

**work**

**in progress**

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# editorial

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With the passing of the first anniversary of the October 19th crackdown, it is of interest to recall what we wrote of those events.

In the editorial of WIP 2, we suggested that

"The actions of Kruger on October 19th confirm that the strategy of total war, and the development of an exceptional state, are reaching a point of consolidation. The point of no return has been passed.....

.....(I)t is clear that the 'verligte' option has lost the struggle in the power bloc, and the apparatuses of the state are becoming ever-more geared towards a function of direct and repressive control over the structures and practices which constitute society."

Much of the seemingly diverse material gathered in this issue of Work in Progress tends to confirm the direction we outlined previously.

The question of the 'control' function of homelands, the way in which the 'squatter issue' and resettlement is dealt with by the state, the exceptionally repressive manner in which the state is responding to the political action of the popular classes (as shown in our information on security trials), all suggest that the South African ruling classes have embarked on a policy of naked confrontation and repression, rather than a strategy of accommodation ie the 'verligte' alternative.

Even the election of Defence Minister P.W. Botha as Prime Minister, over the challenge of the 'verlig' Pik Botha, is indicative of the balance of forces in the ruling party and the state apparatuses.

A second most important dynamic operative in the South African context, less clearly perceived a year ago, is the explicit and considerable intervention on the sub-continent of Western imperialist forces. This relates not only to the vacillating and ultimately cowardly self-interest of the Western 5, but also to the more directly capitalist forms of intervention in South Africa - on codes of conduct, trade unions, and general conditions of employment.

Of course, in these endeavours Western capital has its echo within South Africa - indigenous monopoly capital. This is reflected in the sudden interest of the Urban Foundation in questions of 'employment practices', and the generally

regressive attitude of the commercial press (the SAAN-Argus monopoly) and the Progressive Federal Party to the Namibian conflict.

We again run a lengthy set of 'trial briefings', but feel that it is necessary to situate these within a social context. After all, every trial is reflective of a real set of events and conflicts. Our interest in 'security trials' is not a legalistic concern with the process of law, but an interest in the social relations and conflicts which have given rise to such proceedings.

In an attempt to clarify this, we have included 2 detailed studies of recent Terrorism Act trials. We believe that this gives a clearer indication of the reality underlying every item contained in our section on 'The Courts'.

In many ways, the conflicts which have resulted in so many security trials are the other side of the picture sketched above, ie the consolidation of repressive state power. As the popular classes have experienced the direct effects of increased repression - of influx control, mass removals, 'homeland' politics, unemployment, etc. - and as they have come to see their interests as in direct opposition to those of the ruling classes, so they have reacted in more militant ways. For some groups, this has been the isolated acts of arson, stoning and the like. For others, like the people mentioned in our 2 trial studies (Political Conflict), reaction has meant the joining of the banned ANC, and actively working for its aims and objects.

In this context, we continue to believe that WIP fulfils a valuable function in providing information and interpretations not generally advanced in South African society.

THE EDITORS.

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The nature of WIP, which is to stimulate debate and present controversial views, ensures that the opinions expressed do not necessarily reflect the views of the editors.

Thanks to Rius, Debbie and all other contributors.

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# uhuru

The Venda bantustan is situated in the north-eastern corner of the Transvaal, covering some 600 000 hectares along the borders of Rhodesia/Zimbabwe and Mocambique. (Consolidation plans do not allow for common borders with these territories. The 5km wide strip of land between Venda and Zimbabwe is said to be used as a military exercise area). The 1970 census figures say there are 357 919 Vendas - 251 235 within the bantustan and 106 684 outside.

The Venda Territorial Authority was established in 1969 with Chief Executive Councillor chief Patrick Mpephu, a strong supporter of apartheid, at a salary of R3 600 per annum. In 1971 the Territorial Authority became a Legislative Assembly. When Vorster visited Venda in that year it was reported that "some of the leading and more educated Africans present appeared to disagree with remarks by ... Chief Patrick Mpephu to the effect that his people were satisfied with the pace of the development of their homeland".

In 1973 Venda received self-governing status. The Venda Legislative Assembly (VLA) would have 60 members (25 chiefs, 2 headmen, 15 members designated by chiefs, and 18 elected members). The chief minister must be a chief and so must 3 of the five cabinet ministers.

From the very start Venda's political history reads as a farce. The first elections gave Baldwin Mudau and his Venda Independence Party (VIP) 13 of the 18 elected seats and initially 5 chiefs supported the VIP. This gave chief Mpephu, elected chief minister, a majority of 24 (such are the ways of "homeland" politics). But even with the odds unbeatably in his favour the "traditionalist" Mpephu (whether this is in reference to his position in a long line of stooges in similar offices is not clear) had after 11 days of VLA session lost 15 of his supporters to the VIP. Mpephu acted in great tradition and announced the closure of the Assembly.

The Commissioner-General for the Venda (at that time De Wet Nel) said that time had been wasted during the session because members had not understood parliamentary procedure and that lectures would be arranged for them during the adjournment.

In 1977 Venda was said to be discussing independence with South African officials, as well as the establishment of a defence force. Mudau (VIP) argued that Venda could not become independent because it could not be self-sufficient. Nor would it be able to resist "terrorist incursions" from neighbouring Zimbabwe.

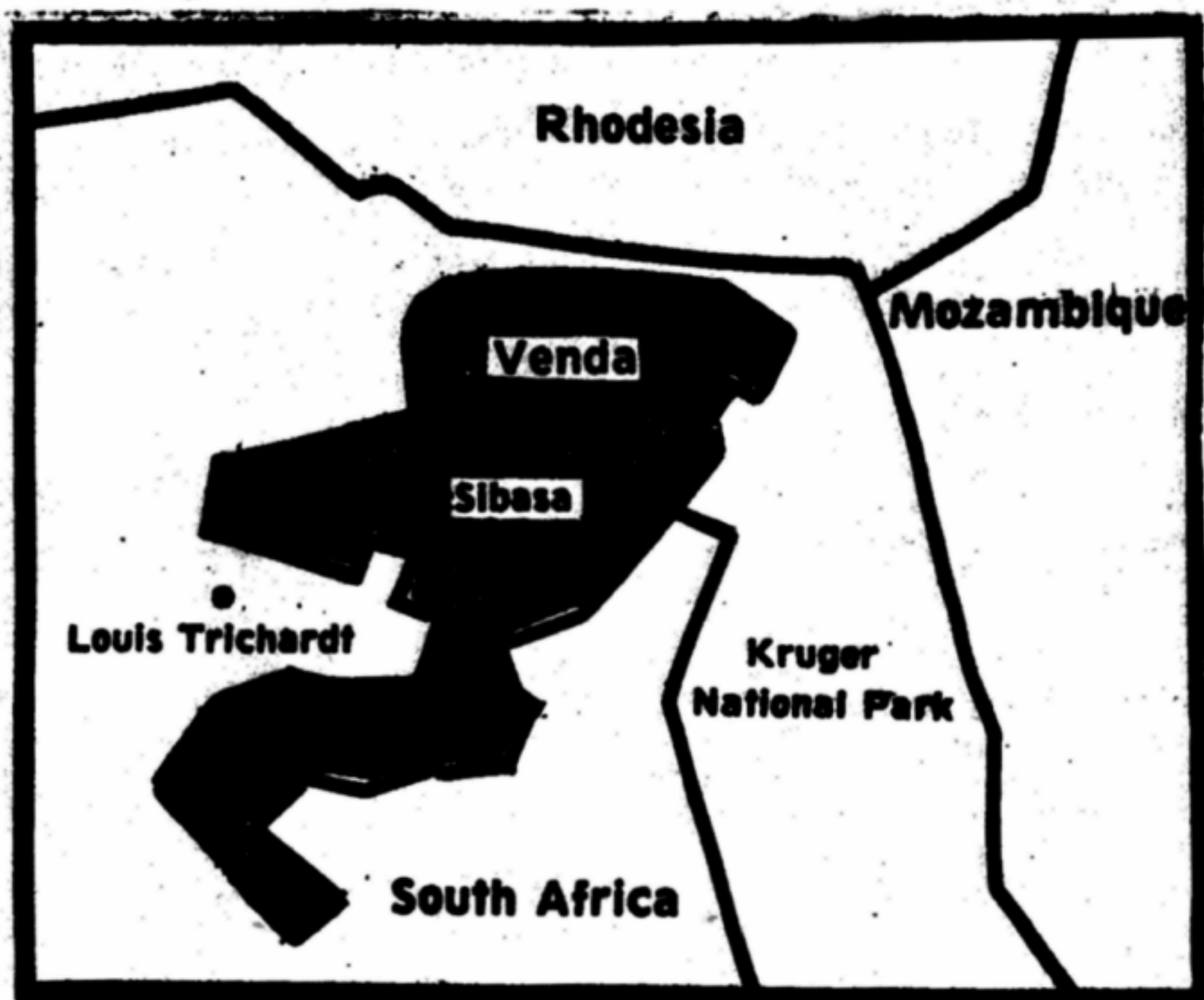
1977 also saw student revolt in the bantustans - a continuation of the events that shook South Africa from June 16 the previous year. The parliamentary buildings in Sibasa were stoned and homes of officials (black and white) were attacked. By October 7 some 357 schools had been closed, affecting 114 800 pupils.

Proclamation R276, identical to Proclamation R252 for the Ciskei, was passed for Venda with an additional clause in the definition of what constitutes subversive statements and actions - that this would include "the threatening of a scholar or by any means influencing him to refrain from attending classes or sitting for any examination" (for Proclamation R252 see box). At the start of the 1978 school year students at Vendaland schools were asked to "give undertakings" and their parents to "give assurances", the nature of which were not revealed but obviously referred to the events of the previous year.

Early in 1978 (March) Mpephu announced that he was to hold talks with Vorster on the independence issue. Opposition VIP leader Baldwin Mudau had by now changed his stand to one of neutrality - "We are uncommitted. We will leave it to the people to decide in the elections in July". (When have "the people" ever decided in South Africa?) Less than a fortnight later Mudau walked out of the Assenbly during a motion on "independence", because he had been refused an opportunity to table a motion of no-confidence.

Mpephu said that: "It has been proved that the Venda Government and people are developed", and that Venda would maintain its ties with South Africa and expected to receive assistance from her as long as "Venda acted responsibly". In June it was announced that Venda would be consolidated into an undivided territory at the expense of the Gazankulu bantustan.

And so the two parties, Venda National Party (VNP) of Mpephu, and the Venda Independence Party (VIP) of Mudau, entered the circus ring of "homeland elections" once more - a farce to the outside world, but a tragedy to the people of this region of South Africa. Both parties supported "independence" and were fighting for an increased 42 elected seats (to equal the 42 nominated posts).





**CISKEI****Proclamation R252 of 1977**

Following disturbances in the Ciskei, which escalated after the death in detention of Mr. Steve Biko, Proclamation R252, made in terms of the Bantu Administration Act of 1927, was gazetted on 30 September. Similar to Proclamation R400, which gave emergency powers to the government of the Transkei during the period of unrest following the Pondo revolt of 1960 (and continued in use until replaced by similar legislation this year), Proclamation R252 extends extraordinary powers to the Ciskei Government.

Restrictions are placed on the holding of meetings, which must be authorised by a magistrate. Any person who is the author of "subversive or intimidating statements or actions" will be liable to a fine of up to R600, or three years' imprisonment. Included in the definition of such statements and actions are the organising of or taking part in a boycott, and the treatment of a chief or headman with "disrespect, contempt or ridicule" and failure to render, "in accordance with Bantu law and custom", such services to a chief or headman which should be rendered by the person concerned.

The Minister of Justice of the Ciskei is empowered to prohibit persons from entering or remaining in any part of the Ciskei which he may specify. He may also order the arrest and detention of any person whom he considers to constitute a threat to law and order. Such person may be detained for a maximum period of 90 days without trial, and during that period may only be visited by a magistrate, unless the Minister decides otherwise. The courts of law are specifically deprived of the power to interdict, delay or suspend any decision made or direction given under these regulations, and an indemnity clause prohibits the institution of any civil action arising out of the operation of these regulations against the Ciskeian Government or any official thereof.

These powers could be used by the Ciskeian Government to silence its opposition in the general election scheduled to take place soon, as was the case in the Transkei.

A SURVEY OF RACE RELATIONS, 1977

Baldwin Mudau is an urban dweller. He has, amongst other jobs, been a social worker, a lecturer at Turfloop, a research assistant in the Anthropology Department at Wits University, and Public Relations Officer for Lever Brothers. Mudau and the VIP's frustration on all levels with bantustan politics, and yet maybe a belief that they could make it work if they could gain control, has been well recorded in the interview Dison had with Mudau and in the paper presented to the conference on Opposition in Southern Africa (see Conference papers and Africa Perspective). Dison points to the predominantly petty bourgeois composition of VIP leadership and candidates for the 1973 elections, but also to the non-incorporation of them into the apartheid structure.

Chief Patrick Mpephu formed his political party (VNP) only after his "election" as chief minister. This party would be "tradition-orientated, concerned with preserving the powers and functions of the chiefs". The Sunday Express reported that he has a standard 5 education and "reads Venda haltingly. In English or Afrikaans he requires an interpreter for any conversation going beyond introductory remarks". These communication problems do not seem to be standing in the way of receiving instructions.

The VIP won 31 of the 42 elected seats in the July elections, winning all seats in 3 of the 4 districts and gaining strong urban support. Mpephu, however, is not that easily defeated. After the previous elections (1973) he had taken the 40 chiefs in the VLA to the Manyelethi game reserve attired in R70 suits bought for them (subsequently described as "parliamentary suits"), returning only 5 minutes before the voting that placed him in power (despite the VIP's popular majority). Now, in 1978, defeated VNP candidates were appointed to the 42 nominated seats even before results were officially known. P Rambau, disqualified from standing in the elections because of a six-month jail sentence, became one of the nominated members.

But even these crude machinations were not enough to ensure a docile and inevitable journey to "independence" in the eyes of Mpephu and the South African government. Towards the end of August 37 people - most of them VIP members and supporters - were detained in Venda. This number included at least 10 Legislative Assembly members, 2 magistrates and an assistant magistrate.

Mpephu released a statement saying that he had been convinced by information received "that the maintenance of law and order was in jeopardy.

"Investigations into the activities of the detainees will be undertaken in due course (sic) by the police so that the law takes its course. It is expected that criminal action will follow".

A week later 5 more people were detained including another elected VIP member, and the next day 4 students were arrested. Mudau's response of a threat to boycott VLA sittings and to institute legal proceedings for alleged irregularities in the 11 seats won by the VNP can only be described as naive and inadequate. Mpephu promptly detained three of the unsuccessful VIP candidates in the legal proceedings - at least he cannot be accused of legalism - and a twelfth VIP Assembly member.

On 13 September chief Mpephu was elected chief minister at a meeting boycotted by all but one of the successful VIP candidates (this person crossed to the VNP). Dr JS Otto, present Commissioner-General for Venda, said that members had committed themselves to the democratic principle embodied in the Venda constitution. He continued: "In this regard, you in Venda are setting an example to many states in this continent, where the democratic process has been swept away by dictatorship and other systems which make a mockery of democracy". Dr Otto also attacked marxist influence in Namibia and Zimbabwe.



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To celebrate this victory for democracy on the African continent the Assembly approved expenditure of R7,6-m to prepare for "independence" in 1979. A motion compelling members to attend VLA sittings on at least 4 days per week or face losing their seats if their excuses should not be acceptable, was also passed. The Assembly the adjourned indefinitely, which commentators took to mean until 1979.

The number of detained VIP supporters now stand at 55.

The events in Venda are crude even by "homeland" political standards. Some very obvious conclusions can be drawn from the events. Of the total number of VIP supporters detained, a large proportion are members of the new and traditional petty bourgeoisie - magistrates, students, teachers and principals, and businessmen have been mentioned in press reports. On the other hand Mpephu has had to rely on the artificially maintained and altered remnants of a traditional authority structure - the chiefs and headmen. In other words, on people who are directly dependent on the central government for their power and income. It is clear that Mudau and his party are by no means radical in the alternative they offer to Venda, but are still perceived to be the less manipulable of the two groupings.

It is interesting to note that a similar strategy option had been attempted several times over the past number of years in Natal and kwaZulu. Shaka's Spear, a party associated with "traditional" elements, was but one of the BQSS/Department of Information ventures in this direction. However, Buthelezi has both the "traditional" background and the skill to utilise it in order to neutralise such manoeuvres. The apparent inability/unwillingness on the part of the state to incorporate significant sections of the petty bourgeois leadership directly into state branches may be a generalisable comment on the nature of the state option of repression within the South African social formation.

The Venda farce is but another example, although astonishing in its crudity, of the control function of the bantustans in contemporary South Africa. The political conflict is resolved in favour of the party best able to execute the provisions of Proclamation 276. The VIP with its specifically, although not exclusively, urban petty bourgeois base is not the party to fulfil this function.

To see the whole episode only as a farce is, however, to miss the underlying reality of repression of the unemployed, of students (the future unemployed), migrants and 'peasants'. That is finally what bantustan politics is all about.







Since the briefing was written several more events have taken place. An attempt will be made to bring it up to date:

Six Tshino youths detained (Post, 78-09-21)

"Six youths from Tshino, near Sibasa, have been detained by the Security Police. Of the six youths, five are students...According to one of the students who were detained, the Security Police questioned them on the class boycott that started at the school..."

Released Venda detainees banned (Post, 78-09-21)

"The Venda Government senior clerk who was released...has been banned in terms of Proclamation R276. An order was served on Mr Muligue Sigwavhuline four days after his release. He has been restricted to his 'house and its immediate surroundings' from 6 am to 6pm for a period of 90 days from the day of his release."

School head held (Post, 78-09-21)

"A secondary school principal is the latest victim of the continuing security clampdown in the Venda homeland.

...  
The youngest secondary school principal in Venda, Mr Nemaconde is the third school principal...detained in the homeland swoop.

...  
Efforts to get a full list of the detainees have been unsuccessful as the government is not prepared to release any information about the detainees."

It appears that 5 more students were detained over the weekend of the 23rd September.

Focus on students (RDM, 78-09-28)

Mass arrests of opposition Venda Independence Party members of the Legislative Assembly, which has been going on since two months ago, have now focussed on the students in the homeland.

The recent arrests, which took place last week, include five senior students from Lwenzhe High School in the Vuwani constituency where the opposition won all the 11 elected seats in the general election which was held in June."

Costly homes for Venda MPs (Star, 78-09-29)

"Venda Cabinet Ministers are ahead of other South African homeland leaders when it comes to expensive houses. A large construction company is building three houses for Venda cabinet ministers at a cost of almost R88 000 each.

Houses for BophutaTswana's cabinet ministers in Mmabatho which were built last year, cost between R50 000 and R60 000 each. The President of Transkei, Mr Botha Sigcau, has a more opulent home which cost R500 000.

Venda opposition party leader, Mr Baldwin Mudau, said the money being spent on cabinet ministers' houses was a 'total waste'.

'Instead of putting money into developing necessary projects, they are wasting money,' Mr Mudau said."

Detainees may be freed (Star, 78-10-03)

"Political detainees in the Venda homeland would probably be released within the next few months, Chief Minister Patrick Mpephu said yesterday.

...  
Twelve elected VIP members are among those detained under the homeland's emergency law. Chief Mpephu said no charges had been

# The COURTS

Tabang Lanham Musi (21), Henry Masangwanya (19), Nkosana Rala (18), Madoda Twani (19) and 10 others under 18.

Charge: Riotous Assemblies Act in that, during March 1978, they attended an illegal gathering in the yard of the Sobukwe home 2 days before Robert Sobukwe's funeral.

Warrant Officer CF Scheepers told the court, sitting in Graaf-Reinet, that he had found between 150 and 200 youths singing freedom songs in the yard of the Sobukwe home.

Defence advocate Bennie Kies argued that the meeting was of a religious nature and was therefore not an illegal gathering.

Verdict: Guilty.

Sentence: Musi was fined R30 or 60 days.

The other 13 were sentenced to 4 lashes each. All 14 accused appealed against sentence and conviction, but in July 1978 the Supreme Court in Grahamstown confirmed the findings of the trial magistrate.

Rev Moses Moletsane, Rev Abel Hendriks, Bishop Ernest Green, Rev John Kani, and Johnson Ngxbonywana.

At the end of July, a mass prayer meeting was held at Crossroads squatter camp, attended by some 4 000 people, and addressed by the abovementioned people. In mid August, a police spokesman announced that certain people would be charged with addressing an illegal meeting, and towards the end of August the 5 speakers were summonsed to appear in court.

A few days later the charges were dropped on the instructions of the attorney-general for the Western Cape. Bishop Green surmised that charges were withdrawn because the trial would have caused adverse international publicity for the South African state.

WIP 4 (p 47) reported the trial and conviction of 27 black journalists under the Riotous Assemblies Act. They were originally charged with having taken part in a protest march on November 30th, 1977, protesting at the continuing detention and police harassment of fellow black journalists.

The 27, who were convicted in the Regional Magistrate's Court, appealed to the Supreme Court against conviction. Late in September 1978 this appeal was dismissed, and conviction and sentence .



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of R100 or 50 days each was confirmed.

Abdool Backarer (22), Samuel Dryer (45) and a 16 year old youth.

Charge: Throwing a petrol bomb at the house of a Durban policeman.

The policeman, Sgt RO Heath, told the court that on March 25th 1978 he was woken by a loud explosion. His bedroom curtains were on fire, and he saw 3 people running towards a blue car. One of these he recognised as Backarer.

Verdict: Backarer was found guilty. Dryer was acquitted and charges against the youth were withdrawn.

Sentence: 6 years, 2 suspended for 5 years, ie a jail sentence of 4 years.

Indhiren Chetty.

It was previously reported that Chetty was sentenced to 5 years imprisonment, 2 suspended, for his role in setting fire to the house of Fatima Meer in 1972. He appealed against this sentence, and in September 1978 the Supreme Court slashed the sentence to a fine of R500 or 1 year, with a further 2 years suspended for 5 years.

Samuel Dikotla (24)

The accused is editor of a Pietersburg newspaper, the Weekend Times, and worked previously for the Voice of the North.

He was arrested in June 1978 for taking photographs of the arrest of a news vendor.

At the end of August, Dikotla was acquitted in the Pietersburg Magistrate's Court.

A 17 year old youth.

This accused was originally brought to court with a 16 year old co-accused, both charged with Terrorism. At the end of the state case, both accused were acquitted, but police immediately re-detained the 17 year old.

He was then brought to court without his previous legal representation being informed, and charged with 2 new counts of Terrorism. Both counts related to letters he wrote from jail while being held as an awaiting-trial prisoner. The letters, written in a rambling and incoherent manner, contained crude instructions on how to leave South Africa. The state alleged that, in writing these letters, the accused had endangered the maintenance of law and order. The accused was not legally represented in this 1 day trial in



Johannesburg.

