholars of different theological seminaries, like - there is one from - two from Cape Town, from UNISA, there are two - there are Dutch Reformed ministers, there are - and also they come from different denominations, in addition, there - members have been - occasionally there are permanent members and 30

for/...

for a specific topic we then have also drawn on the expertise of specialists, like political scientist and economist, and so on, and the task or the intention of this commission is first of all to identify what is an ideology, to define what is an ideology and what is the Christian faith; is the Christian faith also an ideology, how does it relate to an ideology, and then to study the different ideologies which are at force in South Africa, like Afrikaner Nationalism, Black Consciousness, African Socialism, the ideology which relates to the homelands, as a community, 10 ethnicity, capitalism, liberalism, different types of socialism, I think these are the main ones; also to study these ideologies for instance liberalism in its British - in its overseas context, but then mainly concentrate on the ideologies in South Africa.

Where does the Ecumenical Research Unit fit in? --- This is independent from the Ecumenical Research Unit.

Is it used by the Commission - the study commission on faith and ideology? --- Actually not, because the Ecumenical Research Unit has a different orientation, a 20 different task.

Are you still the Chairman of that unit? -- No, I never was - yes, I was Chairman for a time, but that - I think it changes every two years.

I see. Perhaps if you could just briefly inform the Commission, what is the function of the Ecumenical Research Unit? It does not appear on the sketch. -- No, the Ecumenical Research Unit is an independent organisation. The SACC is represented on it, but the main sponsors are the Roman Catholic Church and the Anglican Church. The 30

Lutheran/...

Lutheran Church - the organisation FELCSA is also involved, and the task of this Ecumenical Research Unit is to do research on areas where church life and social - sociology inter-relate. They also prepare statistic, for instance, that you know how many people of a different church live in a certain area, help churches do their planning work, the growth of churches, finding out in which section of society churches are growing, studying problems of religious communities which are sometimes - helping in a crisis like the religious communities of the Roman Catholic Church, why do they not get young people, or studying the question of the ministry in different churches. There have been problems in certain churches of getting ministers, what is the reason, and they do research on that, what is the reason, the social standing of a minister in a particular situation, is it the celibate in the Roman Catholic Church, are there other reasons. 10

What years were you Director? --- M'Lord, I do not remember the time. It could have been 1978 to 1980. I am not sure. 20

Approximately 1978. --- But I would have to check that at home.

These studies that are undertaken by the study commission on faith and ideology, we read in your minutes that it has published a number of papers already on Marxism, Afrikaner Nationalism, to mention two examples. What use are these studies put to? How does the SACC use the products of faith and ideology? --- M'Lord, it is not quite correct that the papers have been published, but they have been made available in draft form, and the study 30

process/...

process takes a far longer time than we originally anticipated. The method was that we tried to investigate an ideology, how it looks from within, from a person living in that ideology, and then to find out how is it criticised by other ideologies in the same context, and this has been a very long process of work, and is still continuing, and the idea is to supply information to church members, particularly, but also in general to the public, what is an ideology, how do you explain shifts in ideology, for instance, in the Afrikaner Nationalism, there have been shifts 10
in ideology. They use different concepts, different slogans, than they did formerly. How are they to be explained, and with the other ideologies as well, and the intention is to make people aware of the conflict of ideologies and Christians, particularly, because many of the ideologies use Christian slogans or watchwords, whereas the question then arises, is the Christian faith not something different? Is it not something which transcends any individual ideology, and the idea is, of this study commission, to publish material on this, and we had to take a very long 20
time, because the people who work in this commission are of very different - even ideological background, and for them to listen to one another, because sometimes you use one word, but it has a particular ideological connotation in the tradition of that person, and it takes a long time for a person of a different background to understand what is meant, and that has been a long process of learning, of the group itself, and we hope that when this is finished, that it can be published. But in the course of the work we hand our papers already in in order to get 30
criticism/...

criticism, and a lot of these papers have continuously been revised, and are still in the process of revision.

Now, in these analyses that are done by the study commission on the various ideologies, I take it the strength and the weaknesses of these ideologies are identified, points of agreement or disagreement with other ideologies are identified? --- Yes, to a certain extent, the strength and the - we always try to criticise it from the - we say, how does an adherent of Black Consciousness, for instance, criticise Afrikaner Nationalism; how does a liberal criticise 10 Black Consciousness, how does he see Black Consciousness, and see the different ideologies, in relation to one particular ideology.

So I just want to take this a bit further on a theoretical basis. --- Yes.

Having identified the strengths and the weaknesses of a particular ideology, and having identified the fact that, say for example, Afrikaner Nationalism is the ideology that underlies the popular theology concept, the strongest, one could use this identification of strength 20 and weaknesses to work out an action programme? --- M'Lord, the whole method has been different. We have not - even as a group that would be impossible to say, which are the strengths and the weaknesses, because we say, what are the strengths and the weaknesses in the eyes of the adherent of a particular ideology, of this particular ideology, but we have not said this from - from our side, what we consider as a group, and that would be very difficult also, because in the churches you would see it very differently, but it is meant to be information material, descriptive 30 material/...

material, and it is being done in this way so that you cannot say - it is a rather relative way, without taking a specific option.

But this information material, surely some use must be made of it? What is the sense of distributing a paper on Marxism or Afrikaner Nationalism? Surely the South African Council of Churches, having identified the necessity for the liberation of the oppressed and fundamental change in this country, to achieve justice, now must look - or does look in fact at the stumbling blocks that lie 10 in the way for its promotion, of its aim of fundamental change? --- M'Lord, the aim of this work is not primarily action-orientated, but it is primarily, first of all, information-orientated, and ..

