



## another kind of noose

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*The implications of a draft Bill, expected before parliament within a year, are enormous.*

**T**he Promotion of Orderly Internal Politics Bill has been introduced in Parliament by the Minister of Justice. It has been referred to a Joint Committee of Parliament which invited submissions before 15 April 1988.

If the Bill is not passed this session it is almost certain to come before Parliament in 1989. Its primary purpose is to cut off the foreign funding of a wide range of anti-apartheid organisations.

The Bill can be divided into four parts. Two of these are of vital concern to us.

The Bill firstly introduces entirely new legislation regarding foreign funding and secondly amends the Fund Raising Act in order to tighten control.

The press has focused disproportionate attention on those aspects of the Bill which will allow the Minister of Justice to declare an organisation restricted and to confiscate all the foreign money

in its possession. This is important but it seems unlikely that many organisations will be treated this way because the Bill gives the government total control over all funding without any dramatic action against any particular organisation.

If it becomes law it will affect our day-to-day work and administration very seriously indeed.

Until after the Fundraising Act was passed in 1978 the Black Sash had never received any foreign funding whatsoever and we raised all the money we needed through our own efforts (morning markets, etc.) with a small grant from the Donaldson Trust each year for the advice offices and occasional grants from the Chairman's Fund, also for the advice offices.

But things changed after 1978 for the following reasons:

1. A great many of our members became what is commonly known as 'working women' - although, as we all work, we prefer to use the term 'salaried women'.
2. The demands upon us in the advice offices and from rural communities became greater and greater. We could no longer cope with voluntary workers only. They had to be supplemented with some paid workers.
3. The Fund Raising Act prevented us from accepting any donations at all so we lost the extra financial support from sympathisers who were not members of the Black Sash.
4. Donor agencies began offering us money to assist with our work.

A combination of all these factors compelled us to look very closely at the Fund Raising Act, which required organisations to be 'registered' in order to raise money from the public. The Black Sash decided not to seek registration as a Fund Raising Organisation in terms of the Act. The Black Sash Advice Office Trust has never sought registration either.

On examining the Act, we found we were able to continue to receive money from those with whom we had a long-standing relationship such as the Donaldson Trust and the Chairman's Fund because they were not 'the public' to us. We could receive money from embassies of foreign countries in South Africa because embassies are not the public either. We could receive money given to us as part of a contract between us and the donor which obliged us to furnish the donor with reports and information required in return for financial support.

New problems then arose because the money received as payment for reports and information is income and taxable. The Black Sash then formed the Advice Office Trust which was registered as a trust in 1985 and began operations at the beginning of 1986. The Trust was granted exemption from Income and Donations Tax.

The Trust receives money for the work of the Black Sash advice offices and rural programmes and for the publication of information. No money whatsoever goes from the Trust to the other work of the Black Sash Regions and no



*... 'No organization ... may directly or indirectly receive from outside the Republic, ... any money which is intended to be used, ... to propagate... or oppose any political aim or object.'*

money whatsoever goes from the Trust for Black Sash work that promotes a political objective (e.g. when we produced the booklet VOTE 'NO' at the time of the constitutional referendum, no Trust money was used for that purpose as it was a direct political call). The Black Sash has continued to fund all its work outside the advice offices and the rural programmes through its fund raising efforts and its membership subscriptions.

At the end of 1987, the Trust's tax exemption was withdrawn by the Receiver of Revenue without any warning and for no stated reason. Our attorney, auditor and financial adviser are working on this on our behalf. We cannot think that this action is unrelated to the government's sudden interest in the funding of opposition organisations. It is a nuisance but it is not related to the new measures contained in the Promotion of Orderly Internal Politics Bill and it is only relevant to this discussion in that there has been some confusion about the two issues.

The amendments to the Fund Raising Act contained in the Promotion of Orderly Internal Politics Bill establishes total control over all funding. If it becomes law the Black Sash and the Trust will be unable to receive any money whatsoever from sources inside or outside South Africa unless we apply for and are granted registration as a Fund Raising organisation. The only money we will be able to accept is money from our own members who are resident inside South Africa and money we make by selling things inside South Africa. The one exception is money received from embassies but that is only exempt if it is not used for any political purpose whatsoever as outlined in the next paragraph.

### **No foreign money for political purposes**

The main new provision of the Bill says:

*'...no organisation or person may directly or indirectly receive from outside the Republic, or directly or indirectly bring in or cause to be brought into the Republic, any money which is intended to be used, or in the discretion of that organisation or person may be used, to further, propagate, pursue or oppose any political aim or object.'*

I do not know whether to pursue justice, democracy and peace is to propagate a political aim or object, but the pursuit of those ideals certainly involves opposing the political aims and objects of apartheid.

Even if we did decide to apply for fund rais-

ing registration and were granted it we would still not be able to receive money from foreign sources if we intended to use it for opposing or furthering any political aim or object, or if it could be so used in our discretion.

The penalties for disobeying this provision are a fine of R20 000 or a fine of twice the amount of money involved or ten years' imprisonment or both.

The Bill provides that in any prosecution for contravention of the above prohibition if it is proved that the money has been received from outside the Republic and if it is proved that the organisation or person concerned 'engages or participates in the furthering, propagating, pursuing or opposing of any political aim or object, it shall be presumed, until the contrary is proved, that the money is intended to be used...or may be

used to further, promote, pursue or oppose a political aim or object.'

The onus of proof is once more placed on the accused.

If this Bill becomes law it will emasculate much of the valuable and constructive work which is being done at the present time by a variety of extra-parliamentary opposition organisations and it is clearly designed to do just that. There can

be no illusions. The government is intent on wiping out all opposition to its apartheid policies and all work which is directed towards the creation of a democratic society in South Africa. The Bill is potentially much more damaging than the Emergency regulations and the banning of organisations, persons and newspapers which have not succeeded in crushing resistance.

If it succeeds in its purpose the way will be opened for money to be diverted into programmes which are 'approved' - evangelical conservative church movements, well-meaning but naive charitable programmes which are unwittingly used for the political purpose of the state, 'reform'-oriented groups.

It seems probable that great pressure will be brought to bear on the governments of Europe and America for action in response to the SA government's intentions. It could be that they will say that if South Africa does not permit foreign funding, it shall not have it - not any of it - and that this Bill will lead to the financial sanctions which have been hovering in the wings for so long. This time there will not be any easy ways to negotiate with the banks any long term let-out.

It is essential that South Africans do everything in their power to force the government to withdraw this Bill. □

### **STOP PRESS:**

As SASH went to Press, reports indicated that the Parliamentary Select Committee examining the Bill intended proposing significant amendments. No confirmed details of the proposed changes were yet available, but reports indicated that the committee will propose legislation, similar to that of the United States, requiring non-profit organisations to disclose all sources of foreign funding and to have audited accounts. It remains important for us to examine and understand the Bill - that still stands unamended - in order to assess the significance of any changes that may be made.