Verdict: Guilty on both counts.

Sentence: 5 years on each count, to run concurrently (ie an effective sentence of 5 years).

Frederick Mavundla (18), Caswell Thabele (18), Louis Manatha (19), Milton Mabaso (20), Sydney Khoza (19), Oddie Gamede (18), Veli Mkhonza (19), and 2 16 year olds.

Charge: Murder.

On the night of April 23rd 1978, students at St Augustine's School, Dundee, went on the rampage, and sought out a teacher, Godfrey Ndawo. The teacher fled to a house, which was stoned by pupils. When he attempted to leave the house, he was attacked by the crowd of students, and subsequently died in the Nqutu hospital.

18 students, including the 9 accused in this case, were charged with Sabotage, alternatively public violence. They pleaded guilty to the alternate count, and were each given 5 year suspended sentences.

The state then chose to charge 9 of the group with murder. However, in mid August Justice Hart, sitting in Ladysmith, found that if the trial continued, the accused could be found guilty of the same offence twice. All 9 were accordingly set free.

Clive Emdon (36), Editor of the Rand Daily Mail 'Extra' edition.

Charge: Possessing banned literature, namely 2 copies of "The War of the Flea" by Robert Taber (a book on guerrilla warfare), and a pamphlet entitled "Southern Africa - time for change".

Emdon admitted having the books in his possession while suspecting they were banned, but claimed they were necessary to the work of a journalist who wished to be well-informed.

Raymond Louw, general manager of South African Associated Newspapers, and an ex-editor of the RDM, told the court that it was vital for journalists to be up to date with the latest events and views if they were to fulfil their function of informing the public.

South African journalists operated under severe constraints, claimed Louw, because of about 70 laws which inhibited publication of information.

The defence intended leading evidence from Dr Nthato Motlana, chairman of Soweto's Committee of 10, and Dr André du Toit, lecturer in Political Philosophy at Stellenbosch University. However, a state objection to such evidence was upheld by the presiding magistrate.

Verdict: Guilty.

Sentence: R400 or 180 days, half suspended for 3 years.

Referring to Emdon's conviction, Dr du Toit pointed out that in 1976 285 books were declared unlawful to possess, and in 1977 a further 325 were added to the list. In his opinion, the books Emdon had possessed were required reading for anyone interested in the world we live in.

Mlukeki George (31), Simon Mlonyeni (26), and Phila Nkayi (22), all of the Eastern Cape.

Charge: Internal Security Act (the old Suppression of Communism Act) in that they were members of the People's United Front for the Liberation of South Africa. This movement allegedly aimed at bringing about social, political and industrial change in South Africa by spreading the doctrine of Marxist Socialism.

Verdict: In the Port Elizabeth Magistrate's Court, all 3 accused were found guilty in July 1978.

Sentence: George and Mlonyeni - 5 years, 1 suspended; Nkayi - 4 years, 1 suspended.

Izak George Goosen (25)

Charge: Making a false bomb threat. The accused left a parcel containing chocolates and boerewors on the doorstep of a friend's house, with a note which said, "This bomb is due to explode within 1 minute."

His friend took the note seriously, and called the police.

Verdict: Guilty.

Sentence: 4 years, 3 suspended.

(Note: In an editorial on this incident, the Rand Daily Mail supported the sentence, saying that "in the climate of Southern Africa today when urban terrorism is an ever-present possibility, we cannot afford to have people crying wolf.")

Ramesh Govind (24), former chairman of the Black Students' Society at Wits University.

Charge: Possession of banned literature, namely "The War of the Flea" by Robert Taber, "Robben Island" by DM Zwelanke, and 3 copies of a Cape Town University publication "Justice in South Africa - Injustice South Africa".

Evidence was that the police found these publications in Govind's flat during a 04h00 raid which was part of last year's October 19th



crackdown on opposition movements.

Verdict: Guilty.

Sentence: R200 or 100 days, suspended for 3 years.

David Gasa (47), banned former Umlazi Residents' Association leader, and ex-section 10 detainee.

As previously reported, Gasa was found guilty of breaking his banning order, and sentenced to an effective 16 days imprisonment.

He is now to appeal against conviction. Defence council claims that Gasa's ban was void or voidable, in that the South African Minister of Justice made the mistake of believing Umlazi was outside KwaZulu when he banned Gasa to that township.

As reported in WIP 4 (p 40), 28 members of the Human Rights Organisation were arrested in Ga-Rankuwa and charged with attending an illegal gathering. At the end of May 1978 charges were withdrawn against all 28.

In October, the 'government' of BophutaTswana briefly detained the leader of the Human Rights Organisation, and then banned the movement.

Most of the 28 originally charged are suing the BophutaTswana administration, claiming they were assaulted by police while held in custody.

Mbongani Clement Khanyi (53).

Charge: Internal Security Act, in that the accused took part in the activities of the ANC during June and July 1976 by distributing its literature.

Khanyi, a teacher, admitted distributing the literature, but denied that this constituted taking part in ANC activities.

Lt Col H Stadler, head of the Durban Security Police, told the court that the ANC aimed to overthrow the South African government by both political and military means. The prosecutor claimed that a person who distributed the type of pamphlet involved was as guilty as the man who pulled the trigger of a gun.

Verdict: Guilty. Khanyi admitted previous convictions for being a member of a banned organisation, and taking part in ANC activities.

Defence council pointed out that Khanyi had been in custody awaiting trial for over a year.

Sentence: 21/2 years.

Monde Khakaza (19).

Charges: 2 counts of murder, one of attempted murder, burning 2 cars, public violence, sabotage, and conspiring to commit arson.

The trial took place in Grahamstown Supreme Court, and the major counts related to petrol bombing cars and houses, in which incidents 2 people lost their lives.

Verdict: Guilty on all counts except the attempted murder charge.

Sentence: Murder - 18 years;

Sabotage - 16 years;

Car burning - 4 years;

Public violence - 7 years;

Conspiring to commit arson - 4 years,

ie 49 years. Because various sentences will run concurrently, this is an effective sentence of 22 years.

Amos Langa (40), Cyrus Langa (37), Kortman Mello (58), Alfred Langa (45), Jeremiah Pela (18), Godwin Langa (18), Arthur Langa (19), Nyate Papo (18), Marcus Langa (19), Ephraim Motlopwe (34), Frans Mothapo (28) and a 16 year old youth.

Charge: Public violence. The accused were alleged to have burnt huts, a car, and damaged property of Mapela residents, near Potgietersrust. The incidents took place on October 22nd, 1977.

An interesting feature of the case was that the first two accused are the sons of the chief of the Mapela district, Maditwe Langa.

Also interesting was that a member of the Lebowa Legislative Assembly, Stanford Langa, testified that he was in his house on October 22nd when he heard a crowd shouting outside. His house windows were stoned and his house was burnt.

Verdict: All accused were found not guilty and discharged.

Truelove Mahlope (19).

Charge: Taking part in the activities of the ANC. The accused, a matric student at a Soweto High School, admitted that on July 18th - Nelson Mandela's 60th birthday - an unknown man gave her a sticker - reading "Fight to free our leaders - the ANC salutes Nelson Mandela's 60th birthday."

According to the charge sheet, Mahlope, by wearing this sticker, was taking part in ANC activities.

Verdict: Guilty.

Sentence: 18 months suspended.



Khumbele Hector Mnikina (26).

Charge: 2 counts of Terrorism, and one of housebreaking, alternatively being in possession of stolen chemicals. The accused, from Mdantsane, was accused of arranging for 10 people to undergo military training in Russia, of attempting to manufacture bombs to destroy the OK Bazaars, Checkers, the airport, and an hotel in East London, and of breaking into a school and stealing chemicals. Mnikina was not legally represented, and conducted his own defence.

Verdict: Guilty on the 2 counts of Terrorism and on the alternate counts of possession of stolen chemicals.

Sentence: Count 1: 8 years;  
Count 2: 8 years, 3 suspended;  
Count 3: 1 year, to run concurrently.

Effective sentence: 13 years.

Nkwankwe Madela (20), Desmond Madlavu (25), and Mayimbo Rixana (20).

Charge: Sabotage. The charges related to various acts of looting, assault and arson on June 16th 1977, in Uitenhage. The trial lasted 19 days, and was held in the Grahamstown Supreme Court.

Madela told the court that, after being arrested he was beaten by 10 Special Branch men using pipes and sjamboks. He allegedly lost consciousness after an electrical instrument was used on him.

Verdict: Guilty.

Sentence: Madlavu - 18 years  
Madela and Rixana - 12 years each.

On being sentenced, all the accused raised their fists in a power salute. The judge warned them that they could be jailed for contempt of court if they repeated the salutes.

Christie Mokone (18), Petrus Senabo(19), Anania Molepo (18), and Lucas Bodiba (18), all of Atteridgeville, outside Prtoria.

Charge: Sabotage, alternatively arson. The state alleged that, on February 8th 1978, the accused petrol bombed the home of the principal of the Hofmeyer High School.

Verdict: Guilty on the alternate arson charge.

Sentence: 12 months, suspended, and 6 lashes.

Early in April 1978 a group of residents living in the Mhlunzi township, outside Middelburg, Transvaal, held a meeting in protest against a proposed rent increase. Initially, schoolchildren led the protest, but soon the women of the township joined the campaign.

Gatherings on successive days were broken up by the police, using tear gas. During the third meeting, police opened fire, wounding at least 8 people.

Administration Board officials backed down to some extent in the face of the protests, postponing the rent increase for 3 months. Meanwhile, 10 people allegedly involved in the protest were charged in 2 separate trials.

I: Daniel Moseko (20), Geelbooi Skosana (38), Peter Ndlovu (19), and 4 youths aged 16, 12, and 2 aged 14.

Charge: Public violence. The state claimed the accused were gathered with the aim of disturbing peace and order, that they threw stones at the police and certain vehicles, and used catapults.

Verdict: Guilty.

Sentence: Maseko and Ndlovu - 6 months, 3 suspended

Skosana - 9 months, 5 suspended

The 16 year old youth - 6 lashes

A 14 year old youth - 4 lashes

The 12 year old and the other 14 year old - sentence postponed.

II. Jafta Mabena (60), Wilton Dhlamini (42), and Jabu Mnguni (20).

Charge: Public violence. The state alleged that the 3 accused incited and led 1 500 protesting people who stoned vehicles and police. Dhlamini told the court that, in the incident he was shot at and struck 8 times by the police while running away from tear gas. He was then taken to hospital and held there for 3 days without receiving treatment before being released on bail. He denied having thrown stones.

Verdict: Guilty.

Sentence: Mabena - R250 or 150 days

Dlamini and Mnguni - R150 or 75 days, suspended.

David Moroke (51) and Wright Gambu.

Charges: Terrorism, alternatively unlawful possession of explosives.

The accused were allegedly found, by the police, in possession of a certain quantity of arms, explosives and ammunition. During the trial, it became clear that these weapons had been stored by someone unknown in a stormwater drain in Naledi. A group of children stumbled on the explosives and ammunition, and via the children, Moroke came into possession of certain goods.

Verdict: Moroke was found guilty on the alternate count of possession; Gambu was acquitted on all counts.

Sentence: 7 1/2 years, half suspended.



Thami Mazwai, journalist on Post.

Charges: It will be recalled that Juby Mayet and Phil Mtimkulu, two officials of the banned Union of Black Journalists, were acquitted of a charge of 'stealing' UBJ money from the liquidator of banned organisations. Thami Mazwai was called as a state witness in their trial, but after testifying, was arrested and charged with perjury, alternatively defeating the ends of justice, alternatively in making conflicting statements under oath.

The state alleged that the evidence he gave in court differed from a statement previously made to the police.

Verdict: The presiding magistrate found Mazwai guilty on the second alternate count of making conflicting statements under oath. He ruled that Mazwai had done this to protect his two colleagues, Mayet and Mtimkulu.

Sentence: 1 year.

Mkulili Mona (23), youths of 15 and 17, and 1 16 year old girl.

Charge: Murder. The state claimed that the accused poured petrol over an alleged police informer in New Brighton, Port Elizabeth, who subsequently died as a result of the attack.

All accused alleged police assaults while in detention, and the 16 year old girl claimed that police raped her.

Verdict: Guilty.

Sentence: The judge, sitting in Grahamstown found the age of all the accused an extenuating factor.

Mona and the 17 year old - 12 years

The other youth - 10 years

The girl - 8 years.

Simon Mampuru (18), and a 16 year old, both of Saulsville, near Pretoria.

Charge: Arson, in that the accused set fire to a school in Saulsville on November 1st 1977.

Verdict: Guilty.

Sentence: Mampuru - 5 years, 2 suspended

The youth - 5 years, 3 suspended.

Appeal: Sean Moroney.

It will be recalled that 2 previous lower court decisions had held that, if a person produced a publication banned by the censors, and was then charged in court, the only question was whether the the accused had produced the publication or not. The court could

not inquire into the merits of the publication, or satisfy itself as to the validity of the banning.

On appeal to the Appellate division in Bloemfontein, Moroney ex-editor of the student publication WITS STUDENT, had the decision of the lower courts overturned.

This decision means that, if the state chooses to charge an editor on the basis of a publication having been banned, the undesirability of that publication can be tested in the trial court.

John Morrison (23), Garth Seneque (25), and Peter Smith (23).

Charge: Producing an undesirable publication, namely Dome, a student newspaper.

Verdict: Not guilty. The presiding magistrate held that the publication of the article in question - "Seduction is a four-letter word" by Germaine Greer - did not constitute an offence. Surprisingly this judgement was handed down prior to the finding of the Appellate Division noted above.

Norman Middleton (56), executive member of the Coloured Labour Party.

Charge: Inciting racial hatred. At a meeting held in De Aar in April 1976, Middleton allegedly made a series of comments which the state felt incited racial hatred.

Charged in Kimberley, Middleton pleaded not guilty to the charge in October 1976. Nearly two years later, after a marathon trial, he was found not guilty and discharged.

Patrick Mvundla (18), Chamberlain Ndzondo (18), Themba Mlangeni (18), George Lebeth (18), Herbert Eland (20), and 3 youths.

Charge: Malicious damage to property. The accused, all from Kagiso near Krugersdorp, went on the rampage at school last year in an attempt to disrupt examinations. This was in protest against Bantu Education.

Verdict: Guilty.

Sentence: Mvundla, Ndzondo, and 2 youths - 3 1/2 years, 18 months suspended; Mlangeni, Lebeth and Eland - 6 months; 2 youths - 3 years, 18 months suspended; the other youth - 5 lashes.

Clementine Nelson (21), and Motsabe Ramaphoru (21), both of Kagiso, Krugersdorp.

Charge: Conspiracy to commit arson. The 2 accused (both women) attempted to set fire to the house of a person who had given state



evidence in the Bethal PAC trial.

Verdict: Guilty.

Sentence: 2 years, 1 suspended.

Livingstone Mukhezi (21), Mashudu Mudau (21), David Mokavhanama (18) and 2 youths of 17.

Charge: 9 counts of sabotage. The state claimed that, in the last week of October 1977, the accused burnt offices and 18 cars belonging to the Venda 'homeland government', set fire to classrooms, broke windows, and cut telephone wires.

Evidence led in the trial indicated that the death of Steve Biko was a major factor in setting off the school boycott in Venda last year.

Verdict: 2 youths not guilty. The other 3 guilty.

Sentence: Livingstone Mukhezi - 10 years;

Mashudu Mudau - 5 years;

David Mokavhanama - 25 years.

Dr Mamphela Ramphele, former superintendent of the BCP clinic in King Willianstown, who was banned and banished to a small town near Tzaneen, last year.

Charge: 2 counts of contravening her banning order by attending gatherings.

Verdict: Not guilty.

Themba Lordwich Sishanga (20).

Charge: Terrorism, in that he received military training at the hands of the ANC, and possessed arms, explosives and ammunition.

Sishanga told the court (sitting in Bloemfontein) that he had been recruited by the ANC after the June 1976 riots in Soweto.

Verdict: Guilty.

Sentence: 10 years.

Tyson Sillah (20).

Charges: Terrorism, sabotage, and escaping from custody. The state alleged that Sillah conspired to burn a Kwa Thema high school in October 1976, attempted to leave the country to undergo military training, organised others to undergo training, harboured a trained guerrilla (Bushy Molefe), and escaped from prison.

Verdict: Guilty on all counts.

Sentence: 20 years. Because part of the sentence will run concurrently, the effective sentence is 15 years.

Gerald Thebe (20) and Piet Thebe (23).

Charge: Gerald Thebe faced 5 counts of Terrorism, his cousin Piet facing 1 count under the same act. The charges related primarily to recruiting people for military training, and attempting to leave South Africa to undergo such training themselves.

Verdict: Both accused were found guilty on one count, viz attempting to undergo military training.

Sentence: 5 years each.

David Tharusimbi (28) and William Matlala (36)

Charge: Terrorism, in that the accused allegedly recruited people for military training.

Verdict: Tharusimbi was found guilty on 4 counts of Terrorism. Matlala was acquitted.

Sentence: 12 years on each count, to run concurrently, is an effective sentence of 12 years.

Ntsumbedzeni Alson Tshidaye (21).

Charge: 4 counts of Terrorism relating to an attempt to undergo military training and the recruitment of others for the same purpose.

Verdict: Guilty on all 4 counts.

Sentence: 5 years on each count, to run concurrently.

Samuel Tlou (19), David Montsho (22), Joshua Kamalo (18), and 4 youths under 16.

Charge: 4 counts of public violence. The state claimed that, on April 19th 1978, the accused formed part of a group which stoned and smashed buildings and cars in Sharpeville.

Verdict: Tlou was found guilty on 2 counts. All the other accused were acquitted.

Sentence: 6 lashes.

Rajee Vandeyar (48).

Charge: Contravening his banning order 22 times. Vandeyar, who served a 10 year sentence on Robben Island for a sabotage incident, told the court that, after his release from prison, he had not been able to find accommodation, and had been forced to live in a caravan with his wife and 2 children. In terms of his banning order, he was not permitted to leave his caravan after 19h00. This he did on a number of occasions.



Verdict: Guilty.

Sentence: 9 months, suspended.

Xolile Phillip (20).

Charge: Intimidation, assault and possession of a dangerous weapon. The state claimed that the accused kicked a schoolteacher and drove pupils from their classrooms. These events allegedly took place in Zwide on July 11, 1977.

Verdict: Guilty.

Sentence: 2 years.

Nonteze Stuurman Schoeman (18), Edward Rolmane (20), Skuluza Alliva (19), and 2 youths aged 16 and 14.

Charge: Theft. The accused allegedly took 5 000 x ,38 and 3 000 shot cartridges from a railway truck in Noupoort, outside Port Elizabeth.

Verdict: Guilty.

Sentence: Rolmane 8 months; Alliva - 12 months; Schoeman and the 2 youths - 6 lashes.

Isaac Mtshweni (28)

Charge: 5 counts of Terrorism. In the first Terrorism trial ever held in Middelburg the accused, a former court interpreter, was charged with encouraging 12 youths of the Mhluzi township to travel to foreign countries, undergo military training, and return to South Africa with the intention of overthrowing the government. At the time of his arrest, Mtshweni was a teacher in Middelburg.

Verdict: Guilty on 4 counts.

Sentence: 5 years on each count, to run concurrently.

Nicodemus Mothapo (27).

Charge: 2 counts of Terrorism. It was alleged that Mothapo left South Africa during 1977 intending to undergo military training. It was further claimed by the state that he recruited 3 young men for military training.

One of the features of the case was Mothapo's allegation that security had tortured him by electrically shocking him, causing such a spasm that he broke a rib.

Security policeman Seyffert denied this, claiming that Mothapo's broken rib was the result of an old injury.

A specialist physician told the court that he had examined the

accused, found that the injury was very recent, and could have been caused by a muscular spasm due to a severe electrical shock.

Verdict: Not guilty.

Rashid Moosa (24).

Charge: Obstructing the course of justice, alternatively perjury, or making a false statement to the police. Moosa was called as a state witness in the trial of journalist Don Mattera, who was charged with breaking his banning order. Moosa had previously made a statement to the Security Police, admitting that Mattera had attended certain meetings. In Mattera's trial, he testified that the accused had not been present at the meetings, and Mattera was acquitted.

In his subsequent trial, Moosa told the court that his statement made to the police was done so out of fear of being assaulted by the security police. His original court evidence, not his police statement, was true.

Verdict: Guilty on the second alternate charge, that of making a false statement to the police.

Sentence: 18 months.

Augustine Sithole (28).

Charge: Making a false bomb threat. Evidence before the court was that, shortly after Sithole was fired by Lever Brothers in Durban, a telephone-call was received by the production foreman. The caller claimed to be a member of the ANC, and said that a bomb had been placed at the homes of certain Lever Brothers employees. A state witness, Cole of Lever Brothers, claimed that he recognised Sithole's voice on the telephone.

Verdict: Guilty.

Sentence: 3 years, half suspended.

Ilona Kleinschmidt and Jackie Bosman - Appeal.

These two Johannesburg women were originally sentenced in May 1978 to 3 and 4 months respectively for refusing to answer questions relating to an alleged visit to Winnie Mandela. They appealed against sentence and conviction, but in September the Supreme Court dismissed the appeal. They now intend petitioning the Appeal Court on this matter.



Rev Stan Sabello Ntwasa.

Charge: Contravening his banning order. Some two years ago, Ntwasa was charged in this matter, and was found guilty in February 1977. Before sentence was passed, Security Police detained him, and held him for some 19 months before releasing him. He was then called for sentence on the original offence.

Sentence: 9 months, suspended for 5 years.

Moegamat Abrahams (23).

In October 1976 Abrahams was found guilty by a Cape Town magistrate of throwing a stone at the police during a Cape Town parade on September 8th, 1976. He was sentenced to 18 months, 6 suspended.

He then appealed to the Appellate Division in Bloemfontein, and in September 1978 his appeal was upheld, and sentence and conviction set aside.

Herscheel Puttoo Narsee (22).

Charge: Possessing a banned publication, namely the "African Communist", official publication of the SACP.

Verdict: Guilty.

Sentence: 12 months suspended.

Beauty Lolwana (41)

Charge: Contravening her banning order, issued and administered through the Ciskei 'government'. She was originally charged with Horatius Dlulane, who had charges withdrawn against him when the defence attorney Ben Ntonga challenged the validity of the banning order. The Ciskei administration responded by detaining attorney Ntonga, and issuing a new order against Dlulane.

Verdict: Lolwane was found guilty.

Sentence: 3 months, suspended.

Saul Andrew Tsotetsi (22) of Sebokeng, near Vanderbylpark.

Charge: 3 counts of Terrorism. The state claimed that Tsotetsi conspired with certain other people to form an organisation which would recruit people for military training.