Well that is - excuse me, that is the point I am getting to. The Commission must see these activities of the study group as providing information on which, for example, the Division of Justice and Reconciliation can eventually base an action programme? Let us assume, we are talking theoretically now, let us assume that you - that this 20 study commission has identified a number of weaknesses in a particular ideology, that this ideology is one of the stumbling blocks that the SACC faces, in promoting its objectives, then having identified the weaknesses, Justice and Reconciliation can through a commission or a task force, identify an action programme to exploit those weaknesses and to weaken the ideological acceptance of those who oppose the Council's aims and objectives? --- M'Lord, the whole object of this study commission is completely different. It is described by the words 'faith and ideologies'; 30

how/...

how does the Christian faith relate to ideologies, and the Christian faith transcends whatever ideology there is, and that is the object, but not as it was described just now.

Let us accept what you say, but I am asking you, whether it can also be put to the use that I have described? In other words, that it can serve the purpose of identifying weaknesses in opposing ideologies, on which action programmes can be based? --- We think that from the part of the church we have to be careful that the Christian faith is not identified with any ideology, and that is the service which the church has to do, neither with whatever ideology it will be, because otherwise you have trends, each one - an ideology always has the tendency to absolutise itself, whoever it may be, and that is the function, to create an awareness of that, and then ask what is the responsibility of the church in a situation of ideological conflict, and I said the same in the submission, that it is the task of the church to develop alternatives, and not to be polarised according to the divisions that exist in societies, but to offer something that transcends that.

You see, we have this analogous example where the Director of Justice and Reconciliation has for example identified the necessity to seek an encounter with the popular theology and in that connection it considered it necessary to recommend to the Executive that a special commission be appointed to identify the theological principles on which the South African Council of Churches functions. Now, in that particular field, you were seeking an encounter with a theology that you considered as being in opposition/...

opposition to - or as being a stumbling block to progress, that the SACC wished to make. Is that correct? --- Yes.

Now, why could you not put the results of the study commission on faith and ideology to a similar use? --- M'Lord, I do not see quite again, the function of - the meaning of associating two different tasks, which are separate. The one was the one of popular theology, where you have a certain trend in different denominations, of a certain type of theology, and very often for instance, you have evangelistic campaigns with a certain - of that 10 popular ideology, and you often find that they are supported by certain financial groups for certain reasons, and in order to point out that this type of theology which appeals to many people is not - is one-sided, I think that is a different matter, from a study commission working on faith and ideologies. It is not the same, because here you have movements, trends within the churches, and in ideologies you could have people who are not related to the churches at all, and I cannot see how you simply can identify one project with the other. They both serve dif- 20 ferent functions.

Let me give you another example; in your 1980 report to the National Conference, you based the suggestion that a confessional status should be declared on the implications of the total strategy of the South African Government. --- Yes.

That is another analogous example. You analysed the total strategy in that report, you came to certain conclusions, and you said that the reaction of the South African Council of Churches to the implications of this total 30 strategy/...

strategy should now be to call for a resolution on status confessionis. Right? --- I do not - I have done work on this whole question on status confessionis. I would wonder which the particular document is to which you refer.

I am referring to your report, Doctor, to the National Conference in 1980, where you discuss the whole question of the total strategy and you said, because of the implications of the total strategy with regard to diminishing freedoms which it implies and so forth, and so forth, the church must now act, and you suggested that the status confessionis would be the proper reaction to the implications of the total strategy. Do you recall that? --- I recall that, but I would be anxious to hear the specific text of that recommendation. 10

I will give you the specific text. I am just trying to summarise it now, because I will deal with that in detail later. Just to make the point, that here you use the implications of a particular ideology, namely the Government's total strategy, to arrive at a decision that you can recommend to the National Conference that it should react to that in a particular way. I just want to put it to you in broad outlines, at this stage? --- Well, I know about this resolution, but again this is not the same matter. 20

Yes, I know it is not the same matter, but there you use that example. All I am suggesting to you is the results that can be achieved, and are achieved by the study commission on faith and ideology, could found an action programme on the part of the South African Council of Churches, to negative the influence of an opposing ideology. That is the only point I am making? --- M'Lord, I cannot 30

understand/...

understand the argumentation, but if the objective of this type of study is to spread information about the ideological conflict, then you can anybody - what tye of use can be made of that information, and that I cannot quite see the point of the argument. It is difficult for me.

Allright, did Faith and Ideology investigate the total strategy? Did the study commission on Faith and Ideology investigate the total strategy? --- No, that has not yet been investigated, but of course there are indications of totalitarian trends in ideologies, but it has not 10 dealt with as a separate ideology.

And as part of another - of Afrikaner Nationalism, has it been dealt with in that context? --- No.

Let us go onto the next activity, and that is human rights. Tell the Commission what is done under this heading? --- M'Lord, the Commission on Human Rights is not - has not worked for a long time, the concern of that commission first of all was to get an understanding of the relationship of the Christian faith towards human rights. For a very long time the church has felt that the human rights 20 concept is not - or the relationship between the Christian faith and the human rights concept was not seen and now, they want to work on this, and also study different concepts of human rights. You have a concept of human rights which places more emphasis on the individual, and you have a different type of concept in the socialist setting, it is not the same where you have more an emphasis on equality, and in the first one you have more an emphasis on freedom, of the individual, and then you have the whole question of human rights in relation to international relationships 30

and/...

and the study commission on Human Rights was to serve this purpose. Of course there are other organisations doing the same or similar work. You have associations of lawyers, but they wanted to find out what is the particular contribution which churches can make to the whole human rights issue, and one of the concerns, at least in my trying to initiate this, was that you can have - we are in a situation of conflict, you can have changes of people getting into power, but the church must be able to define what principles must be respected, in any situation, whoever is in power, 10 and it is exactly the same concern as has been pointed out already. There is no fundamental change, if you simply change the people who are in power. You have to have certain criteria which have to be respected by any government and in any situation. Of course, you would have to pay attention to the context there too, and I felt that it is the task of the church to think about these matters, in order to remain - not to idealise any power group, but to be aware that the same dangers come whenever you achieve power, and that is the concern of this commission. 20

The commission has then also thought whether they should take up particular issues, but they have not - they are still in an initial stage, not much work has yet been done.

Could I just take you up on this statement that you have now made, that there is no fundamental change if you simply replace the people in power. Let us assume that the liberation movements take over, what guarantee have you got that there is going to be the fundamental changes that the South African Council of Churches envisages there should be? --- M'Lord, I think the church and also the 30

Council/...

Council of Churches has to insist on human rights to be respected in any - with a change too.

And if they are not respected after the change, will they start all over again? --- The church has to maintain that function whoever is in power. That is exactly the concern.

So on your understanding, this is now hypothetical position, if the liberation movements take over and there is no fundamental change, then the SACC has got to redirect its attention to effect fundamental change under Black 10 majority rule with non-violent strategies? -- M'Lord, I do not think that one should speak about the church effecting fundamental change in a political situation. I think the church is something different from a political power group or a political party, but in any situation the church has to draw attention to human rights and to principles which it derives from the Gospel, critical principles, and to have to insist on those principles, and they can be situations where this will lead to conflict, there can be situations where there is more agreement, but basically I 20 do not see that in any situation the church would ever be dispensed from this responsibility, to insist, and there would never be a complete agreement, otherwise the church is simply identified with the interests of a particular group or of a particular society. Moreover the church would have, because it is - since the incarnation of Christ, of God's Son as man, this was from the outset an orientation of the church to the whole human community, the church has to be a human - a fellowship of people, of believers, transcending people from all nations, thus it can never 30

identify/...

identify with the interests of any particular nation, and has to make people aware within one country, of the - that justicæ cannot be achieved within one country at the expense of another. It also has a significance for international relationships.

Doctor, you have effectively side-tracked me, so I will have to rise to the bait, if I can put it that way. You say one should not talk about the church effecting change, one should not talk about the church in this particular way? --- I think one .. 10

It is not a political party? --- I would - personally I like to speak about contributing towards change, but effecting change, that is something different.

Now, let me just ask you: how do you want this Commission to interpret the actions by the South African Council of Churches which I am going to list to you now: firstly the creation of awareness and conscientisation; secondly, the development of strategies of non-violent resistance; thirdly, the implementation of proposals of non-co-operation, and civil disobedience. Are these not all actions 20

designed to promote the South African Council of Churches' vision of effecting fundamental change in this country?

--- I would speak of contributing towards fundamental change, and as the word which have been mentioned, just now, you would - very often you get the emphasis on non-co-operation, non-violence. It means that where there is action on the part of the authorities which the church or the South African Council of Churches consider to be directly against the Will of God, they have on the basis of their faith to resist it. But this is something different from shaping 30

a society. The church can make contributions towards shaping society, as it has done in history, for instance with - in many instances, the whole principle of the priesthood, of believers, has contributed towards democratic thinking, but I do not see that - my reservation was against the term 'effecting' change.

So in other words, we have got no argument that the - your stance is that the Council of Churches contributes towards shaping society in the way the Council sees the society should be? --- Yes, and it does in many in- 10 stances, and its member churches do so, the - one expects that a member of a church is in the divine worship service, what the church says there has an influence in the shaping of society and in many other aspects, it happens.

Now, let us continue with this aspect. As I say, you have succeeded in side-tracking me. In the process of shaping this society, the South African Council of Churches in the resolutions in which its decisions are embodied, has accepted that one of the methods to - what was the word you used, not 'effect'? To contribute to change, 20 the South African Council of Churches has accepted that unlawful actions can take place? --- M'Lord, I think that is a Biblical principle, that there is a limit to the obedience to authorities, where it is quite obvious that certain actions or certain actions or expectations, or orders of the authorities, are directly against God's Will, the church has to decide whom it will give its first obedience.

The success of a massive civil disobedience campaign, would in fact have the effect of breaking down law and order and the maintenance of law and order? --- M'Lord, that 30 depends/...

depends first of all on the issue; it depends also on the question of how do you understand law and order.

Let me take it then question for question. I say the effect of a massive - of massive civil disobedience campaign, I use the word 'massive' because that is what the terminology was that was used at the 1979 - or was it the 1980 Conference of the National Conference. Dr Allan Boesak used that term, and then subsequently the film "This we can do for Justice and Peace" - subsequently, I think it was a BBC programme, not Justice and Peace, the General Secretary 10 used the same terminology, of massive civil disobedience. Now, I underline the word 'massive', and I ask you now, if massive civil disobedience were to take place, the maintenance of law and order? --- M'Lord, I would not like to respond to what Dr Allan Boesak meant in his lecture, or what the General Secretary was meaning to say. I only can say what I think about it, but I would not like to make statements ..

No, I do not ask you to make statements on - or interpret the thought of anybody else. I just mention the 20 names to show you where the term - the terminology of massive civil disobedience comes from. Let us just deal with the terminology massive civil disobedience. Now .. --- M'Lord, I could use an example. I was in Germany recently, and the Government wanted to have a census, but the census was planned with quite modern methods, with computerisation, and in that census form they wanted to collect data on matters which were not related to simply counting how many people live in that country, and there were many people in that country who believed that this would mean 30

controlling/...

controlling the people, in all aspects of their lives, and they had objections and they organised a campaign against that, and this came to a constitutional court, and it was a massive campaign, simply trying to make that impossible, they were not prepared to complete the forms, and this came to a constitutional court, and as a result that census has for the time being been postponed or cancelled. I do not think it is quite clear yet. This I would consider an example of justified non-co-operation, which then comes to a constitutional court and then a decision is being made, and I think that is an example where such action can have consequences and ..