Verdict: Guilty on one count. When first brought to trial from detention, Tsotetsi was not legally represented, and in terms of the new Criminal Procedure Act, he made certain admissions. It was on the basis of these admissions that he was convicted.

Sentence: 6 years.

Alfons Pandeni, Petrus Nangola Lilonga and Willem Biwa.

Charge: Sabotage. The accused are alleged to be members of the SWAPO military wing, PLAN, and to have sabotaged a railway line and a road bridge.

The trial is due to begin on October 31st in Windhoek.

Peterose Makae (27) and Jacob Tlelima (23).

Charge: Sabotage. The accused, both members of the Young Christian Workers, are alleged to have attempted to organise a general strike of black workers in Kroonstad on June 16th 1978, in commemoration of those who died in Soweto in June 1976.

They are also accused of collecting petrol bombs and explosives to blow up the police station, power station, security police offices, police officers' houses, Magistrate' Courtrooms and offices, post office, railway station, the offices of the Northern Free State Bantu Administration Board, and the Kroonstad military base.

Their court case follows the massive security police swoop on the Young Christian Workers in May and June of this year.

The trial continues.

Petrus Pilusa (23).

Charge: Sabotage. The state claims that Pilusa was part of a group which, on July 20th 1976, destroyed government, police and private vehicles in the Mabopane area. According to state evidence, 4 schools, a bar, a bottle store, a bus service's administration offices, 81 buses, 6 police vehicles, 11 private vehicles and 3 government vehicles were damaged or set on fire by the group.

Pilusa, who is not legally represented, denied all charges, and claimed he had been beaten by police to force him to sign a statement admitting guilt.

The trial continues in the Pretoria Regional Court.

Mzilikazi Khumalo (28).

Charge: Terrorism. The state claims that Khumalo underwent military training in Zambia and Mocambique, and on his return to South Africa, conspired to kill members of the police force and to commit acts of sabotage.

The case has been remanded to Pietermaritzburg until November 5th.

Timothy Mlahleki (19).

Charge: 5 counts of attempted murder, 3 of robbery, 3 of sabotage,



resisting arrest, unlawful possession of a firearm, and malicious damage to property.

The charges arise out of a series of events in Port Elizabeth between March and May this year.

Most of the incidents listed by the state relate to attacks on policemen and their property.

The trial continues in the Grahamstown Supreme Court.

Hector Ncokazi, leader of the opposition Transkei Democratic Party.

Charge: Under Transkei's Public Security Act.

Ncokazi is alleged to have propagated a view repugnant to the constitutional 'independence' of the Transkei. The case is based on a speech allegedly made by Ncokazi at a Democratic Party Congress on December 31st 1977.

Wilfred Majozi (20), Joel Sibiya (21), Osmond Mcunu (18), Themba Mlangeni (34), Aubrey Vilakazi (18), Abel Tsotetsi (19), Makhosazana Maphalala (20), Johannes Mathe (18), and George Kgampe (18).

Charge: Robbery. The charge related to an incident during the June 16 commemoration services in Soweto, where a group attempted to rob a bakery van.

Steve Khanawitz (22), past SRC president at Cape Town University.

Charge: Possession of 9 banned publications seized by security police in a raid on Khanawitz's home.

Tintswalo Mashamba and his wife Happy Joyce Mashamba.

These two were found guilty of Terrorism (being ANC supporters) and sentenced to 10 years and 5 years respectively.

They applied for leave to appeal against sentence and conviction, but in October 1978 the application was refused.

7 black men appeared in the Graaf-Reinet magistrate's court on September 25th, charged with causing 'unrest' in a nearby coloured township.

Alf Khumalo (47), Sunday Times photographer.

Charge: Taking photographs of a prisoner, and obstructing the police. The alleged offences were committed on June 16th, 1978, when students attending a commemoration service in Soweto were arrested.

The case was postponed to December 20th.

Levine Morebudi (21), Bheki Tshabalala (18), Phillip Mosetlhe (26), and Winston Yenge (20), and Ezard Manqupu (21).

Charge: Possession of a cache of landmines, handgrenades, arms and ammunition, found in the veld near Soweto. Charges against Yenge were withdrawn. Manqupu pleaded guilty to possession of a Tokarev pistol, 2 handgrenades, TNT and several rounds of 7,65mm ammunition.

WIP 1 reported the case of 8 white political prisoners who brought an application to court, claiming the right to receive newspapers, journals, and magazines, to write and receive uncensored letters, and to have unrestricted conversation during visits. The application was refused.

An appeal was lodged, and argued in May this year. In September, the Appellate Division turned down the appeal.

Linda Mogale (18), Jimmy Mabaso (22), and a 16 year old youth.

Charge: 3 charges of murder, 3 of arson, 3 of malicious damage to property, and 1 charge of Terrorism.

The accused are alleged to have been members of the now banned SSRC, and then of the Soweto Students' League (SSL). Jimmy Mabaso is already serving a 5 year sentence for Sabotage, and appeared in court in leg-irons.

The charges relate to various attempts to burn and firebomb the homes of Soweto principals. In one of these attacks, 3 people were killed.

Ehadrack Serume Molefe (20).

Charge: Terrorism. It is alleged that the accused took steps to leave South Africa with the intention of undergoing military training.

Stanley Molusi (18), Hendrick Molefe (19), George Motsei (19), and David Mokosi (19).

Charge: Sabotage. The 4 are alleged to have attacked the homes of school teachers and members of the Kagiso Urban Bantu Council on March 10th, 1978. The attacks were made using petrol bombs.

Eric Ngeleza (48), Weaver Magcai (38), Uppington Kalako (22), Mrs Koleka Foley (25), Greeves Tini (22), Mrs Josephine Bookhelane (40).

Charge: Terrorism. No details of the charges are available. The accused, appearing in Port Elizabeth, were remanded in custody until November 20th.



Fanius Molepe (18), Petras Senabe (20), Christy Mokone, and Lucas Modibe (18).

Charge: Sabotage. The 4 accused are alleged to have petrol bombed the house of an Atteridgeville principal late last year.

Joyce Mokhesi (25).

Charge: Possession of banned literature. Mokhesi is an organiser who was detained under section 10 of the Internal Security Act. When released, she accepted a lift home from a policeman, but was re-arrested on the way home, and charged with possessing SASO, ANC and Christian Institute literature.

Verdict: Guilty of possessing Christian Institute literature.

Sentence: 12 months, suspended.

Simon Neswiswa (30), former director of BPC in Sibasa.

Charge: Not known. When Neswiswa appeared in court, bail was refused. The warrant for his arrest was issued in October 1977, and according to the state, he had been hiding from the police since then.

27 Guguletu residents.

Charge: Attending a prohibited gathering. The charges relate to an incident on the night of the 9th August when people marched through the streets of Guguletu, singing.

63 Matlala tribesmen.

These men were originally found guilty of attending an unlawful gathering, held near Seshego, on June 30th, 1976.

On appeal, the conviction under the Riotous Assemblies Act, was set aside.

Louis Kobo (20), Michael Mokoka (20), Ernest Khoza (18), Giet Shabalala (23), Thomas Mathenji (19), and 4 youths.

Charge: Public violence. The state alleges that, on 30th May 1978, the accused set vehicles alight, and damaged a cinema in Atteridgeville.

2 young witnesses were detained during the trial after denying that they had made written statements to the police.

Verdict: Thomas Mathenji and a 14 year old youth - guilty.

The others were acquitted.

Sentence: Mathenji - 18 months;

The youth - 6 lashes.

Tenjiwe Mtintso, banned former journalist.

Released from section 10 detention, Mtintso was then re-arrested and charged with contravening her banning order.

On the eve of the anniversary of Steve Biko's death, she was re-detained, and when she was due to appear in court on her banning order charge, the prosecutor withdrew charges in her absence.

Mphumelelo Khananda (24), John Lebewane (27), Alexandra Maphike (25), Isaac Klaas (25), Albert Mkwanazi (22), and a 17 year old youth.

Charge: Riotous Assemblies Act. The accused are alleged to have attended a prohibited gathering on August 26th when ex Sebokeng student Johannes Matsobane, was buried. Matsobane was serving an 8 year sentence for Sabotage when he died on Robben Island. His 2 older brothers, Daniel and Mike, are currently accused in the Bethal PAC trial.

David Russell (39), banned Anglican priest.

Charge: Publishing an undesirable publication, namely "The riot police and the suppression of truth". The trial continues at the end of October.

Nicodemus Phake (21).

Charge: 4 counts of sabotage. He is alleged to have been part of a group of students who, during the 1976 unrest in the Mohlakeng township, set alight a bakery van, and damaged West Rand Bantu Affairs Administration Board offices and a beer hall. He is also accused of stoning the Phahama school.

Winnie Mandela:

a) Appeal against conviction - Having been convicted on 2 counts of contravening her banning order, Mandela appealed against sentence and conviction. The appeal was upheld in September 1978, and the conviction set aside;

b) In mid-September, she was charged yet again with contravening her banning order (2 counts) and obstructing the police.

A 15 year old youth.

Charge: Assaulting a policeman, namely Kallie Knoetze, South African heavyweight boxing champion. The accused has only one leg, and walks on crutches. According to the state, the youth was part of a crowd in Atteridgeville, Pretoria, on October 17th 1977.



Jennifer Hyman, senior journalist on the Sunday Express. Ms. Hyman was subpoenaed to appear in court to answer questions about an article she wrote on May 21st. The article, "Terror trial shock - lawyers aren't told" dealt with certain of the problems section 6 detainees face in obtaining legal defence of their own choice when (and if) they are finally brought to court and charged.

Ms. Hyman refused to answer the questions put to her by the prosecutor on the grounds that, to reveal her sources of information would be a breach of journalistic ethics.

After a postponement, the state abandoned the proceedings against Ms. Hyman, but informed sources have suggested that she may be charged as a result of the article in question.

58 people, including residents of Crossroads, priests, church workers and students.

Charge: Attending an illegal gathering. One accused, Johnson Ngxobongwana (49), 'mayor' of Crossroads, faces a charge of convening an illegal meeting.

Timothy Nxumalo(21), Ernest Ngobese (26), Patrick Nxumalo (26), Eric Mlaba (22), Victor Ngidi (25), Elijah Mlaba (26), Penuel Maduna (26) and Ms. Sibongile Kubheka (27).

Charge: Terrorism. All the accused face a count of encouraging 20 people to undergo military training outside of South Africa. Accused numbers 1 - 4 face a second charge, also relating to recruitment for military training, while accused number 1, Timothy Nxumalo, faces further counts of attempting to murder Albert Mteku, a Chesterville town councillor, and of being in possession of a 7,65mm Czech pistol and 27 rounds of ammunition.

In a trial which has revealed a number of allegations of security police torture, the accused and security police have exchanged blows in a court room fight, the prosecution has objected to songs being sung outside court, and the security police were ordered to leave court while a detainee gave his evidence.

It will be recalled that the father of Ernest Ngobese earlier obtained an interim court order restraining the police from assaulting his son while he was being held as a section 6 detainee

Zeph Mothopeng and 17 other alleged PAC members (the Bethal trial). The state has closed its case against the accused. At the end of the state case, defence council applied for the discharge of

Moffat Zungu, Johnson Nyathi, Hamilton Keke, Dan Matsobane and Alfred Ntshali-Tshali. This application was refused by presiding judge David Curlewis.

It will be recalled that the whole state case was held in camera on the instruction of the judge. The defence applied for its case to be held in open court, with members of the public present. This application was refused by the judge. It thus appears as if the whole trial of 18 alleged PAC activists will be held in camera, with the families and friends of the accused unable to attend court proceedings in the isolated town of Bethal.

Aubridge Takane (43), Jameson Mbengo (63), Ebenzress Mbengo (55), Sipho Sondlo (50), Glen Thomas (23), Phanbili Ntloke (18), Zandisile Windweel (20), Esdras Ntloko (23), Mcendi Mbilini and a youth of 17.

Charge: Terrorism. The charges relate to a series of incidents in Queenstown during September last year, and is being heard in the Grahamstown Supreme Court. The indictment claims that the accused intended furthering the aims of the ANC, and that they intended to destroy Bantu Education by committing acts of terrorism, sabotage and public violence.

3 state witnesses have claimed that they were assaulted by police, thereby forcing them to make statements.

Much of the already lengthy trial has revolved around the admissability of statements made by some of the accused to the police. The accused involved deny that the statements were voluntarily made, and have alleged systematic torture and assaults on the part of the security police. Police witnesses have denied this.

The trial continues, and at the time of writing defence council were arguing on the admissability of the accused's police statements.

Mlamli Dlanjwa (23) and Gordon Modemowagae (18) of New Brighton, Port Elizabeth.

Charge: Terrorism. The state claimed that the accused attempted to leave South Africa to undergo military training. When they were arrested at a roadblock outside Queenstown, Modemowagae was found in possession of an ANC book.

Verdict: Guilty.

Sentence: 5 years each.



A 16 year old girl from Port Elizabeth.

Charge: Public violence. The accused was alleged to be part of a group which stoned the house of a black security policeman on January 24th.

Verdict: Guilty.

Sentence: 3 years.

A 15 year old youth from Port Elizabeth.

Charge: Arson. The youth allegedly set fire to a school, and the house of a policeman during February-April 1978.

Verdict: Guilty.

Sentence: 4 years, of which 2 years 8 months was suspended.

Kampton Mafongese (23).

Charge: Public Violence. Mafongese was originally charged and convicted of being part of a crowd which stoned police in October 1977. He took the matter on review, due to a material contradiction in a policeman's evidence, and the Supreme Court ordered a re-trial. At the re-trial he was found guilty on the same charge.

Sentence: 3 years, of which 1 year was suspended.

A 17 year old youth from Port Elizabeth.

Charge: 4 counts of robbery, one of malicious damage to property, and one of sabotage. The state claimed, inter alia, that the accused stoned and set fire to a number of vehicles, burnt the house of a policeman, and cut telephone wires.

The youth is not legally represented.

Dennis Meintjies (21), Mthutholezi Geelbooi (21), Patrick Yake (23) and Sizile Kamko (22).

Charge: Arson. The state claimed that the accused burnt down a Grahamstown clinic on the night of January 26th, 1978.

Verdict: Meintjies and Geelbooi were found guilty. Yake and Kamko were acquitted.

Sentence: 3 years, 2 of which were suspended.

The SSRC trial - Kempton Park.

Chief Twala (18), Seshaba Daniel Mentsitsi (23), Seth Mazibuko (19), Mafison Morobe (22), Jefferson Lengane (21), Sibongile Mthembu (22), Thabo Ndabeni (21), Kennedy Mogami (19), Reginald Mngomezulu (21), Michael Khiba (20), and George Twala (23).

Charge: Sedition, alternatively Terrorism. The accused in this

trial, all from Soweto, are alleged to have conspired with themselves, certain individuals (including Tsietsi Machinini, Khotso Seathlolo, Trofomo Sono and Drake Koka), the SSRC, the 'Action Committee' of the South African Students Movement (SASM), and SASM itself. The charges arise from the June 1976 revolt in Soweto, and the events which followed that revolt. Major events which will be detailed at the trial include the June 16th clash between police and students, various worker stay-away campaigns allegedly organised by the SSRC, 2 protest marches on Johannesburg, the anti UBC campaign, and the June 1977 commemoration services in Soweto.

The state is to call well over 100 witnesses in an attempt to prove its case against the Soweto students, and the trial is expected to run for about a year.

Prior to charging the accused, police held them and many others for up to 460 days in detention. Certain possible state witnesses are still being held by security police.

Despite the state's decision to prosecute the accused in a small court room in Kempten Park (on the opposite side of Johannesburg to Soweto), community support for the accused has been remarkable in its size and persistence.

Recently, trial judge Van Dyk has ruled that black police and alleged accomplices are to give evidence in closed court. This ruling, which excludes members of the public from the court room, was opposed by the defence team.

Police outside their Johannesburg HQ before moving into Soweto

## JOHN VORSTER SQUARE





# Political Conflict:

## State vs Aaron Sipho Madondo (19)

Charge: 3 counts under the Terrorism Act.

Count 1: The state alleged that, acting either alone or with Toto Skhosana, the accused committed a series of acts which were calculated to undermine law and order in South Africa. These acts, undertaken during October and early November 1977, allegedly took place in Swaziland, Pongola, Driefontein and the Mkhwakweni Trustland in the Piet Retief district, Eastern Transvaal.

The acts which the state claimed Madondo had committed were as follows:

- (1) On about October 14th, 1977, together with Toto Skhosana, he entered South Africa illegally from Swaziland, both of them carrying falsified South African travel documents;
- (2) Acting with Skhosana, a trained guerrilla fighter, he searched for and located a safe hiding place in the Mkhwakweni Trustlands in the district of Piet Retief;
- (3) From here the accused travelled to Driefontein, and there looked for a safe hiding place to store arms, ammunition and explosives;
- (4) During the second half of October, near Driefontein, he attempted to find a safe and suitable location for the training of others in the use of arms and ammunition;
- (5) In the latter part of October he illegally left South Africa with Skhosana, and travelled to Manzini. There they had a meeting with one Steve who supplied them with an amount of arms, ammunition and handgrenades;
- (6) With Skhosana, he returned to South Africa illegally, smuggling in the arms, ammunition and handgrenades;
- (7) The accused took the arms, ammunition and grenades to a hut in the Mkhwakweni Trustland, where they were stored.

Count 2: During October 1976, the accused left South Africa for Botswana, with the intention of undergoing military training and then returning to South Africa to wage a struggle against the state. From Botswana he travelled via Zambia, Tanzania and Angola, where he received military and political training.

After the completion of the training period, Madondo met Skhosana at Luanda airport, and travelled to Swaziland via Mocambique. He arrived in Manzini on October 12th, 1977, where he was provided with forged South African identity documents, and an amount of South African money (R200,00).

Count 3: During the period October until 2nd November 1977, the accused possessed the following weapons, explosives and ammunition, which were stored in the Piet Retief district:

- RG-42 and RGD-5 Russian offensive grenades;
- a 7,65mm VZ 61 (Scorpion) machine-pistol;
- an amount of 7,65mm Scorpion machine-pistol ammunition.

Brought to court in March 1978 directly from detention, these charges were put to the legally unrepresented accused.

He pleaded guilty to all 3 charges, and the case was remanded to March 20th in the Ermelo Circuit Court. There, before Mr Justice Boshoff, pro-deo council for Madondo confirmed the guilty pleas.

Leading the minimum evidence necessary in terms of the Criminal Procedure Act, the state called 5 witnesses. The first of these was Sgt Albertus Steyn, who testified that, on November 2nd 1977, he went together with a Capt van Wyk to Border Stores in the Mkhwakeni Trustland. On the basis of certain information received, they proceeded to a specific hut, and ordered the occupants to open the door of the hut. When this order was not complied with, the witness forced open the door, and saw Madondo standing in the doorway. Armed with an R-1 gun and a 9mm pistol, the witness grabbed Madondo and pulled him from the hut.

He then entered the hut to apprehend the other occupants, but was fired on from within the hut. He jumped out of the hut, and returned the fire, again ordering the occupants out. Two black women emerged.

The police were again fired on, and a handgrenade thrown from the hut. It exploded, injuring a different Sgt Steyn. On the instructions of the senior officer present, the hut was set fire to. The occupant (later identified as Skhosana) still did not emerge, and 2 explosions and the sound of ammunition going off followed.

The following day, the remains of the hut were searched, and the following weapons found:

- 2x Scorpion machine-pistols of Czechoslovakian origin;
- 200x 7,65mm bullets for a Scorpion;
- a Scorpion magazine, containing bullets;
- 3 empty Scorpion magazines;
- a cleaning kit for a Scorpion machine-pistol;
- the exploded components of 2 Russian offensive handgrenades.

According to the witness, the Trustlands are not mountainous, but are covered by scattered hills. The hut where the shoot-out occurred was some 5km from the Swaziland border.

The state's second witness was Maj FJ van Eeden, an explosives expert attached to the Security Police, Pretoria, who testified on the nature of the arms, ammunition and grenades found in the hut.

The next witness was Ephraim Jende, a cousin of the accused. He testified that when Madondo visited him in Driefontein, he admitted that he had undergone military training, and was a "soldier of freedom". The accused further told the witness that he wanted to



investigate the place he lived in, with the intention of storing weapons there, and was also willing to teach the witness to use firearms.

The state then called Mamteri Mabel Phakati, who told the court that she lived in the Mkhwakwesi Trustlands. During October 1977 she met two people in the Trustlands, calling themselves Ronnie Dlamini and Mike (Toto) Skosana. She testified that Skosana was a member of her family, whom she had previously known, and that his parents lived in that area.

Ronnie Dlamini she identified as the accused.

She said that Skosana and the accused had obtained a hut in the the Skosana kraal, and there had shown her and a friend certain weapons. The accused and Skosana had been staying in the hut for over two weeks when the police raided.

She and a friend had been in the hut at the time of the police raid on 2nd November and had come out when the police had called for the occupants to come out.

At the conclusion of the state case, Madondo was found guilty of 3 counts of Terrorism on the basis of his plea of guilty, and the evidence led. He went into the witness box to give evidence in mitigation of sentence and told the court that he had been an outstanding pupil at school, being the only Std 6 scholar at his school who had obtained a first class pass.

When the June 1976 riots broke out in Soweto he stopped attending school, and in October 1976 was recruited by the ANC. He left South Africa, and was transported to East Germany, where he underwent training between January and June 1977. On travelling to Luanda, he met Skosana, his commander, who had been trained in Russia.

Madondo admitted that his whole operation, and his recruitment, had been under the leadership of the ANC.

The defence then called the investigating officer, Maj NJJ van Rensburg, attached to the Ermelo Security Police. He told the court that, from the time of his arrest, the accused had cooperated fully and openly with the police.

Passing sentence, the Acting Judge-President of the Transvaal, Justice Boshoff, told the accused that he could hang for the offences he had committed. However, he took into account certain mitigating factors, including the fact that the accused was under

the influence of the older and more experienced Skosana, and had cooperated with the police.

Madondo was sentenced to 6 years imprisonment on each of the 3 counts, but because sentence on counts 1 and 3 is to run concurrently, this is an effective sentence of 12 years.

## State vs John Pala & others

State vs Mahwidi John Phala (50)

John Afheli Thabo (37)

Letsie Ben Mashinini (34)

Solomon Musi (25)

Bafana Vincent Nkosi (21)

Philip Khoza (Sibisi) (53)

On January 7th, 1977, an explosion took place in a house in Klipspruit, Soweto. At the time of the explosion, a number of people were present in the house:

Patrick Mabinda

Sipho Nhlapo

Edmund Nkuna

Lazarus Ndlovu

Solomon Ngobane, as well as accused no's 3, 4, 5 and 6 (Mashinini, Musi, Nkosi and Khoza, who was the occupier of the house).