Yes, now, let us accept that if I am involved in civil disobedience, I may not agree - I may feel so strongly that I reject the law that I am going to contravene. That is seen from the one side. From the other side, it is seen, there is the law, this law has been contravened, somebody has got to act. Now, whether it is justified or not, in the mind of the actors, the participants in this civil disobedience action, whatever the cause for it may be, the fact is that as far as the enforcers of a particular law is concerned, they have got a duty to perform, and I think it is quite reasonable that you can expect that clashes can take place. Would you not agree? -- Yes.

Now, if the scale of such civil disobedient action takes place countrywide, then the structures of law and order are going to crumble, is that not so? -- I would not see this like that, because I feel that first of all the churches in any participation in such action, have/...

have to make very much clear what law and order is, that law and order is necessary, but they are also criteria for what is law and order, because you cannot support any opposition, but you have to ask yourself, what are you going - why do you do this, is this a matter of conscience, is there a matter - and why is such opposition necessary. It is not merely opposition for the sake of opposition, and the church has certain criteria which it has to make its constituency aware of. Furthermore, if any people go into such action, they have to be warned by the 10 church about discipline which is necessary. One should not undertake such action without discipline and without - and be carried out by emotions, because that could be very dangerous, but I could not see that - why a massive campaign of this nature should necessarily destroy law and order, because law and order is undermined mainly by injustice, by obvious injustice, and the church can say something about that, and if the church says something about that, about matters which undermine law and order, also on the part of the authorities, and if I believe - if 20 I am found correctly, the concept of law and order was developed originally to control absolute power. If there are tendencies towards absolute power in the hands of a few people, whose power is not controlled by certain criteria, then there can be a need for such action, and it is the best possibility to have non-violent action in order to avoid violence, because - and I think this has proved to be a valid method in many instances.

Now, you know, in this particular film cut, the General Secretary, when he spoke about massive civil 30 disobedience/...

disobedience, he also said that the purpose of this is to make the country virtually ungovernable, if I remember his words exactly, virtually ungovernable. I am not arguing with you, Doctor, I do not want you to misunderstand me, I am not suggesting that a person who participates in civil disobedience, does not believe that he is justified to so act. That is not my suggestion. I do not say that that person may not believe that he is justified to act. I am talking and discussing with you the consequences, because here you have two opposing states of mind; 10 the one that says, I am justified to act and therefore I demonstrate, and the other that says, but there is a law that prohibits this, and I must prevent this demonstration. Now, is that not the very reason why your evaluation of the 1979 Conference, on page 10, you write and you say, any people thinking of organising a peaceful demonstration in the South African context will from the outset have to take into account the possibility that such a demonstration might lead to bloodshed and loss of life? --- Yes.

You said that? -- Yes. I would like to see it 20 in context please. M'Lord, I said what has been pointed out here, the context is, the whole question of violence and non-violence, if I say that any people thinking of organising a peaceful demonstration in the South African context, will from the outset have to take into account the possibility that such a demonstration might lead to bloodshed and loss of life. The concern is here exactly to warn that you have to be mindful of the consequences, if you start such an action, and the success of an action, such an action, depends very much on the discipline 30

of the people who participate in that action. On the other hand it also depends on the people who are - control what in many instances - are expected to control what is here often described as law and order, and I know that there are countries where it has been necessary to train the police force, how to deal with such demonstrations, and there is discipline also necessary on that side, and I think that is - and - but the church has a responsibility in that respect too. How can you control - how can you - if there is such expression of dissatisfaction, how 10 can a state cope with that situation, and I would think that the church here has to - has different functions. First of all, it has to point towards structures in society, or investigate whether those structures or laws are not the root cause of the unrest, and secondly, if there is such unrest, it also has to cope with the situation of police, because as I pointed out in one of the discussions we had, during the cross-examination, violence is very often an expression of helplessness. If you are suddenly facing a critical situation, I would think if I were 20 a policeman and you get fear, and you do not know what to do, and very often shooting starts in such situations, and I think the church has to make that clear too, because it has a responsibility to all groups involved in such a conflict situation, and the basic argument - the basic obligation of the church is to point towards the root causes of the whole unrest, of the feeling of dissatisfaction, and this I would think that the church has obligations towards all groups. And in this respect I say that it is difficult to distinguish - to draw a strict line 30

between/...

between non-violent action and violence, because it sometimes can happen that non-violent action leads to violence, but I want to point out that it is the task of the church that people who enter such action, consider the consequences and do that responsibly.

Preceding that observation of yours, that in the South African context, these peaceful demonstrations can lead to bloodshed and loss of life, preceding that, is a position in which you state that in the South African situation one cannot distinguish a clear-cut difference 10 between violent and non-violent action. There is a degree of overlapping? -- Yes.

Do you see that, at the bottom of the preceding page. I think it is page 9 of that. --- Yes.

So recognising the fact that there is an area of overlapping between violent and non-violent action because of the South African situation, when the church points out the root causes, as you say, and at the same time then promotes actions, which its senior staff, such as you, foresee, can lead to violence, how can this be jus- 20 tified? -- If I say here there is not a clear-cut distinction between violent and non-violent action, I want to point out that there is already violent action. The violent action is involved if people are arrested, detained, if they die in prison.

Doctor, you say there is already violent action, excuse me. --- Yes.

Now, earlier this morning we dealt with a paragraph in which you made the statement that there is a diminishing tolerance level of the authorities in this country. 30

Do/...

Do you recall that? --- Yes.

Right, there is violent action, let us accept this; there is a diminishing tolerance level on your perception by the authorities, what you are doing now, should we now take steps to have more violence? -- No, exactly the opposite, because I think we should point out that there is already violence, and the - I would think that also certain laws are an expression of helplessness, because how can - you cannot control this situation merely by strict laws, by security laws, by detention without trial, but you 10 will raise more bitterness, and the task of the church is to help all groups concerned find a way towards peace, and towards better understanding, and that this can be done first of all, that they realise that how big - what the people feel, and I do not see in this matter any endorsement of violence.

No, that is not what we are discussing at all. --- But implicitly it is.

Be that as it may, Doctor. We have this violent situation that you have described to us. We have 20 your own assessment that non-violent action can contribute to violence. That is the bloodshed and the loss of life. Right? -- Yes.

Now, I am asking you, that being so, how can the church justify the promotion of actions such as civil disobedience in these circumstances, if it knows, as you obviously foresee, that such non-violent actions like civil disobedience would lead to an escalation of violence? --- M'Lord, I think I have pointed out that there is not an uncritical encouragement of such actions, but at the 30

same/...

same time a warning of the consequences, that you have to know exactly how to do it, and that you have to do it responsibly, and that exactly is what Mr Rob Robertson has been thinking quite a lot about, how can you do - undertake such actions which out - evoking violent action, and there are methods and particularly Christians are in a position to do so, because they by virtue of their faith should be able to control passions, and to contribute peace in critical situations.

But you know, this is - excuse me, this is a 10
sort of speculation. You do not know whether the law enforcement agencies have effective modes and means of acting against demonstrations in a non-violent manner? --- M'Lord, I think that is - I know of other countries where this was a problem, where the church even made people available to speak to the authorities. Bishop Kruse when he was here in this meeting. has spoken about it, how he went to Munich and gave a lecture on the demonstrations in Berlin, and how the chief of the police, who had apparently mis- judged a previous situation, was there for that dis- 20
cussion, and I think this is a task of the church, also towards the people who have to handle such situations.

When one realises as you obviously do, the possible implications that peaceful demonstrations in the South African situation may have, is this then what made you write earlier that these members should be taught to accept suffering and risk? Was this what you were referring to, the possibility of loss of life, bloodshed and so forth? --- I was talking about risk which you have to face in various respects. I did not think in that respect 30

primarily/...

primarily of bloodshed, but of the danger that you get ostracised, you get hatred, you can get called a traitor by people who are closest to you, that you might get detained under certain security laws, that you might not have a trial, that is what I was thinking about. I did not point that out in detail in that context.

Now, whatever the demonstrators' convictions may be, from the opposite side, let us say from the Government side, the State side, that belief of the individual demonstrator, may not necessarily be shared. Right? The 10 demonstrator may believe he is justified to demonstrate, to perform an act of civil disobedience for a variety of reasons, amongst others those you have mentioned, the law if unjust or whatever the case may be. Now he decides to demonstrate. The church calls him to action, and he has got the moral support of the church to demonstrate against laws that contradict the law of God, as the church understands it. Now, demonstration is organised, and it takes place, it is organised in the realisation that bloodshed, loss of life, physical injury, damage to pro- 20 perty, can take place, can take place, must not take place, but it can take place, and it is demonstrated on a country-wide basis, in contravention of laws which other people such as the Government believe, are proper laws. Surely that is going to lead to conflict, to an escalation of the spiral of violence? --- M'Lord, this is a reference again to the book where this word has been used, in exactly the opposite way, in the same way as here, where the author spoke about violence that already exists and that produces counter-violence, and - but I think I have pointed 30 out/...

out that the church in speaking about non-violent action, has to - on the one hand raise the awareness of its constituency for criteria, when is such action justified, because one does not want a situation where there is no law at all; on the other hand it has to encourage its people to consider the costs, but you can never know whether any action could not perhaps cause loss of life. You can even have situations because there is already loss of life. It is not a situation that you only enter a situation where you could have loss of life. Loss of life happens 10 already, and many - I know of cases where such demonstrations started as a result of loss of life. In fact, the whole concept of a just revolution which has come into the discussion, since the Dar-es-Salaam Assembly of the Lutheran World Federation in 1977, or at that Assembly, was a discussion which started when - at that Assembly, I have this information from reading, I was not present, there were - this Assembly took place during the - from June, at the time, the first year after Soweto, and it was on 16 June, fell into that time, and there were - 20 the Assembly took place in Africa, and there was a lot of talk about the need to fight, to encourage revolution in South Africa, among people from other African countries, and then one of the - and the whole topic of that Assembly was the church as a new community, and one of the speakers got very worried about this situation. He was aware of injustice in South Africa, but can one simply accept an unqualified call to resistance, violent resistance even, and then he spoke in a lecture about the question whether the concept of just war which is accepted by the 30

different/...

different denominations, should not also be applied with regard to the concept of revolution or resistance. He spoke of revolution in that instance, and he meant to say that we cannot simply endorse Christians participating in any war, nor in any revolution. You have to have criteria, the same criteria that are used with regard to war should be applied with regard to revolution. Thus the intention was to give criteria which limit recourse to such actions, and I think the criteria for the just war principle are known, that you are clear about the 10 aim you want to achieve, that it is a defensive action, that you have the question of proportionality, that you do not invest something which - you do not pay a price which is not - something that is out of proportion to what you want to achieve, and that you consider particularly the loss of life during such - on such occasions. Thus here, this whole concept, this was an effort to restrict violent action, and I think in that situation this was in a very critical situation, an effort not to encourage violence, but to help people to get criteria in a 20 situation where they wanted to respond to things which have happened in South Africa, and I think that could be an example how the church has to be anxious to restrict violence, and if these sentences are interpreted as they are now, they are really interpreted in a way which is opposite to their meaning, and that is the same in the book of Dr De Gruchy, who is a staunch champion of non-violence.