That night a bomb was placed on a railway line between Johannesburg and Vereeniging.

The appearance in court on June 16th, 1977, of the 6 accused, and their subsequent trial, was a sequel to these events. Of those present in the Klipspruit house at the time of the explosion, 4 were charged. Patrick Mabinda was detained by the Security Police, but escaped from John Vorster Square in dramatic circumstances; Edmund Nkuna was killed in the blast, and; Sipho Nhlapo fled the country. Lazarus Ndlovu and Solomon Ngobane were detained by the Security Police, and subsequently testified for the state against the accused.

A name which featured prominently in the trial was that of Elmon Malele, and ex Treason Trialist, who a number of witnesses testified was a member of the ANC. He was detained on January 10th, 1977. During inquest proceedings, Capt AB Cronwright of the Security Police, John Vorster Square, testified that he had interrogated



Malele on January 12th from 09h00 until 15h00, keeping him standing all the time. Malele, aged 61, had suddenly fallen down, unconscious, hitting his head on a table.

Transferred to hospital, and operated on, Malele died of brain haemorrhage 7 days later, to become yet another in the growing list of South Africa's deaths in detention.

Charges: All the accused faced three counts under the Terrorism Act.

Count 1: The state claimed that, between June 1st 1976 and January 31st 1977 the accused, acting with a common purpose, committed a series of acts together with Patrick Mabinda, Sipho Nhlapo and Edmund Nkuna. The commission of these acts, together with the encouragement of others to perform certain of the acts, constituted an offence under the Terrorism Act, according to the state.

John Phala, accused no 1, was alleged to have committed the following acts:

- a) During the month of August 1976, he hid 5 handgrenades, detonators, ignition oil, and a plastic bag containing 212x 7,62mm bullets at the home of one Rebecca Marule.
- b) During September 1976, acting with Elmon Malele, he hid a bag containing a further 630x 7,62mm bullets used in firing a Tokarev pistol.
- c) During the period 17th-21st October 1976, he hid 4x 500gm blocks of plastic explosives, 2x 200gm blocks of TNT originating from Russia, 10 metres of safety fuse, 1 Tokarev pistol of Russian make, and 5 detonators at the home of Rebecca Marule.
- d) On October 23rd 1976, he concealed a bag containing 6x 200gm blocks of TNT explosives at the house of Emily Manatuko.
- e) During December 1976 he told Bafana Matsemela that he was a member of the ANC, and that he possessed blocks of TNT.
- f) During December 1976 at Nancefield Hostel in Soweto, he gave instructions in the manufacturing and use of bombs and explosives.
- g) On January 4th, 1977 he and Elmon Malele told Solomon Mzwandile Ngobane that they would fetch him and Bafana Vincent Nkosi 2 days later, to show them how to make and use bombs and explosives.
- h) On January 7th, 1977, Phala took Lazarus Ndlovu, Sipho Nhlapo and Elmon Malele to a railway bridge on the Johannesburg-Vereeniging line. There they planted a time bomb, intending to blow up the railway line.
- i) On the same day (January 7th) he and Elmon Malele took Solomon Mzwandile Ngobane and Bafana Vincent Nkosi to the home of Philip Khoza to receive instructions in the manufacture of bombs and explosives.
- j) On January 8th he asked Rebecca Marule to harbour Patrick Mabinda, knowing that he was a trained guerrilla, and that he had been responsible for the explosion at Philip Khoza's house.
- k) During the period 1st December 1976 to 27th January 1977, he possessed an automatic Kalashnikov rifle, 2 magazines, and 60x 7,62mm bullets.

According to the state accused no 2, John Thabo, committed the following acts, rendering him guilty on the first count of Terrorism.

- a) During July 1976 Thabo informed Thomas Dagada that he had joined the ANC, and that instructions had to be given to blacks in the manufacture of bombs. He encouraged Dagada to attend lectures where he would learn to manufacture bombs.
- b) On December 4th 1976, at Nancefield Hostel, Soweto, he possessed blocks of TNT explosives and other material necessary in the production of bombs.
- c) On the same day he told John Kekane and others, who were gathered at Nancefield Hostel during the demonstration of how to make bombs, that he intended organising blacks. When a man present said that the South African Railways should be sabotaged, Thabo said that when he circulated a note, people would know when to act.
- d) During December 1976 he told Bafana Michael Matsemela that he was a member of the ANC, and was in possession of TNT explosives.
- e) In the same month (December) he encouraged Joseph Mwamba to receive military training.
- f) During December 1976 and January 1977, Thabo possessed a book entitled "The Story of Simon and Jane". This book contained instructions on how to make bombs, how to handle firearms, and also puts forward the aims and objectives of the ANC. Thabo made this book available to Letsie Ben Mashinini (accused no 3) and Solomon Musi (accused no 4).

Letsie Ben Mashinini, accused no 3, supposedly performed the following acts:

- a) Possessed the book "The Story of Simon and Jane", the contents of which are detailed above.
- b) On December 4th, 1976, advised Solomon Musi (accused no 4) and John Thabo (accused no 2) to receive training in the manufacture of bombs and explosives.
- c) In a room in Nancefield Hostel, he received instruction in the manufacture and use of bombs and explosives on 11th December, 1976.
- d) On January 7th, 1977 he attended a lecture in Klipspruit on how to make bombs and explosives.
- e) On the same day, Mashinini manufactured a bomb with the intention of endangering the maintenance of law and order in South Africa.

The acts which the state claimed rendered Solomon Musi, accused no 4, guilty on the first count of Terrorism, were as follows:

- a) On December 11th, 1976, in a room in Nancefield Hostel, he received instructions in the manufacture and use of bombs.
- b) On January 7th, 1977, he attended a lecture in Klipspruit, where a discussion was held on how to manufacture bombs.
- c) Between November 1976 and January 1977 he possessed a copy of the book, "The Story of Simon and Jane", the contents of which are described above.
- d) On January 7th 1977 Musi manufactured a bomb with the intention of endangering the maintenance of law and order in South Africa.

Accused no 5, Bafana Vincent Nkosi, was alleged to have undertaken the following:



- a) On December 4th, 1976 he was willing to attend a lecture on how to make bombs and explosives.
- b) On December 11th, 1976 he attended such a lecture at Nancefield Hostel,
- c) On January 6th and 7th, 1977, he attended lectures in Klipspruit on how to make bombs and explosives.
- d) On January 7th he manufactured a bomb.

Accused no 6, Philip Khoza, was accused of the following:

- a) Between 4th and 7th January, 1977, he made a portion of his Klipspruit home available to Patrick Mabinda and others, for the purpose of making bombs and explosives.
- b) During the same period he assisted those who were making explosives by heating a soldering iron in his kitchen and taking it to the room where bombs and explosives were being manufactured.
- c) After the explosion at his house on January 7th, he deliberately neglected to report this incident to the police.

Count 2: During the period from the beginning of June 1976 until the end of January 1977, the accused received training in the Johannesburg area which would be of use to a person intending to endanger the maintenance of law and order; they further encouraged others to receive such training.

Count 3: During the period beginning June 1976 and ending January 1977, the accused possessed explosives, dynamite, ammunition and firearms as set out in the acts relating to Count 1.

The trial of the 6 accused began on August 1st, 1977, in a specially convened Supreme Court at Springs, before Mr Justice de Villiers. One of its features was the amount of evidence led by the state, involving some 70 state witnesses. This testimony can be conveniently divided up into 3 major sections - police and railway police witnesses, evidence of ordinary civilians (including medical evidence), and the most important testimony, that of accomplices.

Police and civilian evidence dealt mainly with the discovery of a bomb on the Johannesburg-Vereeniging railway line, investigation of the explosion at Khoza's Klipspruit house, transportation of those injured in the explosion to hospital, medical details of injuries sustained by some of the accused and others in the Klipspruit blast, and the nature and potential power of the arms, explosives and ammunition found in the possession of certain accused and accomplices.

One of the civilian witnesses, Silvester Carlos Gobini, testified that he knew Khoza (accused no 6) as a citizen of Mocambique. He (Gobini) was employed as a clerk at the Mocambique Labour Office in Johannesburg and on January 10th, 1977, Khoza, his wife and child had come to these offices and applied for travel documents to

return to Mocambique.

When Khoza told Gobini that there had been an explosion at his house in Klipspruit, Gobini reported this matter to the chief of the office. Shortly after that, the police arrived and detained Khoza and his wife.

A police witness, Lt D Greyling of the Security Police, John Vorster Square, told the court that on January 13th, 1977, he went to Nancefield Hostel with accused no 2, John Thabo. There, hidden in an unoccupied bed, he found a shopping bag containing 200gm of TNT explosives, wires, and batteries.

On January 26th, Greyling said that he went to a house in Moletsane, where more TNT, 5 hand grenades, and plastic explosives were found. The grenades were of foreign origin.

One of the first accomplices to testify was a 65-year old widow, Rebecca Marule. She was detained on February 9th, and was still being held in detention when brought to court in August 1977.

She told the court that, on various occasions Phala (accused no 1), sometimes accompanied by Elmon Malele, had asked her to store packages for him. Evidence was led that these packages contained bullets, hand grenades and detonators.

Subsequent to the Klipspruit explosion, Phala and Malele asked her to accommodate Patrick Mabinda for a few days. She agreed, and Mabinda was detained by police at her house on January 14th.

Bafana Matsimela told the court that he and John Thabo (accused no 2) were employed at the same place. Thabo had told him that John Phala was part of Umkhonto (we Sizwe), and that he (Thabo) possessed TNT, and was a member of the ANC.

Joseph Mwamba testified that he lived in the same hostel (Nancefield) as John Thabo. Thabo had invited him to a hostel room, and there suggested that he undergo military training.

Thomas Dagada, a relative of Thabo's, testified that accused no 2 had told him that he had joined the ANC. He invited Dagada to Nancefield Hostel where he said they "made bombs and read books".

Other witnesses warned as accomplices, most of whom were in detention, and who testified against the accused, included

Emily Mamathoko,  
Kleinboy Mogoswane,  
Evelyn Sedibe,  
Elizabeth Ranoto,



Marcus Ranoto,  
 Godfrey Thlape,  
 John Kekane,  
 Solomon Ngobane,  
 Lazarus Ndhlovu,  
 and Patrick Gadoutobe.

4 young members of the Soweto Students Representative Council,  
 Albert Oupa Moloto,  
 Andrew Roy Mbele,  
 Welcome Madiba, and  
 Piti Mthenyane

were also called to give evidence, and warned as accomplices. All 4 had been in detention for very lengthy periods when brought to court. Moloto and Mbele gave evidence in the trial of Paul Langa. Mthenyane was called as a witness in that trial but refused to testify. For this refusal he was sentenced to 3 years imprisonment. He was subsequently called as a state witness in the Pretoria ANC trial (S vs Sexwale and 11 others), where he testified.

Lazarus Ndhlovu, warned as an accomplice and still a detainee, told the court he had been recruited by the ANC. On the night of January 7th, 1977, accused no 1, John Phala, had transported Elmon Malele, Sipho Nhlapo and himself to a place on the Johannesburg-Vereeniging railway line, where they planted a bomb with the intention of derailing the train.

All the accused, having pleaded not guilty to all charges, gave evidence in their defence. Apart from personal background, this evidence related primarily to rebutting state evidence, and giving an alternative explanation for presence at lectures on bomb making, possession of explosives, and presence at the Klipepruit explosion.

In a lengthy judgement, presiding Judge de Villiers made the following findings:

Accused no 1, John Phala: Guilty on counts 1 and 3. It was found that, of the acts allegedly committed by him, a), b), h), i), j) and k) had been proved.

Accused no 2, John Thabo: Guilty on counts 2 and 3. It was found that, in his case, the state proved acts a), d) and e) as listed.

Accused no 3, Letsie Ben Mashinini: Guilty on counts 1 and 3. In his case, the state proved acts c), d) and e) as listed.

Accused no 4, Solomon Musi: Guilty on count 1. Acts b) and c) as listed were proved against him.

Accused no 5, Bafana Vincent Nkosi: Guilty on counts 1 and 2. Acts b), c) and d) as listed, were proved by the state.

Accused no 6, Philip Khoza: Guilty on count 1. Acts a) and b) listed were proved against him.

Sentence: In sentencing accused no 1, John Phala, Justice de Villiers stated that he would have imposed the death penalty if it had been proved that Phala was more involved in the placing of the bomb on the railway line.

No 1: On count 1, Phala was sentenced to 15 years; on count 2 a further 15 years was imposed, making an effective sentence of 30 years.

No 2: Count 1 - 10 years; count 2 - 10 years, making an effective sentence of 20 years for John Thabo.

No 3: Ben Mashinini: Count 1 - 10 years; count 2 - 7 years, 5 to run concurrently with sentence on count 1. This is an effective sentence of 12 years.

No 4: Solomon Musi: 5 years.

No 5: Bafana Vincent Nkosi: 10 years on count 1; 7 years on count 2, 5 to run concurrently with sentence on count 1. This is an effective sentence of 12 years.

No 6: Philip Khoza: 15 years.

In total, Justice de Villiers handed down sentences of 104 years imprisonment for the accused. Below, for information, is the way Johannesburg's English-language press (RDM, Star and Post) covered judgement and sentence. As far as can be ascertained, this was the only report which appeared in these 3 newspapers.

# 'Bomb school' men jailed

SIX Soweto men gave the clenched fist salute when they were given long jail sentences at the end of the Terrorism Act trial in Springs.

Mahwidi John Phala (50) was jailed for 30 years for his part in the attempted derailment of a train on the Johannesburg-Vereeniging railway line, and also for being in possession of TNT, handgrenades and Russian weapons.

The other sentences were: John Asheli Thabo (37), 20 years; Solomon Musi (25), five years; Philip Khoza (55), 15 years; Letsi Ben Mashinini (34) and Bafana Vincent Nkosi (20), 12 years each.

The men were alleged to have operated bomb training schools in Soweto. One at Khosa's house in Klipspruit, was blasted by an explosion on January 7.

Mr Justice de Villiers, sitting in a special court at Springs, said in a three-day judgement the men could have probably succeeded in committing acts of sabotage if their bomb making session had not ended up in a fiasco.

He said had Phala played a more active part in the attempted derailment, the death penalty might well have been brought into effect.



# THORNHILL

At the beginning of 1977 the name THORNHILL became synonymous with the heartlessness and death that are the details of the implementation of a large part of the apartheid policy. (We are seeing it again now with threatened Crossroads resettlement. What is not seen are the many other bantustan areas where conditions are worse, if anything, than the few places that do succeed in attracting the selective eye of the commercial press).

Thornhill has just been in the news again, lost in the publicity justifiably given to Crossroads:

"A serious outbreak of typhoid, which is understood to have reached epidemic proportions, has hit the overcrowded resettlement camp at Thornhill near Queenstown. Four new cases were admitted to Queenstown's Frontier Hospital at the weekend, but officials have refused to disclose the total number of cases admitted.

A spokesman for the Frontier Hospital...noted that Thornhill was in the Ciskei and he had no authority to speak for the homeland government.

Ciskei's Secretary for Health, Dr J Klopper, is on leave and not available for comment. The Minister of Health, Chief M Mqalo, was also not available." (Star, 78-03-29)

"The Ciskei Government has refused to give any details to the South African Government about the Zweledinga, formerly known as Thornhill, and Oxton resettlement areas in the homeland.

The Minister of Plural Relations, Dr Connie Mulder, approached the Ciskei Government for particulars about the settlements, 'but they inform me that they do not wish to furnish the information,' he said in reply to two questions tabled in the Assembly..." (RDM, 78-04-19)

"The recent typhoid outbreak at Thornhill claimed three lives, the Minister of Health, Dr BR Maku, said in the Ciskei Legislative Assembly yesterday. 130 cases were handled altogether. The Department immunized over 10 000 people against the disease 'and what might have been a serious problem was rapidly and quickly contained,' Dr Maku added.

The farmhouse which was taken over as a makeshift clinic at Thornhill had been remodelled and reshaped to take the form of a small cottage hospital with six beds. 'The clinic has also been substantially strengthened by the addition of nursing staff and a senior health nurse'." (RDM, 78-09-14)

The Thornhill farm, now known as Zweledinga, is situated in the Ciskein Bantustan close to Queenstown. During 1976, after the Transkei had taken over the Herschel district, some 15 000 people left that area and settled at Thornhill, part of about 50 000 people who had fled from the Matanzimas. The numbers soon swelled and estimates were made of 30 000. More specifically, the exodus seemed to have been in response to Transkeian suppression of opposition groups, and real or potential action against Sotho-speakers in particular. The residents of both the Herschel and

Glen Grey areas had opposed incorporation into the Transkei - in a 1971 referendum 84% voted in favour of remaining as part of the Ciskei. An interesting side comment was made by a "Ciskeian spokesman" who said that "many" of the people had come "from the Free State when it was rumoured farms were to be given out in the Ciskei." Freehold land tenure is not available to Africans outside of the reserves/bantustans since the 1913 Land Act. The QwaQwa bantustan for Sotho-speakers has a de facto population density of 136 per square mile and a de jure density of 7 085 people per square mile. It is, therefore, more than understandable that there should be an intense hunger for land, even to the extent of travelling hundreds of kilometres on the strength of a rumour.

In exchange for Herschel and Glen Grey the South African government was meant to buy white-owned farms adjoining the Ciskei, but ran out of money. The Thornhill and Loudun farms were shown to chiefs from Herschel and Glen Grey and they decided to accept them for their people. A "stampede" started as Transkeian "independence day" (October 26) neared. It must be kept in mind that Thornhill and Loudun had been farms, with no facilities (eg the nearest shops were some 20 km away). No employment existed at the time and the recent report that prompted this briefing mentions that: "The Government had not planned any industrial development at the controversial resettlement township of Glenmore in the Eastern Cape but agricultural development is being considered" (RDM, 78-04-19).

In the style that has served (purposely) to confuse similar issues (see, for example, KwaZulu vs central government on Malukazi; Transkei vs central government on Crossroads; BophutaTswana vs central government on Hoekfontein, Winterveldt, etc; BophutaTswana vs Basotho QwaQwa on ThabaNchu; etc, etc, etc) Thornhill was also left in the cold with Sebe and the central government both denying responsibility for whatever occurred - "The Department of Bantu Administration has tried to lay the responsibility for the Thornhill tragedy at the door of the Ciskei government, but in fact the department itself was responsible for moving 3 500 families, comprising an estimated 21 000 people, from Herschel to Thornhill" (Sunday Express, 77-01-16); "The Chief Minister of the Ciskei, Chief Lennox Sebe, has blamed the Department of Bantu Administration and Development for the conditions at Thornhill" (RDM, 77-01-11).

In bantustan politics one event not only serves as an example of what is to be expected during the next but flow into each other with a terrible irony, until one resettlement camp is not to be



distinguished from the rest, and the one prepares the way for the next. The residents of Thornhill are now engaged in building at Bridge Farm for the first truck loads of people from the Crossroads camp outside Cape Town.

They are not to be blamed. There is no other work at Thornhill. And very little pretence that anything exists for them at Queenstown as only one bus a day runs between the two places. And that costs R1,50 return. The breakdown is not only physical but also mental, a pattern found in the KwaZulu bantustan as well (and the university psychology departments play with rats and statistics).

"These people exist on mealie meal - nothing else. They eat only porridge. We get complications from the malnutrition and have a high incidence of psychosis - particularly schizophrenia. This could be caused by the depressing conditions under which people live (nursing sister at Thornhill clinic)... Dr Hendrik Beukes, Whittlesea district surgeon and the doctor in charge of Thornhill, confirmed the sister's remarks. He said the incidence of psychoses throughout the district was high. "It is not only Thornhill. I don't know what causes it," he said." (Sunday Tribune, 78-10-08)

There is no better way of summarising the situation than to leave the last word to an administrator of the policy of "separate development", Mr DJF Hidge (Chief Commissioner for the Department of Plural Relations in Queenstown), who "does not care that there are no jobs where he intends settling people.

"That is not my problem. We will provide the necessary infrastructure of water and toilets in the camp. Where the people work is not my business. It is like any other area. In the rural areas there are no jobs either - the people are migrant workers. The provision of jobs has nothing to do with me!" (Sunday Tribune, 78-10-08)

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# **namibia**

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We reproduce below certain documents of considerable relevance to the contemporary Namibian situation.

The latest in a series of farcical and opportunistic agreements between the representatives of international monopoly capital (the gang of 5), and the South African government, have again revealed South Africa's intention, clearly stated by P.W. Botha, that the South African state, along with the comprador DTA forces, has no intention of allowing SWAPO to participate in a free and open election in Namibia.

Obvious is the Western five's intention of not fundamentally blocking South Africa's strategy of imposing a neo-colonial DTA based government on the people of Namibia. Indeed, a neo-colonial solution which guarantees the conditions of plunder so profitable to external investors in Namibia, admirably suits the interests which the 5 represent.

What the 5 do want to avoid is a situation at the United Nations where their veto of sanction-measures is obviously in support of a South African directed 'solution' in Namibia. They would prefer to avoid the issue of sanctions completely or, if it is forced upon them, to be able to claim that negotiation with South Africa still promises the possibility of a viable settlement. In other words, blatant delaying tactics with the victims being the people of Namibia. (The same tactics are being followed with regard to Zimbabwe, and see also Martin Legassick's article elsewhere in this issue).