Well, I did not really want to bring Dr De Gruchy's message across. I wanted to deal with certain 30

basic/...

basic facts, and I think I will put it to you slightly differently. I think we are in agreement that the Council of Churches wishes to contribute towards fundamental change in South Africa. Is that correct? --- That is correct, fundamental change of a particular nature.

Yes. I think you have told us this morning that in your view South Africa finds itself in a conflict situation, right? --- Yes.

That there already exists a certain level of violence in the South African society? --- Yes. 10

The method that your Council has chosen, one of the methods that your Council has chosen to contribute towards this fundamental change, is what we can describe as acts of civil disobedience? -- Yes.

It encourages its people, members of the churches, to perform these acts of civil disobedience as resistance, as demonstrations of resistance to laws, which are considered immoral by the Council? --- Yes.

Now, the question that I wish to put to you, against this background, is this: is it not so that the 20 promotion of acts of civil disobedience can lead to an escalation of the level of violence which already exists in the South African conflict situation? --- M'Lord, I do not think any such action - I think action of such nature can lead to violence, but if the church encourages - or the church speaks about non-violent action, it is anxious to provide criteria for such action, and I am afraid, if the church is not at all involved in such matters, then you would have an escalation of violence, without such criteria. Thus if the church gets involved with the 30 people/...

people and tells them that you have to be clear about what you want to achieve, you have to be clear about what you do, what - how you do it, you have to be disciplined, then the church is not contributing towards violence, but towards the de-escalation of violence, and that is her task, but in her effort to contribute towards the de-escalation of violence, the church also has to speak to the people who control the means of power, like guns, and make them aware that by these - by certain security measures you cannot secure peace. 10

Well, let me assure you, I am not suggesting that the church may not speak, not in the least. The question is, whether the church can promote actions such as in the South African context, civil disobedience, which it knows can lead to an escalation of the level of violence. That is the question now. I am not saying - of course the church can say its say as far as I am concerned. I have no argument about that, but what I want to come to is this: on this position then, that I have sketched to you, that the contribution of the SACC in the South African conflict situation to fundamental change, includes the propagation of methods of civil disobedience which infringe on the existing laws and in effect contravene them, that if this is successful, and this massive civil disobedience that was propagated by your General Secretary, is successful, then in fact the situation in South Africa will become ungovernable? --- M'Lord, again I think what the General Secretary has said, should be discussed with the General Secretary and I think I have pointed out what I think would be criteria for the attitude of the church in such situations/... 20 30

situations..

Well, what is your personal view, Doctor? Never mind the General Secretary's view, he has stated that. I want your view. What is your view? What is going to happen if massive civil disobedience takes place in South Africa? Sketch us a scenario of how you see what the effect of massive civil disobedience in South Africa is going to be? --- M'Lord, massive civil disobedience can lead the Government to rethink certain measures, and there might be examples where this has been the case. I 10 mean, even the - what takes place, you can realise even now, with the election campaign, that the Government modifies certain things, postpones certain things because there is opposition in the Northern Transvaal. That is a response to certain opposition, but I am not identifying myself with any of those groups, but I think that can take place. There are examples also where the Government has simply been under a necessity to change its strategy. It suddenly speaks of power-sharing, and that is a response - I am not agreeing with the direction of the power-sharing 20 or the nature, but that has been a response to demands which were getting stronger and stronger at the grassroots level. I doubt whether their type of power-sharing is a solution at all, but it shows that movement at the grassroots level can have an effect on the authorities, and I think you can get numerous examples of that.

So your one suggestion is that it may lead the Government to rethink. What else? --- I would not only think to rethink, but ..

Excuse me, I want you to conjure up this picture. 30

You/...

You know this country, Cape Town, Port Elizabeth, George, Durban, for example, Johannesburg, Pretoria, Bloemfontein, Kimberley. Take these cities. You have massive civil disobedience on a country-wide scale. What is going to happen?

--- M'Lord, I think ..

Apart from rethinking by the Government? --- I think it can happen that the Government comes to the insight that it has to negotiate with representatives of the people who are in that movement, and to listen carefully what they are really saying, and at present - I have the 10 impression, I have been asked to speak about what I think, I have the impression that this open speaking and open communication between the authorities is being obstructed by existing laws, and also that you do not have a sufficient willingness to listen, because if you rely very much on the one hand on weapons and on laws, you must not expect that people will speak very openly.

Doctor, is the South African Council of Churches prepared to accept the responsibility for loss of life and loss of control of the situation in the case 20 where massive civil disobedience takes place, because of a request by the Council of Churches? --- M'Lord, I think representatives of the Council of Churches on various occasions have warned that such movements or such unrest could start at any moment, and the concern has been to restrict violence, because they - I do not think if it comes, the churches will initiate such a matter, because there is according to what well-informed church leaders say, particularly who are acquainted with the situation in the Black community, this could happen at some 30 time/...

time or another. Thus the churches' concern would be to help such a movement. They would not be able to stop such a movement. It would not start on their own, but to control it.