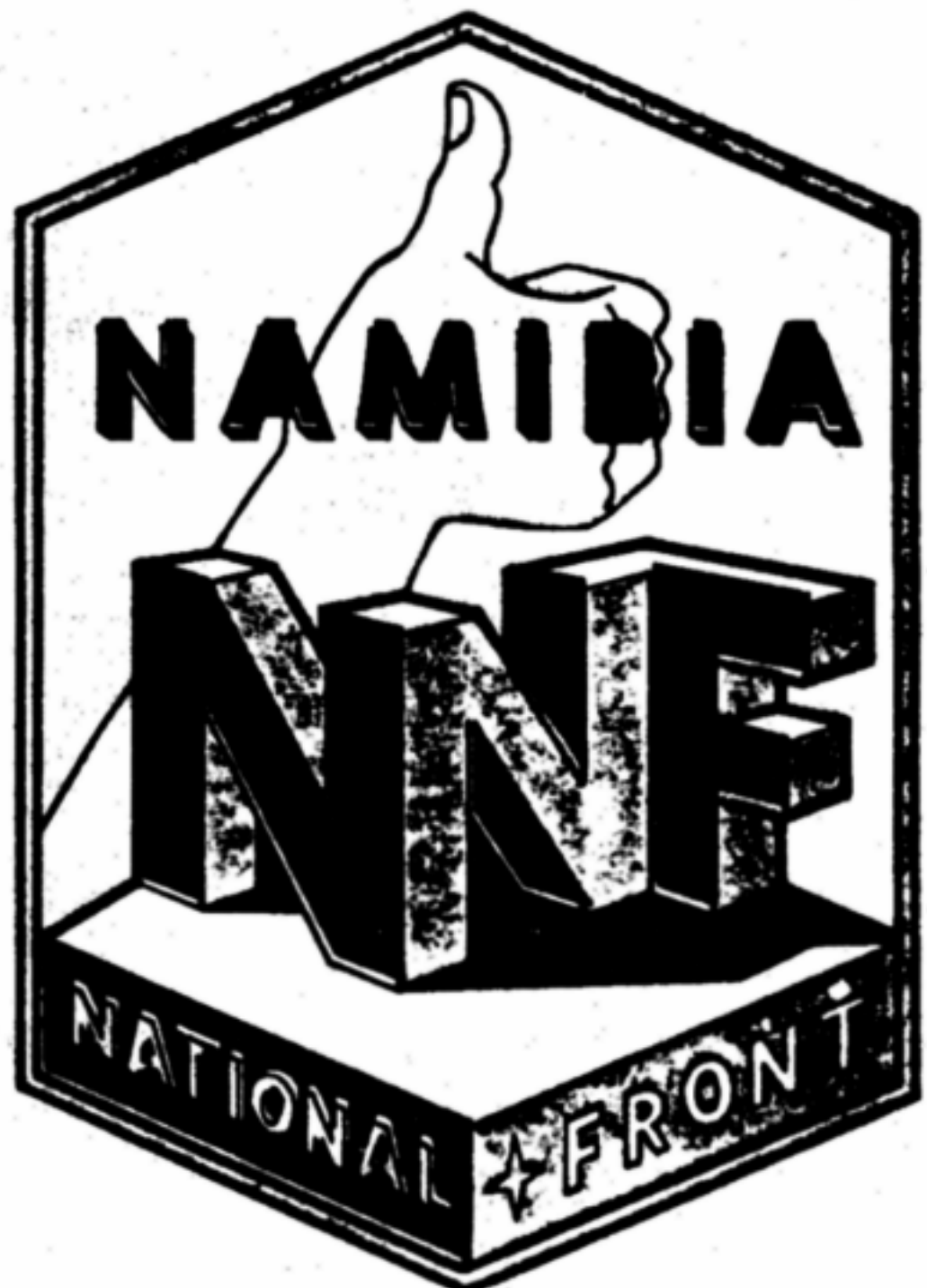
South Africa's presence in Namibia remains illegal. Intimidation and detention of SWAPO activists continues at the hands of the occupying military and police forces, and the administration. Trials under the Terrorism Act continue. Economic exploitation of both Namibian workers and peasants, and natural resources, continue.

The sentiments expressed below - on military intimidation and coercion, on registration of voters, on the supervision and timing of elections - show a unanimity despite the fact that they originate from such divergent groups as the Namibian National Front, SWAPO Democrats, the churches representing by far the majority of



Namibians, and SWAPO.

It is thus to the interests of the South African ruling classes, and a tiny minority white and tribal alliance, that the West is pandering to. Both internal events in Namibia, and the documents reproduced below, demonstrate this clearly.



## JOINT MEMORANDUM BY THE NAMIBIA NATIONAL FRONT AND SWAPO DEMOCRATS

A. The parties hereto wish to reiterate their stand on the issue of the proposals of the Western Five, for a settlement of the Namibia dispute and the Waldheim report to the Security Council on implementation of the aforesaid proposals.

B. A summary of our position.

1. We support the Western proposals in letter and spirit.

2. We also support the Waldheim report in all essential respects, subject to the following assumptions:

(a) That the suggested civil police component of about 360 experienced police officers is intended to fulfil the function agreed upon in the Western proposals namely to monitor the action of the South African Police and would consequently have no executive powers as such.

(b) That the question of registration of voters should stand over for negotiation between the special representative of the Secretary-General Mr Ahtisari and the Adm General, once the report of the Secr General is approved by the Security Council and the official transition period begins.

...

(c) That there will be proper consultation with all parties concerned with the implementation, before any final decision taken by the Secretary General as to the composition of the military wing of the UNTAG.

3. We believe in particular that a period of approximately 7 months as stipulated in the Western plan will be required before the election date to fulfil all the conditions for free and fair elections.

In consequence the envisaged elections can only take place approximately in April 1979.

We must point out that on this point, the DTA and the South African Government stand alone in their attitude towards the dates of election and independence.

4. We must warn the South African Government and all concerned that the alternative to international agreement on the Waldheim report defy contemplation.

We reject the main argument advanced by the South African Government and the DTA for their contentions.

We must point out that a UDI will not be internationally recognized - it will not lead to economic stability and peace but to the contrary: An escalation of violent conflict, a polarisation between black and white, uncertainty, economic



collapse and tragedy.

5: We say that the majority of the people of Namibia support the Western proposals as well as the Waldheim report and that both SWAPO "N" and the SA Government must take cognisance of this fact. We therefore reject the statement by the SA Government that it is acting in the name of the people of Namibia.

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NAMIBIAN CHURCHES CALL FOR PRAYER AND APPEAL TO ALL PARTIES AND COUNTRIES INVOLVED IN THE WESTERN SETTLEMENT PLAN FOR NAMIBIA  
8 September 1978

We hereby call on all Christians to pray most urgently at this time for the achievement of a successful conclusion to the Western Settlement Plan in the United Nations Security Council. We pray for an agreement that will bring about a ceasefire, and that the Lord will thus spare us from a tragic bloodbath and gruesome events such as those now frequently experienced in Rhodesia.

With this in mind, we feel it our responsibility to express our disquiet at repeated reports that elections will still be held in Namibia this year. The Western Proposals clearly specify a seven-month process from the time that the Secretary General's report is accepted by the Security Council until the elections are held. Attempts to squeeze the stated procedure through in half the allotted time can only end in the abortion of the whole electoral process. Parties both to the right and to the left of the political spectrum have acknowledged the necessity of maintaining the seven month period.

We should also like it to be known that we support the recommendation of the Secretary General that experienced police officers should be sent to Namibia to check intimidation and agitation from any quarter during the elections, and to monitor the activities of the South African Police. The Secretary General stipulates that these experienced men will be part of the civilian component of the United Nations personnel. Over the past decade there have been

numerous reports of misconduct on the part of the South African Police. Without such a presence we would therefore find it impossible to assure the lawabiding population of their right to free expression, security, and freedom from threat.

We are also frankly distressed at attempts to cut the UN military component down to less than that required by the UN military experts. After all, this is a vast country, and the UN Force has been given the unenviable and enormous task of, inter alia, providing surveillance of the borders, preventing infiltration, and also monitoring base camps and the cessation of hostilities. We trust that Mr Ahtisaari made his calculations on the best of information and remains determined to maintain the impartiality of his task force. We therefore feel very strongly that it is of the utmost importance that he should have at his disposal the manpower and support services which he needs to perform his function adequately. It seems to us too optimistic to say that if there is a ceasefire such a force will not be needed.

In the past we have repeatedly seen how extensive panic and disruption can be caused by very small groups who break the discipline of their commanders. We must also reckon that there are groups at large who have obtained powerful armaments and who may yet be nothing more than thieves and robbers without conscience. We therefore cannot see any reason to deny this country all the security which the United Nations is able to offer. Security for all must be the first priority, irrespective of the costs.

....

United Evangelical Lutheran Church  
Roman Catholic Church, Diocese of Windhoek  
Anglican Church in Namibia  
African Methodist Episcopal Church.



MEMORANDUM TO HIS EXCELLENCY MARTTI AHTISAARI, United Nations  
Special Representative for Namibia, FROM NAMIBIAN CHURCH LEADERS,  
August 15, 1978

Your Excellency,

It is with great joy and thanksgiving that we welcome you in Namibia as an answer to prayer. Your presence here represents the fulfilment of hopes cherished by many Namibian people for a generation.

You will know of the many declarations and actions which we have undertaken during the past ten years against the racism, exploitation and systematic torture of South African rule.

Although we have tried only to echo the cry of our people we have been branded as 'terrorists', and yet it is we who have repeatedly tried to bring calm to situations of civil unrest and senseless bloodshed.

And you will know that we have concerned ourselves intimately with the Western initiative since its inception, and were the first to accept these proposals, and urge their speedy adoption by all parties, when they were finalised on March 30 this year.

Today, though we see it as our continuing responsibility to remain critical and independent, we have come prepared to listen respectfully to whatever suggestions you may have for co-operation between yourself and us in the achievement of your mission.

There are, however, a number of matters which we feel we should bring to your attention immediately.

1. The majority of voters who have been registered so far (under the sole authority of the Administrator General) have not done so freely. Criticism of the law leads to immediate imprisonment. And people have been coerced by employers. A very worrying aspect of this operation has been the close co-operation between the Democratic Turnhalle Alliance and the South African officials concerned.

2. Continuing collaboration between the SADF and UNITA

While the exploits of South Africa in Angola during 1975 are now common knowledge, it is not so well known that the links between South Africa and UNITA have, if anything, been strengthened since then. In particular, South Africa has been recruiting UNITA soldiers into its own army. These poorly disciplined troops - who may well rejoin their compatriots in Angola, and who have nothing whatsoever to gain from a South African troop withdrawal, can wreak havoc in the Northern parts.

Indeed that is what happened, for instance, at Omundaungilo at the end of 1976 when a whole village was terrorised, people killed, women raped, and so on.

We believe that many hundreds of these UNITA troops have been trained by South Africa at secret bases in the Kavango area. We now view with particular alarm the recent reports by the South African Defence Force that 'Swapo terrorists in South African uniforms' have been responsible for murders and sabotage in the Northern parts. \*

3. Election date

In view of the extreme importance of these elections, the necessity that the people should gain confidence in the electoral process, the need for people to have time to become properly informed and make a considered choice, we feel that pressing ahead with elections before December, this year, will be asking for confusion, mistrust and everything that is undesirable and unsatisfactory in an election.

4. Immediate release of all political prisoners

It is well known that the churches have played a significant role in working for the release of Mr Andreas Shipanga and his associates from detention in Tanzania. In response the Administrator General has gone on a spree of imprisonment and banishment inside Namibia. This is unfair and intolerable: We demand that all political prisoners, and particular, Mr Herman Ya Toivo should be released immediately.

5. Banishment of Churchmen

A matter which grieves us personally is the summary and unjust expulsions to which church people have been made subject during the past decade. We insist that these our brethren should also be allowed to return to Namibia to play their rightful role in the development of a free and just Namibia.

Lastly we wish to assure you of our prayers in the many difficult decisions which await you.

United Evangelical Lutheran Church  
Roman Catholic Church in SWA/Namibia  
Anglican Church  
African Methodist Episcopal Church.





SWAPO POSITION ON THE CURRENT DIPLOMATIC INITIATIVES PRESENTED AT THE 31st SESSION OF THE O.A.U. LIBERATION COMMITTEE HELD IN TRIPOLI, LIBYA. February 13th - 18th, 1978

In the last ten months, the world attention has been focussed on the diplomatic initiative taken by five of the major Western powers ... to find a negotiated solution to the Namibian problem. ... SWAPO considers it essential to provide its analysis of this diplomatic move.

As it is now well known, the three Western permanent members of the United Nations Security Council, namely, the U.S.A., the U.K., and France, plus the Federal Republic of Germany and Canada, both of which were temporary members of the Security Council, decided on their own behalf, to initiate diplomatic efforts with an announced intention of persuading the racist regime in Pretoria to meet all the demands put forward by UN Security Council Resolution 385 of January 30, 1976. In doing this, the five thought that they would enable the people of Namibia to achieve national independence peacefully.

This initiative started in April, 1977, when the ambassadors of these five Western governments to South Africa and the United Nations began to explore with South Africa the possibilities of gaining agreement from Pretoria towards the implementation of Resolution 385. In deciding to undertake the role of a mediator between the South African government on one hand, and SWAPO on the other hand, the five governments proceeded from the assumption that since they are some of the very few countries in the world who have good economic, diplomatic, cultural and even military links with the racist regime of South Africa, they are in a position to pressure Pretoria to meet the demands of the world community in regard to South Africa's illegal occupation of Namibia. It was also with this understanding that SWAPO has not opposed the initiative of the five to attempt to bring South Africa to reason, despite the fact that these five powers have supported South Africa against our interests on several occasions.

Last year, it looked to some distant observers of the five's diplomatic activities as though Pretoria had actually decided to get rid of Namibia through a solution which would be acceptable to both the Namibian People and the international community. ... The governments of the five countries, as well as the press, deliberately tried to foster this hope in an effort to give their

initiative a veneer of momentum. ... (T)he five, and Western press, have been emphasising a claim that as a result of these diplomatic efforts, South Africa has, for the first time, made the following "concessions" towards the implementation of Resolution 385:

- (a) that Pretoria has now agreed to the holding of national elections in Namibia to choose representatives to a constituent assembly;
- (b) that South Africa has now accepted the UN role in the process of Namibia's transition to independence;
- (c) that South Africa has now agreed to the disbandment of the Turnhalle gathering and its interim government; and
- (d) that South Africa has now agreed to SWAPO participation in elections;
- (e) that South Africa has agreed to the reduction of troops in Namibia.

These are, according to the five, major concessions which South Africa has made and which all interested parties to the Namibian problem should appreciate. More often than not, too, reference is made to the abolition in Namibia of some minor aspects of apartheid - the so-called petty apartheid. ...

...

However, upon a clear examination of these cosmetic and tactical "concessions" as well as of many other actions taken by the South African government since the beginning of the diplomatic initiative by the five, it becomes clear that in fact Pretoria is still bent on keeping Namibia under its control. For instance, while trying treacherously to appear to be making so-called concessions, South Africa does not really accept the principle of the UN supervised and controlled elections in Namibia. On the contrary, Pretoria is only conceding to some kind of UN observation of elections which, if agreed to under the terms outlined in the proposal of the five, will in fact, mean South African supervised and controlled elections. In SWAPO's considered opinion, there can be no fair and genuinely free elections in Namibia as long as Pretoria is allowed the role of keeping "law and order" in the transitional period. This will mean that South Africa will have at her disposal not only an entrenched administration and a huge para-military police force, but also combat troops strategically positioned in Namibia to influence the elections to SWAPO's disadvantage. This is the kind of transition which the five Western powers are asking SWAPO and Africa to endorse.

The five have been hard at work trying to convince SWAPO and the independent African countries that South Africa needs to have a token of its troops in Namibia during the transition period as a



face saving so that the white South African electorate does not think that Pretoria has been forced out of Namibia. On the face of it this argument of the five sounds reasonable, but when one listens to the South African official statements on the same issue, one cannot but be convinced that what South Africa wants is not a means of face-saving, but real control of the situation. The South African rulers want physical control of the transitional process.

When SWAPO insists that it cannot agree to elections taking place under conditions where the full weight and force of the South African state power are clearly posed against it, the five try to insinuate that SWAPO is afraid of elections because it knows that it does not have enough support among the Namibian people.

...

It is against this background that SWAPO insists that, at least, all the South African troops be withdrawn from Namibia before elections. What other reason can South Africa have to influence elections in favour of her local stooges? If Pretoria has really decided to give up Namibia, then the question of face saving would not really be all that important:

We in SWAPO are profoundly aware that our colonial situation has no parallel in Africa. In Namibia one has a situation where the colonial power has not only political, strategic and vast economic interest in the colony, but also where the colonial power is territorially contiguous to its colony. This fact alone precludes all attempts to compare the transitional period in Namibia with any other colonial experience in Africa.

South Africa has always harboured the idea of having Namibia as its fifth province, and, as such, she has not yet shown preparedness to allow a genuinely independent state to exist in that territory. A genuinely independent state in that country is at present only possible under a SWAPO government and this is what Pretoria is determined to prevent. This is the objective, political reality which we are faced with. This is what we want both the five and the OAU to appreciate.

The South African rulers are daily telling their people and the world, through their official statements and propaganda media, that they will never allow Namibia to be ruled by SWAPO. This anti-SWAPO campaign goes beyond mere propaganda warfare. It is accompanied by real and concrete measures that are taken to make

it impossible for SWAPO to have any fair chance of gaining power under a South African dominated transitional period. For exemple, South Africa has not only deployed a huge part of its armed forces against SWAPO in Namibia, but it is also building up anti-SWAPO tribal armies. At the same time, Pretoria is making strenuous and concerted efforts to build up her Turnhalle puppets as tools of neo-colonialism in Namibia. Extravagant sums of money are being placed at the disposal of these stooges by the South African government to buy support in preparation of the electoral campaign. These stooges are now busy organizing festivities and parties whereby they are enticing the people with liquor, food and many other niceties which the racists know the masses cannot afford on their own under the present exploitative system in Namibia.

This exercise in public corruption and bribery is always accompanied by an elaborate police and military protection so that nobody is allowed to attempt to break up the puppet gatherings. But, every time SWAPO attempts to hold a public meeting, the puppets, under the protection of the South African police and army, are organized to disrupt and break up such meetings with clear approval of the colonial administration in Namibia.

There are many other specific incidents which can be cited to show that South African agents have recently unleashed a new wave of intimidations against SWAPO supporters in Namibia. For instance, on October 9, 1977, a group of South African armed tribal soldiers attempted to disrupt a SWAPO public meeting at Oshakati in the Northern part of Namibia. On December 2, 1977, the so-called South African Security Forces arrested and detained eleven of SWAPO leading cadres who were going to organise another SWAPO public meeting at Ondangwa, in the same area of Namibia. These comrades were arrested under Proclamation A.G.9, 1977, which is one of the many repressive regulations in Namibia. Some of these comrades were forced at gun point to sign documents saying that they had agreed to resign from SWAPO, documents which were later used in the South African press in an attempt to discredit some of these comrades. On December 16, 1977, puppet soldiers using teargas, at the instigation of the South African Armed Forces broke up a SWAPO public meeting at Oluno in Northern Namibia. On February 5, 1978, puppet soldiers, using the same method, under the protective cover of the South African troops broke up a SWAPO meeting at Katima Mulilo in the Eastern part of Namibia.



These acts of intimidation are not just confined to the use of teargas to break up meetings. Many SWAPO cadres are still being arrested and detained, and on January 11, 1978, South African police fatally shot and killed comrade Abner J. Amwaama. Comrade Amwaama was shot when South African police were attempting to break up a SWAPO meeting at Swakopmund in the Western part of Namibia.

The fundamental question which SWAPO is posing in demanding complete withdrawal of the South African troops from Namibia before elections is: Who will have ultimate effective physical and administrative control of the elections - South Africa or the UN?

The present proposal which the five have put forth is very vague and cryptic. It talks of UN monitoring and observation through the UN Secretary General's Special Representative and his staff.

The five are being deliberately vague on the question of UN Peace Keeping Force to police the transitional period. We demand that such a force will be necessary to keep law and order during the transitional period. SWAPO will agree to the confinement of its guerrilla forces to specified bases in Namibia provided South African troops have been withdrawn from our country. We pledge to honour our commitment not to disturb peace and tranquility in the country during the transitional period. The South African police force and administration, like SWAPO troops, must be placed under the control and supervision of the UN Peace Keeping Force.

In other words, SWAPO is not demanding that Pretoria should hand over power to our Movement, although our Movement is the only one which has fought for more than a decade to force South Africa to at least face up to the fact that Namibia is not part of South Africa and that our people are prepared to make every supreme sacrifice to liberate our fatherland.

We are prepared to submit ourselves to the verdict of our people without any fear. We are certain that our people, if given a genuinely fair and free choice, will pronounce themselves on the side of their true liberation - SWAPO. What we are resisting is the attempt by both Pretoria, Washington, London, Paris, Bonn and Ottawa to bait and trap us into South African controlled elections in the knowledge that we may be beaten because the full weight and force of State machinery will be pitted against us.

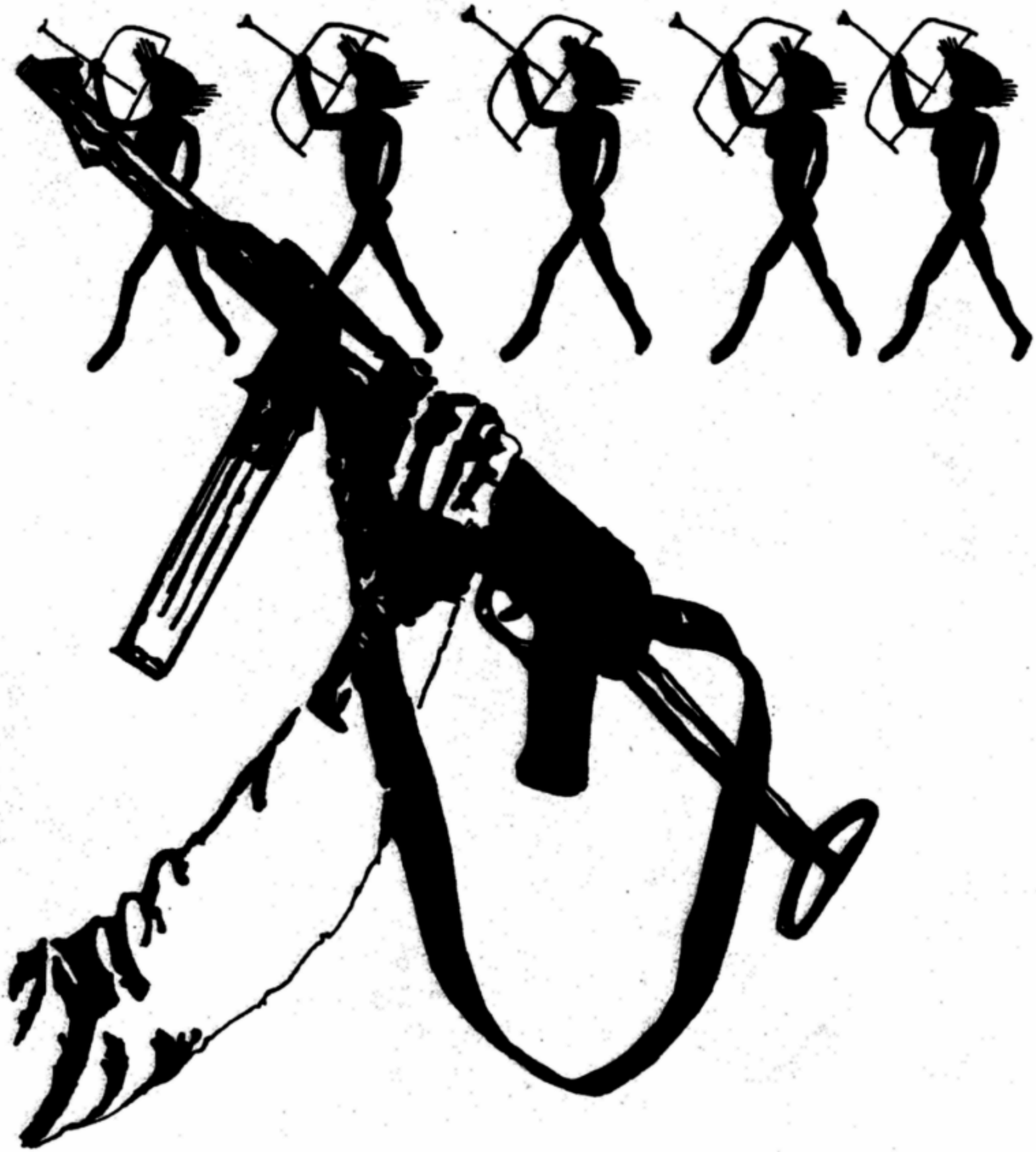
We would like also to make it categorically clear that SWAPO will

not accept any independence agreement which accommodates South Africa's aggressive claims to Walvis Bay as a part of South Africa. Walvis Bay is an integral part of Namibia. The Namibian people will never accept South Africa's claims over Walvis Bay. Such claims are based on antiquated, arbitrary, illogical and unjust colonial agreements. The Namibian people cannot be bound by such unjust treaties. We in SWAPO vow to liberate and defend Namibia's territorial integrity, including Walvis Bay.