But excuse me, let us just look at this: who is asking for acts of civil disobedience? It is a resolution by the National Conference of the South African Council of Churches? In fact, the South African Council of Churches has initiated such matters as actions with regard to civil disobedience? -- M'Lord, that is - the emphasis here 10 is on civil disobedience, but there is a movement which could - you hear many people speaking about there is no solution but violence, and by insisting on civil disobedience you want to have some different method of getting change in South Africa.

I mean, you know, Doctor, this - the want to find a confessional status, a resolution on the confessional status, that is really linked to the question we also referred to briefly yesterday, namely the provision of the moral support by the church to the individual, that 20 he is entitled to act, right? That is the effect of the confessional status. If I act in civil disobedience and there is a confessional status, I know I have got the moral support of the church behind me, specifically in this case, the South African Council of Churches? --- I think it would be necessary to speak about one thing at a time, that would be, what is meant by status confessionis.

Well, is not - excuse me, could we just cut this short. Is that not the effect of status confessionis in this particular situation? It is an attempt to 30

declare/...

declare a state of emergency the church in this country, in order to impress on its members how evil the situation is, and to reinforce the obligation of the member to resist? Is that not the effect of it? --- The status confessionis concept refers in the first instance to the task of the church, to make their people aware that they are in a situation where they have no option, the church has to take a stand and it has done that, for instance, the Lutheran Church in the case of Dar-es-Salaam resolution, that a Christian on the basis of his faith in this 10 situation will have to reject the present political system. This does not necessarily say from the outset that this would mean that they would have to start a campaign against the Government. First of all of course this would mean that you have to make your people aware of what happens in the country. Of course that can have - the long-term effect that people decide, we have to do something in terms of some type of non-violent action.

And if I may interrupt you, with the backing and the blessing of the SACC? --- Well, with the - I 20 would say the SACC and the member churches, the member churches have taken very similar decisions, and I suppose some of those decisions are prior - I would have to check that, earlier than the one of the SACC. They have decided, some of the churches have decided in official decisions that apartheid has to be considered, as far as it is supported by Christians, as a heresy. These decisions exist on the part of the member churches of the SACC. Thus you could say the same thing about the member bodies of the SACC. And in the case of the Dar-es-Salaam 30 resolution/...

resolution, the Lutheran Church, the Federation of Lutheran Churches had in principle very similar resolutions already in 1975, there was a big church meeting in which all church - or most of the church leaders of the Lutheran Church participated, and they accepted that resolution.

So what is the simple answer? Does the adoption of the confessional status have the effect of morally supporting the individual members of the church in the performance of the civil disobedience act? --- It can have in particular context, in certain situations have the 10 effect. It does not necessarily have that effect. It can mean that churches will have to negotiate with authorities in certain situations, where that is possible, the same concept you have in Europe. You have it even in the - this question that has been - you have this whole question being raised in relation to the nuclear arms build-up in Western Europe, and it is not regarded there as an attempt to overthrow the existing governments by violence.

No, I accept that latter one. I do not think the church structures are really geared to overthrow 20 the government by violence. You do not need to convince me on that. I accept that. But what do you say to my suggestion that the declaration of a status confessionis, broadly speaking, really amounts to a declaration of war in respect of that area in which the churches decided that the state - in brackets the enemy - has overstepped the bounds? -- I would not accept that suggestion. I would say that such a statement, if it is done responsibly, if it is done with - on the basis of an interpretation of the Gospel, which is after thorough examination, 30

is a call to church members to contribute towards law and order in the country and protect the State against destroying itself by relying to an increasing extent on security measures, on exceptional measures and on weapons.

We will deal at a later stage with the whole question of conscientious - confessional status in some detail.

I just want to bring this back to the civil disobedience.

The only point we are trying to make here, and I think we agree that it can have the effect of providing moral support for somebody who wishes to effect some .. --- 10

In certain situations.

Act of civil disobedience. Now, one last question on this civil disobedience story: is it the duty of the church or is it the task of the church to promote civil disobedience, and please distinguish from the right of the church to say its say, but is it the task or the duty of the church to promote civil disobedience? --- M'Lord, in certain situations it can be the task of the church to do that, if all other possibilities have failed, and this is a far better possibility than allowing the church members to drift 20 into an attitude where the only solution they see is resorting to violence.

And what do you say, how does the South African situation relate to that explanation of yours? --- I think the situation as far as I listen to people who - in the situation who have some experience, I only do not limit it to my own impressions, the situation is very serious.

In the existing South African situation, is the church entitled to call for acts of civil disobedience on your understanding? --- M'Lord, if such a call comes to 30

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the churches, you have the South African Council of Churches as a body which brings together the church - people, representatives of its different member bodies, and it is not my task to say, is it the task of the SACC, it is the task of the SACC to high-light the questions and to bring people from the constituency, to listen to them. At the last National Conference, the first step was to listen what people in the churches think, and then to try to expose that thinking, their frustrations, their hopes, to what is to be understood as the Gospel, and that is also 10 discussed, and then to find out how can we arrive at solutions in our South African context, what is to be done, and the South African Council of Churches is not a body simply standing above its member bodies, but it is exactly its function to bring together its member bodies, and to promote thinking on what they would do, and thus I would not say what the churches should do. I think this is what they would have to decide.

At the 1979 National Conference, that Conference adopted a resolution of non-co-operation etcetera; 20 you know about that, right? --- Yes.

Now, that was a decision of the National Conference of the South African Council of Churches, which implicit in the decision is contained actions of a civil disobedience nature. There is no argument about that. I am asking you whether in the present South African situation you think that the South African Council of Churches is entitled to have a resolution like that, stand, is it entitled to call for civil disobedience. That is my question. --- M'Lord, again I would say it was - such a decision 30

was/...

was taken at a Conference of the National Conference. This was a result of consultation between the representatives of the different member bodies of the churches who were present, and they came to this conclusion.