In their proposal, the Five have suggested that South Africa be allowed a "token force" of 1 500 troops to be in Namibia during the electoral process of the transition. One wonders whether this number of troops includes or excludes the entire division of the South African Army stationed at Walvis Bay. To talk about 1 500 at Grootfontein or Oshivelo while ignoring the division at Walvis Bay is to try and legalize not only South Africa's occupation but also to endorse her aggressive attempts to dismember Namibia. For us to accept such shady deals will be tantamount to committing national suicide.

In resistance to all these imperialist and neo-colonial intrigues, we appeal to the international community to be firm in support of our struggle. We are determined to continue with a protracted armed struggle even if it takes us another decade. We know that our people are behind us in our demand for genuine independence; and this is testified by the thousands of workers, peasants and young intellectuals who are weekly enlisting themselves into PLAN's revolutionary activity.









"Suidengewone Offisiële Koerant 20 September 1978", or AG (for Administrator General) 63, has the following to say on the proposed Constituent Assembly for Namibia:

Establishment and powers of the Assembly

2.(1) The persons nominated in accordance with the provisions of this Proclamation shall, subject to those provisions, as representatives of the people of the territory be a Constituent Assembly with power to draw up and adopt a constitution for the territory with a view to its becoming independent as a sovereign state on the date of the coming into operation of such constitution.

(2) The Assembly may—

(a) submit to the Administrator-General requests, recommendations or proposals as to any course of action it desires to be followed or any steps it desires to be taken with a view to the attainment of independence by the territory as a sovereign state;

(b) advise or make any recommendation to the Administrator-General, at his request or of its own motion, as to the enactment, amendment or repeal of any law or the exercise of any governmental function or in respect of the territory by the Administrator-General or any other authority.

(3) The Administrator-General shall not be obliged to give effect to any request, recommendation, proposal or advice submitted or given by the Assembly under sub-section (2).

(Our own emphasis in this extract - eds)

## Western Minister

### a bit confused

TALKS between the Foreign Minister of Britain, West Germany and Canada and Swapo got off to an embarrassing start yesterday with a "shocker" by Canada's Foreign Minister Mr Donald Jamieson.

As the two groups sat down to talk at a hotel in Windhoek Mr Jamieson turned to the leader of Swapo in the territory, Mr Daniel Tjongarero, and Swapo's Information Secretary, Mr Mekganedi Thlabanelo, and said: "Do you have any relationship with Swapo (D)?"

Swapo has repeatedly

attacked the Swapo rebels, known as "Swapo-democrats" and led by Mr Andreas Shipanga who they call a "swart boer."

In reply to Mr Jamieson's question Mr Thlabanelo first laughed shyly and then said quietly: "No".

Mr Jamieson then said: "I have difficulty sorting out all the groups here."

Meanwhile, the Namibia National Front and Swapo Democrats yesterday told the three foreign ministers that they opposed the planned December elections for a constituent assembly for Namibia.

## Heroes' acre plan

Every municipality may establish its own "heroes' acre" in its local cemetery to bury men who died on the border.

The Transvaal Municipal Association congress today decided to make representations to the provincial authorities to allow municipalities to bury or cremate heroes free at these "heroes' acres".

Mr Steyn van der Spuy, chairman of the Secunda Town Council's management committee, said every municipality was empowered to fence off a separate section of its local cemetery as a heroes' acre.

## 'We needed dagga for courage

DURBAN — Got forbid that we have to send troops to the border to defend us who need dagga for Dutch courage, a Durban magistrate said today.

Mr E W Hyland made this remark when he sentenced 10 army trainees for possessing dagga. The prosecutor, Mr P Weightman told the court that the men were part of a group on the way to the border area. The dagga was found in their kit at Louis Botha Airport in Durban on No-

vember 10, before they embarked.

He said there were three possible reasons for their possessing dagga.

One was that they wished to get caught to avoid doing border duty. A second was that if they were not caught with the dagga they would smoke it. The effect of the dagga would make them a danger to themselves and to their colleagues.

Another was that they wished to sell the dagga in the border area.

Some of the men told the court that they used the dagga to help them adjust to border conditions and escape reality. The dagga was to give them Dutch courage. — Sapa.

# Warmer US link follows summit

By MARTIN SCHNEIDER  
Political Editor

THE South West Africa crisis summit produced a warming in relations between the Government and the United States after Pretoria's bitter war of words with the Carter Administration.

Confirmation of the improving relations came at a Press conference yesterday when the Prime Minister, Mr P W Botha, emphasised the importance of two private meetings he held with the United States Secretary of State Mr Cyrus Vance during the SWA talks.

Addressing more than 100 newsmen after dinner at the Cabinet...

'Sanctions out while we're still talking'

THE PRIME Minister, Mr P W Botha, said in Pretoria yesterday that he could see no reason for sanctions being applied against South Africa while there was still consultation.

"If sanctions are applied it will be a question of cutting off your nose to spite your face," Mr Botha said at a Press conference held to announce South Africa's reaction to the five Western powers' proposals on South West Africa.

Asked whether South Africa could withstand...

indications of SA Government displeasure over the role of the British and Germans.

Government representatives were reportedly angry with the Secretary of State because...

Mr Botha said that the private meetings were important...

# West squares

# Up to the UN

By RICHARD WALKER  
NEW YORK.

**A GET-TOUGH West last night readied to force through its South West Africa deal with South Africa — no matter how strong the outcry.**

"The Africans won't like it, but too bad — we'll get it through," said a spokesman for one of the five Western negotiating powers. And he joined others in confirming that there was now no question of sanctions against South Africa at this stage.

"The important thing is that they didn't dare smash the door in our face," he said. "We still have leverage and we expect the Africans to use their leverage to deliver Swapo. That's the contract."

**Marti are to**

Preliminary skirmishes



# ANGLO-AMERICAN STRATEGY IN SOUTHERN AFRICA AND ITS BACKGROUND

An impression exists rather too widely in the labour movement, and is being assiduously fostered by the British government and the media, that the current Anglo-American strategy in Southern Africa can be seen as a significant step forward towards the liberation of the peoples of Southern Africa. This paper intends to combat this impression, by examining the deeper meaning and context of current Anglo-American strategy. It argues (a) that rather than representing any fundamental change of heart or change of position on the part of the United States or British governments, the current strategy must be viewed as a new mode in which a historically consistent set of objectives are being pursued (b) that, although settlements in Rhodesia and Namibia are the immediate apparent aim of the current Anglo-American strategy, it has been and remains the South African state which is the key force in Southern Africa, and that the Anglo-American strategy must be viewed primarily in terms of its implications for the liberation of South Africa from fascism and racism (c) that such changes as have occurred have been changes in the balance of forces in the class struggle in Southern Africa, and that the apparent "changes" in United States or British government policy are purely defensive reactions against the real momentum for liberation (d) that the differences in the "rhetoric" and "negotiating role" which appear to exist between the United States and British governments from time to time in the course of the pursuit of this policy have a real basis, but at the same time serve to conceal the objectives which the two governments have in common.

## 1. THE UNITED STATES AND BRITAIN IN SOUTHERN AFRICA SINCE THE SECOND WORLD WAR

After the Second World War the United States emerged unequivocally as the major centre of world capital accumulation, and therefore the dominant force in the restructuring of the world capitalist economy. This did not mean that the United States was omni-present, economically or politically, in an unmediated way. It did mean that, economically, the United States was the major force pressing for the "freeing" of trade, the opening of new markets, and the internationalisation of accumulation; and that it has been forced economically on the defensive only with the emergence into a competitive position of the most fundamentally restructured areas of accumulation (West Germany in the EEC; Japan) during the 1960's and 1970's. The special circumstances of the re-emergence

of West Germany and Japan have, moreover, meant that politically the US has remained the dominant force even when under challenge economically. The politics of the restructuring of capital since the Second World War have taken different forms in Europe and elsewhere: it is with the latter we are concerned here. Popular resistance to capitalism outside Europe since the Second World War predominantly took the form of the struggle against imperialism and for national liberation, and was immediately and initially directed against former colonial powers: Britain, France, etc. The United States, as the ultimately dominant political force, was concerned to transform this anti-colonial resistance into a restructuring of capital, in a manner which balanced its own particular interests with the general interests of capitalism. As Dulles said in 1953:

Most of the peoples of the Near East and Southern Asia are deeply concerned about political independence for themselves and others. They are suspicious of the colonial powers. The United States too is suspect because, it is reasoned, our NATO alliances with France and Britain requires us to try to preserve or restore the old colonial interests of our allies. I am convinced that United States policy has been unnecessarily ambiguous in this matter. The leaders of the countries I visited fully recognise that it would be a disaster if there were any break between the United States and Great Britain and France. They don't want this to happen. However, without breaking from the framework of Western unity, we can pursue our traditional dedication to political liberty. In reality, the Western powers can gain, rather than lose, from an orderly development of self-government.

It was the conflict between preserving alliances and "influencing" anti-colonial and post-colonial movements which led to the massive development of covert US activities (CIA, etc) in this period; though also, where popular resistance escalated to forms beyond the control of colonial or neo-colonial rule, the United States was compelled to step in more actively. The most serious and horrifying form of this, as we know, was the military intervention in Vietnam from 1965 which replaced earlier and more covert forms of post-1954 intervention.

A similar United States dialectic vis-a-vis colonial powers and national movements operated in the different conditions of Africa. In "tropical" Africa, with a specific history in each country, this resulted in a trend towards controlled decolonization, with a progressive enlargement of the US military and economic role in certain areas (accelerating, despite French competition, in the 1960's and 70's), and with the Congo, in the period after 1960, seeing covert US involvement changed into its most active African



form. In southern Africa, this dialectic operated in the context of the particular role and dynamic of South Africa itself.

Traditionally, Britain was the dominant imperial power in Southern Africa; and it was widely assumed both in Britain and South Africa, in the immediate aftermath of the Second World War, that the role of restructuring of capital in Southern Africa could be adequately handled by the United Party ruled South African state. The victory of the Nationalist Government in 1948, and its subsequent consolidation of power, necessitated reappraisal. In the first instance, the British government began to reassume from the South African state some of its "Southern African" role: the creation of the Federation as counter-weight, based around a different form of capital restructuring ("racial partnership") to that of apartheid; the retention of control over the High Commission Territories. At the same time, there was an acceleration (and a diversification) of the economic involvement of the major capitalist powers in South Africa itself. This derived, at one level, from the particular economic/strategic relation of South Africa to world capitalist development (production of gold, production of uranium): SA in this period received massive infrastructural loans (more from the IBRD than any other country) for gold and uranium associated projects. The "concern" of Britain, the United States, Western European capital was over whether the Nationalist government would attempt any "nationalist" economic policies; but this was resolved after an intra-Nationalist debate which opened the door wide to foreign capital in the mid-1950's.

Meanwhile, a slowdown of growth during the 1950's in South Africa, coupled with the implementation of apartheid, was generating escalating levels of popular resistance, organised in the Congress Alliance, spearheaded by the African National Congress. In 1955 this movement generated a programme for a radically different form of society in South Africa, democratic and non-racial, in the Freedom Charter. The Freedom Charter argued...and it was in reflection of the extent to which the proletariat was dominant in the resistance...that this democratisation could be achieved only through nationalisation of the banks and monopoly industry. By the mid-1950's, this popular movement was beginning to generate a political challenge to the form of the state in South Africa. This fact, and the extent to which the movement, through its working-class base, was beginning to present a direct challenge to capital, encouraged the initiation of some sort of contingency

planning, particularly in the United States, in case the situation grew out of local "control". Both in Britain, and in the United States, the dominant response was one of support for the status quo (coupled, perhaps, with increasingly wishful hopes for a United Party electoral victory); and this response was encouraged by the "business lobbies" in both countries. (It was in the mid-fifties that Charles Engelhard began to lead a concerted penetration of US capital into certain profitable mining and manufacturing sectors in South Africa, and that a specifically Southern African business lobby began to emerge). At the same time, the US and perhaps the British, as a secondary response began to search around for an "extra-parliamentary" base for political restructuring in South Africa. The US was particularly pushed in this direction by its need to establish its "anti colonial" credentials in the emerging African states. Within the State Department these partially conflicting responses began to become embodied in the emergence of "Europeanist" and "Africanist" lobbies regarding Southern Africa: the former regarding SA as the bastion of the "Western alliance" in Southern Africa, the latter regarding the regime as an embarrassment. The content of the base which the Africanist lobby encouraged changed from time to time. At one point it seems to have been conceived as a "multi-racial" force comprising elements from the Liberal Party and "moderates" in the Congress Alliance. At another point it seems to have been specifically located in the PAC. There is in fact a fair amount of evidence that an interaction of covert US agencies, "Africanist" lobby encouragement, and African quasi-messianism generated not only PAC activity before and after Sharpeville, but also the Roberto-led uprising in northern Angola in 1960.

The period from 1960 to about 1965 was one of transition. Except for the short-term failure of confidence in the immediate aftermath of Sharpeville, capital began to flow into South Africa at an increasing rate, both from Britain and the United States (and from the EEC). This, through the technology that it brought, and its effects on the balance of payments, began to fuel the massive economic growth (particularly in manufacturing) that South Africa experienced in the 1960's. It also gave the South African state the means and the confidence to engage in its own inimitable forms of political restructuring: on the one hand the massive and brutal repression of the active membership of the mass movement of the 1950's, and on the other hand the initiation of the Bantustan policy and the Urban Council system as a weak "carrot" to black



moderates. The disjunction in the US between "Europeanist" and "Africanist" positions, between economic policies and political posture grew more acute. In 1958 the US for the first time did not veto a resolution concerning SA at the UN; and in the early 1960's, claims the notorious Kissinger memo, "the US played a leading role in the UN in denouncing South Africa's racial policies. We led the effort to establish...the UN arms embargo on South Africa." These conflicting positions could coexist comparatively easily with regard to South Africa itself: their problems became more rapidly apparent in the periphery of the South African region.

The crunch points here were the Congo and Southern Rhodesia. Between 1960 and 1965 there were certain conflicts in US policy in the Portuguese territories: while Kennedy refused to put active pressure on Portugal, CIA covert assistance continued for Roberto. Meanwhile "controlled decolonisation" under British domination was breaking up the Federation under pressure of African nationalism, and leading to independence for Zambia and Malawi. But the US-supported UN intervention in the Congo ran into problems in Katanga...created by the covert assertion of South Africa and Southern Rhodesia, (in alliance with reactionary forces in the traditional colonial powers and the US) of a "Southern African role" for the settler states. The suppression of Katangan secession led in turn to the emergence of a new anti-imperialist resistance in the Congo, and pulled the United States into direct military activity in Africa for the first time in 1964-65 (most notoriously at Stanleyville) to eventually install the CIA-groomed Mobutu...just at the same time that the United States was pulled into massive direct military intervention in Vietnam which would dominate its foreign policy for nearly a decade...and weaken its economy vis a vis Europe and Japan. This was the moment (November 1965) at which Smith declared UDI. Evidence from a recent book suggests that in the period leading up to and following UDI there was considerable "Europeanist" versus "Africanist" friction in the State Department, with the "Africanists" keen for a more interventionist stance organised by Britain, the US, etc. British reluctance, the Vietnam question, the criticism which Stanleyville had generated, and the knowledge of a "Katanga lobby" in Congress meant however that the "Europeanists" dominated policy. The British were accorded the dominant role with respect to Rhodesia, and publicly the US marched in step.

With the Nixon-Kissinger administration there was a further retreat. Bugged down in Vietnam, the United States wanted to "decentralise" its responsibilities for organising the domination of the rule of capital. This led to a series of policy studies including the "Kissinger memo" (National Security Council Study) on Southern Africa. This study pointed to the conflicts underlying US Southern Africa policy:

The aim of present policy is to try to balance our economic, scientific and strategic interests in the white states with the political interest of dissociating the US from the white minority regimes and their repressive racial policies. (Objectives which elsewhere in the memo are described as "in some instances conflicting and irreconcilable"). Decisions have been made ad hoc, on a judgement of benefits and political costs at a given moment. But the strength of this policy - its flexibility - is also its weakness. Policy is not precisely recorded. And because there have been significant differences of view within the government as to how much weight should be given to these conflicting factors in any given instance certain decisions have been held in suspense 'pending review of the overall policy.'

In moving to rationalise policy, the study and the decisions which flowed from it represented (a) a bowing to the de facto strength of the white-ruled regimes in Southern Africa and an accordance, particularly to South Africa itself, of an increased role in the whole sub-continent (b) an attempt to detach the "bordering states" from their activity in support of liberation movements in the Portuguese colonies, in Zimbabwe and Namibia, and in South Africa, and to encourage detente with South Africa.

We would take diplomatic steps to convince the black states of the area that their current liberation and majority rule aspirations in the south are not attainable by violence and that their only hope for a peaceful and prosperous future lies in closer relations with white-dominated states... We would give increased and more flexible aid to black states in the area to focus their attention on their internal development and to give them a motive to cooperate to reduce tensions...

These moves towards the "rationalisation" of policy...and its rationalisation in a conservative direction, had various effects at various levels. With respect to the Portuguese colonies, it brought (especially after the renewal of the Azores agreement with Caetano in 1971) much more direct US military support, and enhanced technical capacity therefore to pursue its colonial wars. In respect of Rhodesia, the major shift was represented in the Byrd amendment, though a detailed examination of the dynamics of this suggests that it resulted from White House permissiveness towards the activity of an extremely narrow special interest group. In respect of Namibia, the US had already supported a UN resolution



denouncing South Africa's occupation as illegal, and in 1970 announced it would discourage investment in the area. At the same time, it must have been US pressures (coupled with other related pressures, British, and from South African multi-nationals) which led to a relatively declining (or at least not rapidly increasing) commitment from relevant African states to the liberation struggle in the South. The Lusaka Manifesto of 1969, though affirming its commitment to armed struggle, is in fact a cautious document looking for "peaceful ways out": in Namibia through the UN, in Rhodesia, through a resumption by Britain of "colonial responsibility". The section on South Africa does not mention armed struggle, but only UN actions towards isolation.

Towards South Africa in this period there was an increasingly liberal interpretation by the US of the arms embargo, and in 1971-2 a reversal of a 1964 Eximbank policy to provide only medium-term loans of five years maximum duration. Ideologically, there was an increased dissemination both in Britain and the US of the "Oppenheimer thesis", the argument that, left to itself politically, and its economic growth fostered by foreign capital, apartheid would dissolve automatically. Of course this hardly accorded with the facts: the fact that the economic boom on the contrary provided the South African state with the means for maximising repression, implementing apartheid to the full through in particular the development of the contract labour/labour bureaux/Bantustan system. For both political and economic reasons, South Africa correspondingly pursued detente in Southern Africa politically, to contain the liberation movements, and economically, to generate the economies of scale on the basis of which further accumulation (particularly in manufacturing) could proceed. Americans doing business in SA, wrote a symptomatic article in US News and World Report in 1968, "are looking forward to the day when South Africa will be the industrial and financial hub of the whole continent... American business here wants to be in on the ground floor when the political climate eases and SA exports can move more freely in Africa." Such "constructive engagement" found its supporters in Britain: and its assumptions are in fact reflected in the results of the 1973/4 Parliamentary Enquiry into British Companies in South Africa and subsequent government policy on this question.

This period of US (and, in line with it, British) policy came to an end not with the wave of working class action which swept Namibia and South Africa from 1972, nor with the Portuguese coup and the

transition to FRELIMO and MPLA rule in the Portuguese colonies. In this period it was the South African state which was being encouraged to accelerate its activities as the guarantor of capitalist relations in the sub-continent. Vorster, with the ground prepared by Oppenheimer, initiated the first talks between Smith and the nationalists in 1974-5. Vorster was indirectly under pressure to set up the Turnhalle talks in Namibia. The new period has been initiated by the failure of the South African intervention in Angola, and by the uprisings in Soweto etc in South Africa in 1976. The "Kissinger memo" cannot be interpreted simply as a reflection of a transition from one President to another: it was a response to the real dynamics of the Southern African situation by the US state in terms of the real interests of the US state. Likewise the new period cannot be interpreted in terms of the replacement in the US of Ford by Carter: the current Anglo-American initiatives are a new mode within which a historically consistent set of objectives are being pursued, a new mode necessitated by the situation in Southern Africa itself.

## 2. THE CURRENT PERIOD IN UNITED STATES AND BRITISH SOUTHERN AFRICAN POLICY

The failure of the South African intervention in Angola forced the United States to move in to "pick up the pieces" and attempt a stabilisation. The South Africans appear to have believed the US would come to their military assistance; but the emergence in the US Congress (strengthened vis a vis the Executive in the post Watergate situation) of a bloc supporting the "Africanist" stance, and countering the "Katanga cum Rhodesia/southern plus steel producing" Europeanist lobby) was one of the impediments to this. Kissinger's aim, with South African diplomatic credibility destroyed, was to pressurise a settlement in Rhodesia (and, hopefully, in Namibia) which would take place on the most conservative lines possible in a situation where the liberation movements strength was vastly increased by the existence of two new supportive base areas (Mozambique and Angola). At this stage Kissinger made no departure from policy rhetoric towards South Africa itself from the guidelines of the 1969 memo: his April 1976 speech in Lusaka confined itself to a plea for ending "institutionalised inequality of the races" in South Africa, rather than calling for "majority rule" as was the demand for Zimbabwe. While Kissinger was pursuing his shuttle diplomacy, however, the uprising of Soweto and elsewhere erupted. And, once the conference had been established in Geneva, it fell rapidly apart: Smith used it as an opportunity to try and launch



a surprise offensive against Mozambique, and the liberation movement withdrew over the crucial issue of the control of power in the transitional period. Those events have established the framework for the current policy initiatives.

The impression created in the present round is of an attempt by the British government to prevent an "escalated" US intervention which is concerned with South Africa as well as Rhodesia and Namibia. A recent report (June) in the Financial Times made the claim that a settlement in Rhodesia was regarded by both Callaghan and Owen as a priority second only to domestic economic policy in order to convince the United States that "moderate" (sic) solutions were possible in Southern Africa. The message was clear: that it was the nature and level of the interests of British capital in the South African economy itself which was dictating such a strategy towards South Africa's "peripheries". To "contain" these areas within a moderate form of political restructuring might ease the pressure on the South African regime itself. That this is the position of the British government seems to be confirmed by a speech made by the British Ambassador in South Africa in March: Britain, he said, found itself left with "very little ammunition" to defend itself against "intense international criticism" that it was "leaning over backwards" to defend South African internal policies:

Unless you can give us more ammunition we may not be able to go on doing so. What form this ammunition takes is not for us to say, but I have to warn you that the stocks are running perilously low... As evidence of our goodwill we have thought it right to take a line in the United Nations which has brought down much criticism on us from the world at large. The only four occasions on which Britain has exercised the veto in the Security Council during the life of the present government - a Labour Government - has been in support of South Africa... The need for friends in a troubled world has perhaps never been greater for all of us than it is today. But friendship is a two-way affair and sometimes it has to be worked for.

(The Star Weekly, 26/3/1977)

The British Ambassador pointed out, moreover, that Britain spoke up for South Africa because "we have so many interests in common with you, which we want to maintain if possible."

It is these anxieties on the part of the British government which explain why Britain has come, during and since the Geneva conference, to be "compelled" to play such an active diplomatic role in the recent settlement strategy in Rhodesia. At the same time, these anxieties are misplaced, though, from the British point of view, conveniently misplaced. Indeed, since the inception of the

Carter Presidency, United States policy has appeared to call for rather more serious "reforms" in South Africa than were implied in 1968-1974 period. The Kissinger memo stated that pre-1968 US policy towards South Africa sought

progress towards majority rule through political arrangements which guarantee increasing participation by the whole population. Tangible evidence of such progress has been considered a precondition for improved US relations with the white states.

Such "tangible evidence" was taken to include

Eliminate job reservation and abolish pay differentials based on race. Recognise African labour unions as bargaining units. Abolish pass laws and repressive security legislation. Move towards franchise for non-whites.

After 1968 the objectives were shifted

To encourage this change in white attitudes, we would indicate our willingness to accept political arrangements short of guaranteed progress towards majority rule, provided that they assure broadened political participation in some form by the whole population.

It was the "progress towards majority rule" mandate that appeared to have been reinserted by the Carter administration, particularly in statements by Andrew Young. However it is essential to realise the context of this. What seems to have happened in the Nixon-Ford period is that the "Africanist" group, deprived of a direct linkage to policy-formation began to develop a Congressional lobby which, in the post Vietnam, post-Watergate conditions of a changed Executive-Congressional balance, was able to intervene in the new Southern African situation in such forms as (a) curbing the provision of US funds to anti-MPLA forces in Angola (b) secure the repeal of the Byrd amendment. It was this lobby which Andrew Young came to "represent" within the Carter administration...thus restoring the Africanist role in policy-formation, but by no means constituting it as a determinative one. What the rhetoric of the initial Carter period has therefore temporarily concealed is the objective bases on which US policy towards South Africa must be and is determined.

These objective bases are clearly spelt out in the Kissinger memo. Against the "political embarrassment" of South Africa in US pursuit of an African policy are set the economic and strategic interests of the US:

US direct investment in southern Africa, mainly in South Africa, is about 1 billion dollars and yields a highly profitable return. Trade, again mainly with South Africa, runs a favourable balance to the US. (Our exports to South Africa were about 450 million dollars in 1968 against imports of 250 million dollars). In addition, the US has direct economic interests in the key role which South Africa plays in the UK



balance of payments. UK investment in South Africa is currently estimated at 3 billion dollars, and the British have made it clear that they will take no action which would jeopardize their economic interests. The US has an important interest in the orderly marketing of South Africa's gold production which is important to the successful operation of the two-tier gold price system.

Strategically, the situation is summed up as the existence of a "geographically important area" which has "major ship repairs and logistics facilities which can be useful to our defence forces".

Have there been any changes in these interests since 1968? Both economically and strategically, this needs to be assessed in terms of (a) the special and particular interests of the United States (b) the more general interests and role of the United States in the preservation of Western capitalist interests. Since 1968 the volume of United States investment and of trade with South Africa has increased substantially...though it is important to note that since 1974 the US appears to be being replaced as second to Britain in these respects by West Germany. However it is important to note the changing character of this particular economic interest, associated with the changing condition of the South African economy. By the end of the 1960's, the South African boom was beginning to display its contradictions: inflation, rising unemployment, and a tendency to a crisis in the balance of payments. Export production did not increase in volume terms in mining and agriculture, and there was no "breakthrough" into foreign markets for manufacturing. Meanwhile the growth of manufacturing created a high propensity to import in that sphere. The problems were staved off initially by inflows of direct investment, and then by the rise in the gold price. But declining profits slowed down inflows of direct investment which were compensated (largely on the basis of the security of the gold price) by an increasing search by the state and private capital in South Africa for indirect flows in the form of loans. Much of this loan inflow went into infrastructural investment intended to show a payoff in production and exports only in the 1980's. With the decline in the gold price South Africa suddenly appeared, therefore, as massively overborrowed with the effect that loan inflows began to dry up and a latent balance of payments crisis has become acutely manifested. Simultaneously, the South African regime has been faced with an escalated momentum of resistance, leading from the mass strikes of 1972-3 into a series of prolonged and bitter trade union recognition disputes and into the uprising of Soweto, and the political general strike of August and September 1976. Numerous grievances underlay this resistance but central

factors involved have been rising living costs and rising unemployment. However, in order to secure IMF credits to tide the situation over, the South African state has been forced to pursue a policy of economic stringency, deepening rather than easing the recession. Declining profitability, coupled with continued "political instability" has meant an increasingly cautious approach by foreign investors. In the medium-term, these problems for the South African economy cannot but persist. The "way out" envisaged by South African economic decision-makers depends crucially on a recovery in world trade and the stimulus that this would provide to South Africa's export production. This entails expanded exports of minerals, with coal and base metals added to the "traditional" gold and diamonds, and exports of beneficiated ore (ferrochrome, ferromanganese). The "special" interests of US capital in South Africa reflect this situation: they are (a) the existing stake in manufacturing industry (b) the loan stake of US banks (c) the increasing US investment in base mineral production and beneficiation in South Africa (and Rhodesia). A number of surveys made in the US have also pointed to the strategic significance of SA production of base minerals because of the percentage of SA production and reserves in numerous such raw materials; though at least one recent survey has questioned this. (These special economic considerations also apply, by and large, to British and European investment in South Africa, though with specific modifications in each case).

In more general terms, it is the "indirect economic interest" of the US, as the continued major guarantor of world capitalist relations, which remain crucial however; i.e. (a) South Africa's role in the production of the capitalist world's money-commodity (b) the role of South African trade in the UK balance of payments situation. These factors are the objective constraint on the "competition" of capitalist powers (UK, US, Germany, etc) in Southern Africa. They are most vociferously expressed (as the Kissinger memo indicated) by the British government, but this subjective expression reflects the real constraints imposed by capital.

Strategically, the terms in which United States (and, correspondingly, NATO) have seen South Africa have undergone subtle alterations. In the 1950's, the very military dominance of the US made the considerations purely "Cold War" ones: South Africa was the lynchpin in the South Atlantic of the anti-Soviet alliance. The reassertion of inter-capitalist competition at the level of states (eg the French



acquisition of nuclear weapons) inaugurated the gradual transition towards US-Soviet "detente" (ie towards the limitation of the forms of confrontation, rather than the abolition of such confrontation). The simultaneous emergence of "detente" in this sense, and of intensified political competition between states placed South Africa in the 1960's in a better position of manoeuvre. With the US-British arms embargo, South Africa turned to other states, principally France, for arms supplies. In the 1968-74 period there were attempts by the US and Britain to relax the arms embargo which were defeated, principally by the Commonwealth. Since 1974 there have been two significant alterations in the strategic parameters determining US-British policy. Firstly, the Soviet Union has, because of its support for the liberation struggles in the Portuguese colonies and other factors, acquired a greater measure of influence in Southern Africa. This became particularly manifest in the solidarity action of the Cuban regime in support of the MPLA against South African intervention in Angola, and the logistical support given to this by the Soviet Union. What was particularly important here was that, despite the sabre-rattling of Kissinger, the US was not in a position to challenge "detente" by coming directly to the aid of the South African forces. Secondly, South Africa had been able to manipulate inter-capitalist competition (in this case via West Germany) to acquire a nuclear capability. It is highly significant both that preparations for a SA nuclear test in the Kalahari were first spotted by Soviet reconnaissance, and that the United States, Britain, and France very rapidly associated themselves with the condemnation of this attempt to extend the "nuclear club". These two factors, however, are important in understanding both the urgency and the problem of the current Anglo-American strategy in Southern Africa.

What exists, in other words, is a situation where (a) in Zimbabwe and to a lesser extent Namibia the form of the state is under serious but not decisive challenge from popular resistance, and in South Africa there are also continued popular challenges of an as yet more limited nature (b) the Smith regime cannot deal with these on its own in Zimbabwe (c) the political possibility for an "unreformed" South Africa to play a major role in securing a political restructuring in Zimbabwe is (unlike the period of the Kissinger initiative) highly problematic...though the extent to which it has built up a military force in Namibia gives it a de facto role there (d) neither the United States nor Britain can afford to undertake a unilateral military role in Zimbabwe or Namibia... though the

French, in the Zaire escapade, signalled that they saw for themselves a share in the Southern African "sphere of influence".

The White Paper on the Rhodesian settlement represents the level at which the "problems" of the settlement have been resolved...and the level at which they remain unresolved. Without analysing it in detail, it is clear that its major intention is to establish terms on which a political restructuring can occur without any damage to private property relations: it is a blueprint for the perpetuation and expansion of the process of capital accumulation in an independent Zimbabwe. As such it is an attempt to constrain and limit the rights of the people of Zimbabwe to self-determination, rights which include the right to determine the character of the property relation. The problem for the Anglo-American strategy is: how can this restructuring be guaranteed in a political-military fashion. This, it would appear, is that the "diplomacy" of the last few months has been concerned with. This diplomacy can, however, be read in two ways. At face value, or at one level below face value, it seems to have involved considerable arm-twisting of various types by the United States to push African states into a greater involvement in the guaranteeing of the settlement which has, correspondingly, meant conceding of a much enlarged and more secure military and political role in the transitional and post-independence period to the Patriotic Front. Pushed to its "extreme", a scenario exists for the replacement of most of Smith's army by a liberation-force derived (plus some independently-trained refugee Zimbabwean) army, under the auspices of a "return to legality" administered by Britain and the UN, and policed by a UN "peacekeeping force" whose core might well be Nigerian.

These negotiations, and the corresponding negotiations occurring over Namibia, cannot however be viewed in isolation from the situation of South Africa. Even at the diplomatic level this is evident. The current period of negotiation has been accompanied by an escalated US rhetoric demanding "reforms" in South Africa, and a rhetoric about the possibility of creating intensified pressure (sanctions measures) to achieve those reforms. Correspondingly, the spokesmen for the South African state have, by and large, adopted an increasingly defiant tone towards the United States in particular. These spokesmen have clearly and explicitly stated that they are concerned to secure a political restructuring in Zimbabwe and Namibia but (like the British government) they are clearly concerned that this should occur on terms which (a) represent



"moderation" and (b) ease the pressure on South Africa. This has specific implications for the policy positions which they are taking up with respect to Zimbabwe, and for the current domestic practice of the South African state. With regard to the former, the South Africans are clearly unwilling to see a settlement in which the major role of guarantor is being played by African states unless this represents an ultimate return to a modified form of the 1968-74 position, ie a situation in which the capitalist powers accord the role of major guarantor of capitalist relations in Southern Africa to South Africa in a role of senior partner in an "African detente". But this involves, because of the African and other pressures on the United States and Britain, a level of "cosmetic" changes in South Africa sufficient to restore a level of respectability to South Africa's image. In other words, and this is the deeper level of the current diplomacy, the form and possibilities for settlement on the Southern African periphery are crucially linked with the internal political and economic dynamics of South Africa itself.

Here it is clear that the United States and even, to some extent, Britain, have since 1975-6 been searching once again for a "third force" in South Africa, a political base on which a moderate political restructuring could occur. The objective realities of South Africa make this, however, a much more difficult proposition than in the periphery. In "parliamentary" and "business" terms, the major trends in the last couple of years have been (a) an attempt to reconstitute a parliamentary opposition on a broad base, (b) various attempts to assert a more "political" role for businessmen ...from the formation of the Urban Foundation, the reorientation of the South African Foundation to internal propagandising, the suggestions of Wassenaar for some form of "technocratic" government. In both cases the aim has been to secure de facto political alliances into the black community on the basis of an assertion of the values of a "free enterprise" economy. All such endeavours have been a dismal failure: the parliamentary opposition (as in the period around Sharpeville) has instead fragmented (and Vorster has therefore shrewdly called an election, which represents a simultaneous assertion of the legitimacy of the political institutions of South Africa vis a vis "technocratic"/"business lobby" politics. The economic and political carrots which have been mobilised for the black petty-bourgeoisie have been minimal in the extreme, and have bogged down for the moment in a series of bureaucratic conflicts (eg over extension of home-ownership). Moreover, the policies which

have been advocated by the various elements in this spectrum do not represent in any meaningful sense a dismantling of apartheid. Insofar as a "position" has developed in this respect, it is ideologically a substitution for apartheid of the concept of "pluralism", politically a substitution for Bantustans of the concept of a "federation", and economically would perpetuate the key institutions of apartheid (pass laws, influx control, restriction of the rights of workers to organise and strike, lack of universal franchise in a single Parliament).

The alternative "third force" has been seen as an "extra-parliamentary" one, rooted on one hand in the black consciousness movement, and on the other hand (though this is less evident) in elements of the trade union movement that has emerged recently. Quite deliberately, cynically, and brutally, the South African state has, since Soweto, and on an escalating scale, set about suppressing any possibilities for the coalition of such elements into a viable "third force".

To the extent that such "third forces" expose their fragility, or suffer repression, the United States and Britain have been, and are, forced back into dealing with the real constraints in the situation. A recent article in the South African press traced, for example, the "taming" of Andrew Young:

Shortly after President Jimmy Carter took office, it was suggested in some circles that intense US pressure on South Africa would only be short-term...period of adjustment and a year at the most...There seems to be truth in the view that pressure would be short-lived. The stance taken by UN Ambassador Andrew Young has already changed considerably in recent months. He is now less radical in his approach, more tolerant of white South Africa and more low key. This has almost been admitted by Foreign Minister Pik Botha...After taking office this year Young categorically told a Press Conference in New York that blacks will probably be administering South Africa in less than five years...He then stated that a timetable had to be set so that majority rule could be introduced within 18 months to four years. In March Young said he would back a mandatory arms embargo against South Africa. This was followed by a more rash statement that he was in favour of a Swedish resolution to ban all future investment in the Republic...Then came the point that almost led to a breakdown in relations between the two countries: Young by implication accused the South African Government of being "illegitimate"...Meanwhile, relations were further strained when it was announced that Mr Young would visit SA while the Vorster-Mondale talks were on the go...Ironically the visit itself, coupled with the Vienna talks, were probably the turning point in US-SA relations. While stating that he would like to see a repetition in SA of the US civil rights strategy, Mr Young stood down on his previous majority rule demand. He astounded most of his local audiences with



his powerful and committed support for the free enterprise system and a moderate political approach...Mr Young was furthermore surprisingly optimistic about South Africa's future, saying that while Mr Vorster appeared uncompromising now, he would probably quietly introduce new changes. He nevertheless explained that he fully appreciated the genuine fears of whites...What have been the positive developments since Vienna? Shortly after the talks President Carter told a group of American publishers that the US would not try to overthrow the SA Government...Mr young then told a House of Representatives International Relations Committee hearing that progress could be made if Washington made a concerted effort to work closely with Mr Vorster. He even dismissed the need for an arms embargo saying that "it would only be seen by the South Africans as provocation"...In an extraordinary interview with Playboy, Mr Young said that he had great respect for Mr Vorster as a politician, and added that white South Africa needed him (Andy Young) to help it deal with the blacks..."the only way the whites can survive is if they are willing to modify their system to involve blacks in the decision-making and economic participation"...Perhaps it would be fair to say that - apart from the Rhodesian issue - he has now succeeded in establishing a new and promising rapport with South Africa. If this is indeed the case, relations between the US and South Africa may soon be normalised again. (Financial Gazette, 9/9/1977)

In other words, Young has been forced back, through the mustering of South African power in internal repression, and through manoeuvring with regard to its role in the Zimbabwe settlement, into acknowledging the primacy of the particular and general interests of the United States in the existing system in South Africa. The South Africans, in their turn, appear to concede the possibility of the Patriotic Front coming to power in Zimbabwe, provided that the heat continues to be removed from South Africa. Botha's most recent statement at present available (FT September 19th, 1977) emphasises that "It is completely counter-productive to hold a sword when you are trying to get the cooperation of people. There is a point beyond which we cannot be pushed, and that point has just now been reached...Britain was attempting to use South Africa to exert pressure on Rhodesia because she was unwilling to use her own power." Meanwhile, in calling an election while the parliamentary opposition is disorganised, Vorster will demonstrate that the character of the cosmetic reforms (in particular the farce of the separate Coloured and Indian "cabinets" in subordination to a white cabinet, etc) will be undertaken on his terms, and not those of the internal "reformist" groups.

At present the British government, in fact, is emerging as the major advocate of this position held by Vorster. In parallel with these cosmetic political reforms, there has been external pressure for certain cosmetic reforms in "industrial relations". Both these

matters are of course under consideration by the Wiehahn and Riekert Commissions. The adoption recently, at British initiative, of an EEC code of conduct for companies operating in South Africa must be seen in this light. With the demand for majority rule now removed from the rhetoric of US strategy, certain concessions can be pushed for of an "in-factory kind". Indeed this Code of Conduct is tougher and better spelt out than either the previous British code of conduct, or the corresponding US provisions: this is the product of the momentum of class struggle in South Africa at this point. At the same time, (as was the case in the earlier adoption of codes of conduct) the broadening of this approach to European capital is a specific response by the British to the building momentum of the disinvestment campaign on South Africa. As the FT reported, "the British Government is not alone...in believing that the Community should exercise prudence in drawing up any further measures ((such as limits on Government aid for exports to South Africa, measures to restrict new investments)) and that at this stage it is wiser to hold the threat of such actions in reserve rather than to try to implement them immediately. Britain is clearly concerned that a resort to more direct pressure could jeopardise the chances of obtaining Pretoria cooperation in securing a Rhodesian settlement. Moreover, like other EEC countries with substantial commercial investments in South Africa, it is cautious about risking inflicting an unacceptable degree of damage on them." (21/9/77).

### 3. THE IMPLICATIONS

At present it is still unclear whether or not the Anglo-American strategy will lead to a "settlement" in Rhodesia or Namibia. What is clear, however, is (a) the terms and implications of such a settlement for South Africa itself. In respect of the periphery, the settlement would be secured at the expense of limiting the self-determination of the peoples of Zimbabwe and Namibia, and in particular limiting the self-expression of the working class and poor peasantry. Equally, as the British government in particular has made clear, the settlement of the periphery would give a breathing space to capital in South Africa...whose major foreign advocate is currently the British government (in consequence of the level of British involvement in South Africa). Whatever the character of the cosmetic reforms which are suggested or even introduced in South Africa, a trajectory determined by the settlement in the periphery is likely to have certain similarities to the post-



Sharpeville period. A recovery from the present recession, as has been suggested, will involve in the first place a relative shift of accumulation (and of employment) from the sectors of manufacturing to those of mining, the most repressive sectors of the South African economy. The restoration of profitable levels of accumulation in manufacturing will necessitate a repression of the present levels and forms of struggle of the South African working class. In other words the South African state, by attempting to eliminate the most radical form of a potential base for political restructuring (black consciousness, some forms of trade union) is posing to United States and British capital the struggle as it really is: a struggle of capital against labour, and of the support for the existing form of the state as opposed to support for a liberation movement serving the interests of the working class.

- Martin Legassick

## COLD WAR COMES TO AFRICA

The recent French intervention in Zaire's mineral-rich Shaba province is one of many foreign military interventions in Africa since independence

# A diary of foreign troops

1960

**JULY 1960:** Belgian metropolitan troops intervened in the Congo (now Zaire) following mutiny in the Force Publique, the combined army and gendarmerie. First refused permission, the Belgians, who had only a few weeks earlier granted independence to Congo, reasserted themselves without permission.

**JULY 1960:** United Nations intervention through "peace-keeping forces" began in mid-July, wanted by the Congolese Government of Prime Minister Patrice Lumumba, as a means of getting Belgian troops out and by UN member states as a means of preventing both anarchy and the escalation of the situation into a cold-war confrontation. The UN military contingents were to remain in the Congo for four years, and at one time numbered 20,000 UN soldiers. A high-point of the intervention was the UN offensive against the two-year-old Belgian-backed Katanga Government at the end of 1962, thereby breaking the back of secession in Katanga (now the province of Shaba).

1964

**JANUARY 1964:** British military intervened to quell army mutinies in East Africa. Following a coup in Zanzibar which brought Abeid Karume to power in early January, a mutiny occurred at the Colito barracks, outside Dar es Salaam, Tanganyika. The mutineers locked up their British and African officers and rampaged through the town. Sympathetic outbreaks occurred at two other military stations up country. President Nyerere himself went into hiding but when he came out after two days he had to seek British help. On January 25 a Royal Marine Commando force was landed and the mutineers were speedily rounded up. (Tanganyika became the last country to call in the British.) The Dar es Salaam mutiny, sparked off by, among other things, resentment against British officers and low levels of salaries, encouraged similar outbreaks in Kenya and Uganda, where army conditions were similar. Kenya, which had become independent only a few days earlier, called in British troops, to be followed by Uganda.

**FEBRUARY 1964:** Airborne French troops landed in Libreville to reinstate President Leon Mba of Gabon ousted barely 42 hours earlier in a coup d'Etat. The violent clashes between the insurgents (led by former Foreign Minister Jean Hilaire Aubame, who had already set up a "Revolutionary Committee" to rule the country) made up of a handful of junior army and police officers and the French troops doomed Aubame's short-lived regime. France justified her action by invoking the 1961 French-Gabonese mutual defence treaty, but it was clear that France had acted without any request from the Gabonese government which at that time was, of course, led by M. Aubame.