I know they adopted that particular decision, but let us see with what degree of understanding. Please turn to page 13 of that document I have given you, your personal evaluation of the National Conference of July 1979, page 13, and I wish to refer you to paragraph 7 there, in which you deal with this matter, and you say: 10

"A resolution was taken on non-co-operation with the State ..."

Excuse me, have you got it? --- I have got only 10 pages here, of that document.

I will provide you with a copy. I am afraid it has been photostated in instalments. Now, in your personal evaluation of the National Conference, Hammanskraal 1979, on page 13, paragraph 7, you deal with this matter and you say:

"A resolution was taken on non-co-operation 20
with the State in areas pertaining to the laws that are against the will of God. The Conference did not pay sufficient attention to the implications of this resolution, and to the discipline and planning that is needed if any non-violent action of this nature is to have an impact".

You have mentioned that already. Then look at paragraph 9 where you state:

"The time available for the discussion of the resolutions was insufficient. It is doubtful whether 30

all/...

all the delegates understood the full implications of the resolutions on withdrawal from co-operation with the State as far as it is possible".

So you sit with the National Conference resolution but you yourself interpret the happenings there, that the National Conference does not really know what it has voted for? --- M'Lord, I did not say this - this is a personal evaluation. I did not say it exactly quite as it has been said now. I said it is doubtful whether all the delegates understood the implications of the resolution. That is 10 a bit different, and if I make this remark as a personal comment, then I ..

That was your impression then? --- That was my impression.

Well, it is fair enough. --- And then I think what I wanted to say here was, if such a conference has taken place, then you need follow-up work, to make clear what it means, and what are the implications.

Now, the interesting thing is of course that this resolution was suggested or consideration that such 20 a thing should be adopted was suggested in your report to the National Conference from which I wish to read to you from page 3, under the heading "Strategies of Resistance". You write here:

"In view of the great suffering resulting from the policy of separate development, the question has arisen whether the South African churches are not under an obligation to withdraw as far as that is possible from co-operation with the State".

I show you the minutes of the 1979 National Conference 30 and/...

and I want you please to identify that. Do you see that?

--- Yes. That is what I have written in that report.

Yes, that is the report you submitted to the 1979 Conference; you confirm that? --- Yes.

And there you call for a consideration for a resolution along the lines. You got your resolution? --- Yes.

In the full realisation that bloodshed cannot be excluded, page 10 of your personal evaluation with which we have dealt already; people thinking of organising peaceful demonstrations will from the outset have to take 10 into account the possibility that such a demonstration might lead to bloodshed and loss of life. In that full realisation you asked for this particular resolution, you got the resolution; you now state that on your perception, Doctor, members attending the National Conference did not appreciate the full implications of the resolution, but you did, and that is why you asked for it. Is that not so? --- Yes. M'Lord, I do not quite understand what the meaning of these questions is. First of all it is true that I have said here that - spoken about an 20 obligation to withdraw as far as that is possible from co-operation with the State. I have said in another paper that non-co-operation in the form of non-violent action, that would apply to demonstrations and other such actions, can lead to bloodshed. Now, in saying that I also have - I wanted to point out that this is the reason why one has to be particularly careful, not to encourage bloodshed, and here I say it is doubtful whether all the delegates understood the full implications of the resolutions. That expresses a care that if people take such a resolution 30

and/...

and have not understood it, the concern that they are made to understand it, so that if you undertake any such actions, they are undertaken responsibly. Thus I do not quite understand the direction of the questions.

Allright, let me put it together for you. I refer you to the specific resolution, you can find it in Ecunews Bulletin 24 of 1979 on page 34; it is dated 3 August 1979. It is under the heading of "Justice and Reconciliation", and I read to you from page 35(e). This is the resolution:

"Recognising the great suffering resulting from 10
the policy of separate development, and confessing
that this suffering has been greatly increased by
the churches' failure to act in the past, this Conference believes that the South African churches are
under an obligation to withdraw as far as that is
possible from co-operation with the State in all
those areas in the ordering of our society where
the law violates the justice of God. We call upon
all Christian people to examine their lives and to
seek to identify the ways in which each one 20
reinforces the policy and props up the system. We
recommend the work of the Division of Justice and
Reconciliation and request them to continue this
work by examining the strategies of resistance".

So it is not only a resolution that approves or that states that churches are under an obligation to withdraw; it is also a resolution that calls on you to continue your work by examining the strategies of resistance, and now you can see why your comment about bloodshed on page 10, was added to this particular point. If you, Doctor, were 30

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under the impression that there were a certain number of delegates at the National Conference who did not understand the implications of this particular resolution, why did you not stop the voting on the resolution until you were satisfied that these people understood the implications?

--- M'Lord, I am a staff member at a National Conference and to stop at the National Conference what people want to decide, I think that is expecting too much, particularly if the - again and again you hear the objection, you only tend to direct the people what they should say. 10

I take your point, Doctor, I am sorry, I overlooked that. --- And I would like to make the other point, that I simply cannot, from the documents here, again see that there is - that the idea non-violence leads to bloodshed and therefore in speaking about non-violence, and I hear that from the questions you want to promote, or you want to take such action in spite of the fact that you know that it will lead - could lead to bloodshed. The concern is exactly the opposite, to make people aware of that possibility, and then help them to act responsibly. 20

CHAIRMAN: Dr Kistner, we are going to take the adjournment now, and this afternoon at 2 o'clock we are going to interpose another witness. Will you please then just stand down for the time being? I hope you understand, and when that other witness is finished, then we will ask you to come forward and make yourself available for further questions.

THE COMMISSION IS ADJOURNED