Zaireans being questioned by French paratroopers

**NOVEMBER 1964:** Belgian and American paratroopers, backed by White mercenaries, fight the rebels in Stanleyville (Kisangani) in Zaire (formerly Congo) whose leadership becomes divided. Holding of European hostages by the rebels (a repeat process after the 1960 outbreaks when a number of Europeans were killed) and mass killings of Congolese, among other things, provoked the operation, which was undertaken with government consent.

1968

**AUGUST 1968:** French troops - numbering about 1,000 men and permanently based in the Chad capital Ndjamena, having briefly intervened several times, were called in by the Chad Government to help fight the rebels of Frolinat (the Front for National Liberation). Chad invoked its defence pact with France and asked Paris for additional French assistance to counter rebel activity in the Tibesti mountains. France sent marines, legionnaires, paratroopers, aircraft and armoured cars.

1969

**APRIL 1969:** The French undertake an active military role in Chad at the request of the Chad Government. This role continued until September 1972 in view of unceasing rebel activity. In October 1975, the new Chad leader - Gen. Malloum, who had overthrown President-since-independence Tombalbaye - angered by French direct dealings with the Toubou rebels of Tibesti mountains over the kidnapped French archaeologist Madame Claustre, asked the French military mission to close down. Within a month all French troops had gone, leaving behind only 300 French military technical assistants in Chadian uniform. But only six months later (in March 1976) - with

the rebel threat continuing unabated - Gen. Malloum had no choice but to renew the defence pact with France.

1970

**NOVEMBER 1970:** Guinea reported an invasion by mercenaries (that turned out to be a Portuguese-backed operation from neighbouring Guinea Bissau where the Portuguese still ruled) and asked for United Nations military help. But no such help was given: instead a special mission conducted an investigation.

1975

**NOVEMBER 1975:** Cuban military forces, backed by Soviet weaponry and military advisers, intervene in Angola in support of the Popular Liberation Movement in Angola - MPLA - after South Africa had invaded. They enabled the MPLA to rout the invaders and its rivals, the FNLA and UNITA, although they stayed on even after the civil war ended in February 1976.

1976

**JULY 1976:** Israeli commandos launched a successful attack on Uganda's Entebbe airport and rescued 103 hostages from an Air France airbus hijacked by guerillas after it left Athens on June 27. The attack took Ugandans, President Amin and the world at large by surprise. There was only a brief confrontation at the airport with security guards.

1977

**APRIL 1977:** France intervened on the side of the Zaire Government at President Mobutu's request. Although no French troops were provided, France sent 13 transport planes to carry Moroccan troops who led the attacks against rebels in



Zaire's Shaba province. However 65 non-combatant French troops were reported to have been engaged in the Zaire government offensive against the rebels - said to be ex-Katangese.

**APRIL 1977:** Belgium airlifted light arms to Zaire, backed by a \$15m. grant to Zaire of "non-lethal" supplies by the US. Belgian military aid was the first to arrive in support of President Mobutu.

**JULY 1977:** France again intervened in Chad by sending warplanes to help the government fight off a rebel threat in the north. The intervention was confirmed by French Foreign Minister de Guiringaud during a later visit to the Ivory Coast.

**OCTOBER 1977:** France sent troop reinforcements to its military base at Ouakam, close to Senegal's capital Dakar, in its first military moves in connection with the abduction of eight French nationals by guerillas of the Polisario Front fighting for the independence of Western Sahara. The same day French television announced that a special parachute commando unit had been put on full alert to leave for Mauritania, where the eight had been captured. Ten Jaguar fighter-bombers were later said to have been moved into Mauritania and resulted in at least three clashes with Polisario guerillas in December.

**OCTOBER 1977:** West Germany sent crack commando units to Mogadishu to free hostages held on a Lufthansa airliner hijacked from the Spanish island of Mallorca. The commandos returned after a successful operation.

1978

**FEBRUARY-MARCH 1978:** Cuban soldiers backed by Russian military advisers and equipment, intervened in support of the Ethiopian Government in expelling Somali forces which had occupied about 80% of the Ethiopian region of Ogaden. The Cubans and the Russians had been in Ethiopia for several months before their intervention and continued their presence in Ethiopia after the Ogaden operation. Their involvement in the Ethiopian government's fight against the Eritrean guerillas was alleged by the Eritreans but there was no independent confirmation.

**APRIL 1978:** Several hundred French troops airlifted to Chad to help the Government there deal with a new onslaught by rebels. The intervention, among other things, is said to be intended to protect French citizens and training centres in Chad.

Rebels said French citizens would be considered legitimate targets because of French military aid. At least two French officers were reported killed in the clashes and a French pilot killed in missile attack on his aircraft. Protests against French aid continue.

**MAY 1978:** France intervened in Mauritania to back up Mauritanian resistance against continued Polisario attacks.

French air force Jaguar fighter-bombers engaged in attacks on a column of Polisario vehicles heading for the Mauritanian town of Zouerate, where about 2,000 French men were said to be working on Mauritanian projects.

**MAY 1978:** France sent paratroopers to Kolwezi, the mining town in the Shaba province of Zaire, where some 2,000 Europeans were reported trapped in fighting by rebels who wanted the overthrow of President Mobutu Sese Seko's government.

The French troops were called in by President Mobutu. They began to leave after evacuating the Europeans from Kolwezi and largely clearing the area of the rebels.

**MAY 1978:** Belgium landed troops in Kolwezi, in a French-style intervention, and also began withdrawing them as soon as their "humanitarian mission" was over. President Mobutu praised the French for their prompt military aid - and was joined by several other African leaders gathered coincidentally at a Franco-African summit in Paris ●

# codes of conduct

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February 1977 : Sullivan Manifesto  
July 1977 : SACC Code of Conduct  
September 1977 : EEC Code of Conduct  
November 1977 : Urban Foundation/Saccola Code of Conduct  
May 1978 : ICFTU Code of Conduct  
September 1978 : TUCSA Code

The above is an incomplete list of the contagious rash of codes that have invaded South Africa in the last 18 months. What has led to the eruption of this disease?

The codes are business' reply to three kinds of demands being made upon it. The first one comes in an overt form: A. the accusation is that business in South Africa is a co-conspirator in apartheid because it does not challenge the status quo. The most radical demand being made is that of disinvestment. This attack thus includes a challenge to the continued presence of foreign business in South Africa. The second attack is more subtle: B. the unrest of the masses in South Africa as exemplified by the strikes in 1973 and Soweto 1976 raises the question - is investment secure? C. The third relates to new demands arising in the South African economy in general and the structure of industrial relations in particular.

A. In March 1973 Adam Raphael published a stunning series of articles in the Guardian exposing the conditions of black workers working for British subsidiaries in South Africa (for which he won the Journalist of the Year Award). This signified a new era in the struggle waged against foreign investment in South Africa. The debate expanded from issues such as trade sanctions and disinvestment (most prominent in the USA) to include debate now on conditions of workers in factories belonging to foreign companies. The debate now moved not only to include the role of foreign capital in the maintenance of the system in general, but moved to incorporate the role of individual companies in their own particular factories in the maintenance of the status quo. Although many pressure groups have used the damning evidence of conditions of workers in these factories as further evidence to renew their calls for disinvestment, other groups have seized upon the evidence as a means of limiting the debate on the role of foreign investment and on the social responsibility of corporations to that of the employment practices



of business in South Africa. In other words, if the chief indictment of business in general can be said to be that of discrimination and inequality within each factory, then elimination of these conditions means an absolution of these companies and a justification of their continued presence in South Africa. Hence it no longer matters whether you are producing arms as long as you are not "exploiting" your workers. The rise of the school of "Constructive Engagement" falls within these parameters. The codes of conduct, in that they are primarily devoted to the remedying of inequality on the workshop floor, can be seen as a means to limit the debate on the implications of the role of business in South Africa and hence to justify foreign investment and the continuation of the "free enterprise" system here. The debate now becomes one of whether or not you are a good employer.

This response is not merely to mitigate the effects of pressure groups outside the country, but to ensure the prospects of investment in other parts of the world, in Africa in particular; the company has a reputation to maintain, or it will lose business!

B. It is noteworthy that the Codes of Conduct, the Urban Foundation, etc, all appeared in the aftermath of the Soweto revolts. These revolts, directed so strongly against the conditions of existence in the ghettos, could not but point out business as one of the culpable partners in the maintenance and furtherance of poverty in South Africa. But this fact, after the exposures throughout the 1970's, was common knowledge. The problem that Soweto 1976 presented was the fact that the continued maintenance of a population at near-starvation levels plus the continued frustration of the aspirations of a would-be black middle-class could lead to a dangerous and explosive alliance between the workers and this black middle-class. Not only does the potential volatility of this alliance threaten the security of investment in South Africa, but it could lead to changes of a far more radical kind, that could potentially disrupt the operation of the free enterprise system itself. The record of the operation of this system ("free enterprise") in South Africa is hardly a stunning advertisement for the continued existence of that system here! Thus the effect of the codes must be seen as an attempt to, firstly, remove the most blatant and glaring aspects of conflict on the workshop floor; secondly, to seduce an aspirant black middle-class (supervisors, managers, professionals, etc) away from an alliance with the labouring force, and; thirdly, to begin to create a black labour

aristocracy (ie, skilled workers, as well as certain categories of semi-skilled labour).

C. Finally, the codes are a response to changes occurring within the South African economy, as well as to changes occurring within the system of industrial relations in South Africa.

Many a company in the last year or so, has bleated out the pious statement that their employment practices go far beyond the requirements of the code. In some aspects this has an element of truth, and one thinks of the provision of fringe benefits and the advances made in training and opening up of new employment opportunities. In other respects, especially as regards provisions for adequate employee representation, the reverse is true. Nevertheless, particularly as regards black advancement, a certain amount of progress is being made. This is a result of changes occurring in the production processes in the South African economy. There is a marked growth in demand for semi-skilled operators which cannot be adequately met by the available white labour force. Blacks simply have to be trained to fill these positions. Coupled with this demand for semi-skilled labour is a noticeable increase in the deskilling of certain jobs, ie certain jobs, given the changing nature of the technology involved in production, are too skilled and their job content has to be diluted.

This necessity has provided business with a golden opportunity to progressively advance blacks into several semi-skilled jobs that were once consolidated into one skilled operation and the exclusive domain of a white skilled operator. Thus two birds are being killed with one stone: racial discrimination is being erased, ie blacks are being promoted, but not into exactly the same job as the white man (thus preventing the "white backlash"), whilst at the same time meeting the changing demands of the production process for more semi-skilled labour. Further study needs to be done on the relationship between black advancement and the demands for labour in other categories of jobs that are not only semi-skilled jobs. It would appear that business, in pursuing the issue of black advancement, is following its own enlightened self-interest. Hence one can expect that the black advancement clauses of the codes will be one of the most highly publicised aspects.

One of the most contentious issues raised by the codes is that of employee representation. The Sullivan code does not even bring up the issue; the Saccola/Urban Foundation code is so ambiguous



that it would endorse anything from a liaison committee to a trade union; whilst the EEC code backs trade unions. This confusion is a reflection of the ambiguity which business in general has about the organization of a black labour force. It is certainly okay for management to decide what is good for the employee (the codes of conduct being a perfect example of unilateral management decision-making), but it is another question of permitting employees to decide on the content and the boundaries of what is deemed to be "in the employees interests". One view is that if one permits the organisation of the work-force, the latter will become uncontrollable - a "look-what-happened-to-Britain" response. Another view is that a worker organisation is unnecessary if management is genuinely interested in the well-being of its employees - the "happy-family" response. A more sophisticated response is the argument for the necessity of a worker-organisation, so that decisions become legitimised and the work-force has predictability with its own in-built "prefect" system. The 1973 strikes and the continuing labour unrest has nevertheless sent management grubbing around like a flea in a fit for new ways of ordering industrial relations, drooling at the mouth for the hallowed pronouncements of the Wiehahn Commission. The lack of clarity about the most desirable system of industrial relations is reflected in the ambiguity present in the different codes, and which constitutes the Achilles heel of these codes. At this stage, business is still very much in a defensive position as regards worker organisation, as opposed to other clauses in the codes where they are very much on the offensive. Nevertheless, the cudgel which Wiehahn is likely to present to them will no doubt do much to alleviate much of their ill-ease.

In conclusion to this section then, the codes must be seen as a response to three issues affecting business in South Africa today: (a) the threat of disinvestment (b) the threat of political unrest, involving an alliance of the black middle-class with the labour force (c) the necessity to restructure the labour process and the system of industrial relations in South Africa. At the present, because there is still so much confusion surrounding the topic of industrial relations, the latter is the weakest point of business offensive - this does not mean that it will remain that way within the next two years or so.

From the analysis above, I have implied that the codes cannot merely be seen as a "window-dressing" charade. If the codes were

only an attempt to justify the role of business in South Africa and hence to secure investments elsewhere, then the window-dressing element would certainly feature very strongly. But it seems that there are other forces underlying the emergence of the codes which would seem to compel management to take them much more seriously - these are the issues outlined in B and C (above). Nevertheless, the window-dressing element will still play a significant part in the antics of the codes of conduct. This is so for several reasons: (a) certain clauses of codes, because they coincide with management's interests will tend to become the focal point of the debate. Other clauses, including issues such as the system of migrant labour, trade union representation, etc, will lag behind; the window-dressing that will ensue will be more in the nature of omission than commission (b) the monitoring is still almost exclusively being done by consultation with management; Inkatha is the first group in South Africa who appears to be incorporating the workers in the system of monitoring, in order to present a more balanced picture. TUCSA is following suit (c) there are few direct sanctions applicable to companies who do not comply with the conditions of the code - it is still left to the goodwill of the company (d) unless an acceptable and standardized system of monitoring is introduced, it becomes excessively difficult to make sense out of the information collected (as was the British experience when they attempted to monitor the British Code of Conduct).

Thus the fact that the codes still rely to a large extent on voluntary self-disclosure with no mechanism available to enforce compliance, means that they are open to a great deal of abuse. (This does not mean that it is not in the interests of certain companies to implement certain conditions within the codes). The codes are also likely to precipitate an interesting conflict between those large companies who are in position to implement certain aspects of the codes (the multi-nationals, for example), and the smaller companies who do not have the resources. Moreover, it is possible that areas such as mining and agriculture are also less likely to implement the codes - the focus already is very strongly on the manufacturing sector.

One concludes that at the present stage of struggle re the codes, there is still room for considerable abuse; nevertheless, it cannot be dismissed as merely a window-dressing exercise.

In the above analysis the codes have been presented as management's response to certain issues confronting it. How does this response





affect the position of the working class in general?

Firstly, as regards the disinvestment debate, the codes will play a fairly significant role in justifying the continuation of foreign investment in South Africa. As has been pointed out before, the codes narrow down the debate on the complicity of business in supporting the apartheid system as a whole. In the ideological struggle that is going to ensue, it will be extremely important to point out that racial discrimination on the shop floor is not the only form of racial discrimination which affects the worker, and that these other forms of racial discrimination (eg the system of controlled labour, and lack of political power) have a direct bearing upon the functioning of business in South Africa. This kind of response could reject the codes in so far as they legitimate the continuation of foreign investment in South Africa, but accept the codes in so far as they are a genuine attempt to improve the lot of the worker. Part and parcel of the intervention of the codes in the disinvestment debate, is the potential abuse (ie the window-dressing) to which the codes are open. Two responses are extremely important in this regard: firstly, the codes are statements of principle and not of detail, and hence open to as much interpretation as possible. In order for workers to gain the optimum use out of the codes, it is necessary that the workers themselves place their own interpretations on the clauses of the codes. Secondly, it is important that the codes are monitored carefully, especially in those areas which are usually neglected, viz that of worker representation. It is extremely important that business is kept to its word. Importantly, the monitoring needs to be done in such a way as to include the experience of workers themselves, to redress the imbalance already present and caused by monitoring being undertaken by management only.

As regards the new divisions in the working class which are to emerge out of the elimination of racial discrimination on the workshop floor, it is important that those workers who stand to gain the least from the codes (ie migrant workers with no section 10 rights) are constantly brought forward as an example of the profound limitations of the codes. Too often, too much attention has been focussed on the urban worker involved in secondary industry, to the detriment of large numbers of workers in other categories.

Finally, as regards the necessity to restructure industrial relations in South Africa, it is important to point out the ultimate



contradiction of the codes. On the one hand, the codes are management-derived and formulated with no worker participation; on the other hand, the more enlightened codes call for collective negotiation rights on the very issues upon which the codes are formulated by management. An essential demand therefore re the codes is that they are opened to negotiation between management and employees - until such time, the codes can still be relegated to the suspect realms of management machinations.

In conclusion then, the codes must be rejected as a means to justify the role business plays in South Africa; it is necessary that codes are placed in their proper perspective. However, their presence cannot be ignored and they must be taken seriously as a limited attempt to improve working conditions for the worker. The inadequacies and limitations of the codes need to be continually exposed until such time that workers are permitted to both negotiate the conditions laid down in the codes and (if the presence of the codes is still being seen as being necessary at this stage) to be included in the formulation of the codes themselves.

In July, 1978, General Motors and three other United States companies with investments in South Africa (Ford, National Cash Register Corporation, Control Data Corporation), testified before the Africa sub-committee in Washington. They opposed legislation that would lead to clamps on investment in South Africa - "blacks would suffer most of the consequences". In great style the directors said they were committed "to the training and education of blacks... to a policy of equal employment opportunities for all... to striving to improve conditions for the blacks in their organisations".

At the end of August it was announced that General Motors (GM) would increase prices of cars by 4 to 5 per cent, and would spend some R4-m on a programme "to abolish apartheid in the corporation's South African operations". The main points in this scheme for the

company's approximately 4 000 employees in South Africa would appear to be: blacks to be trained for "top jobs" (managerial) would be tripled; an expanded training programme; all GM plants in South Africa would be provided with "modern, fully integrated dining facilities, locker-room and restrooms". The company also drew attention to the money already spent in the Port Elizabeth area on housing and recreational facilities for "their" black workers.

These steps would be taken in response to the "Sullivan Principles", guidelines drawn up for business in South Africa by the Rev Leon Sullivan, a director of GM.

Most of these points have been situated in the article on "CODES OF CONDUCT" in this issue. They have to be seen in terms of the business strategy of deflecting attention from the basic exploitation of workers and the particular elements that distinguish the South African system of exploitation (eg labour control, violent repression of strikes, political action against leadership, bantustans, etc), and, on the other hand, shifting the focus onto dining rooms, and stabilisation of a sector of the total work force.

It appears as though many people and organisations are being fooled by the codes of conduct, or by the extent to which they signify commitment to change in South Africa. Those who wish to be fooled are daily given reinforcement by such important figures in the struggle for the rights of workers in South Africa as Andrew Young ("I think the key to change in southern Africa and the key to long-range business success in Africa, is going to be a more responsible and aggressive (sic) role in American and



European business", 1/10/78), Hennie van der Walt, Nat MP ("SA will have to do everything in its power to counteract economic boycotts - and the means are available to South Africa. For example, SA must show its willingness to harness codes for employers regulating their actions with respect to their employees. One of the most important of such codes used in SA is the Sullivan code for American firms"), and TUCSA (see Items in this issue).

But, the Sullivan "Principles" are only one side of the strategy employed and the evaluation made by General Motors. In the words of Gatsha Buthelezi, business is following a "multi-strategy approach" in its response to the present crisis in South Africa. The other side of the smiling and benevolent capitalist can be glimpsed in the extracts from a General Motors South African (Pty) Limited memorandum that we are publishing below:

” Subject: Contingency Planning - GM South African  
Date: 20 July, 1977

We have summarised the potential situation which might arise and the proposed action by the plant, without of course the benefit of any experience of such conditions.

No doubt the type of civil unrest experienced in the US comes to mind in this context, but as you are aware, the free mobility of dissidents and the ability to organise large numbers of non-whites and generate action is not the same in South Africa as it is in the US. As indicated in Attachment "B" which provides some wider background to the subject, law enforcement action is pretty fast and aims at confining disturbances to residential areas.

To minimise detrimental effect on employee morale and to avoid giving the impression that we expect these things to happen, all preparatory work has been carried out quietly and discretely.

LH Wilking

#### Attachment "B"

##### Related Assumptions

It is assumed that almost 100% of white employment at GMSA would not be party to creating or stimulating civil unrest and that the population groups involved would be African and Coloured.

##### Comments

Under normal conditions, the motor manufacturing and assembly industry is one of the largest in the country with considerable economic weight. The recent downswing has clearly indicated the extent to which it is affected by declining market demand. While there is little indication as yet that the Government may prescribe some course of action to the industry, it is almost certain that should economic conditions decline sufficiently far, there could be a directive issued on model build by various companies - firstly to preserve the capability of building vehicles and secondly, to ensure sources of supply in the case of greater emergency requirements.

Contingency Plan In Event Of Serious Civil Unrest

In assessing the potential effects and probability of serious civil unrest developing in the Port Elizabeth area and formulating contingency plans, the following factors have been taken into consideration:

2. Assessment of the in-plant situation indicates that the risk of open unrest among employees on the premises is low. The White employee group would not be party to such action and could be relied upon to take action to contain it and/or isolate any outbreak pending arrival of law enforcement authorities.

Deterioration Of Business Conditions

Because of the wide geographic spread of principal centres in South Africa, it is unlikely that successful co-ordination of civil unrest could be achieved to the point at which it could cripple business on a short term or predetermined timing basis. The cumulative effect of such action, however, could in time severely depress the economy.

The more likely pattern of events might be:

- (a) Gradual enforced reduction in economic activity through trade recession and financial stringency affecting ability to maintain job opportunities.  
Business could and in many cases would reach a point of non-viability, at which time the only options would be to cease operation, disperse material and human resources and mothball facilities or go into liquidation.
- (b) There is a possibility in the interim period that US based companies might incur the "annoyance" of the South African Government by apparently failing to meet their (the government's) view of support from local enterprises.  
GM South African has, for example, been requested to supply vehicles such as the K25, K31, 4x4 LUV for Defence Force purposes and refusal to offer such might be interpreted as reflecting doubt on the motives of the company.  
Such interpretation or a variation thereof could lead to direct loss of other government business and seriously affect GM South African's share of the vehicle market and very likely threaten its viability.  
Alternatively, should international political issues compound the situation postulated, it is within the bounds of possibility that the Government might request that GM South African be shut down.

Declared National Emergency

In the event that a National emergency is declared, there is little doubt that control of GM South African's facilities, already designated a National Key Point industry, would be taken over by an arm of the Ministry of Defence and its production capabilities integrated into the national industrial effort. It is highly likely that in a developing situation affecting the national stability and maintenance of law and order, some measure of government direction would be introduced ahead of time.

At the time of declaration of a national emergency (state of war), if not before, the question of continuing American participation in South African business may well have been resolved and operating control of the GM South African facility be vested in South African nationals.

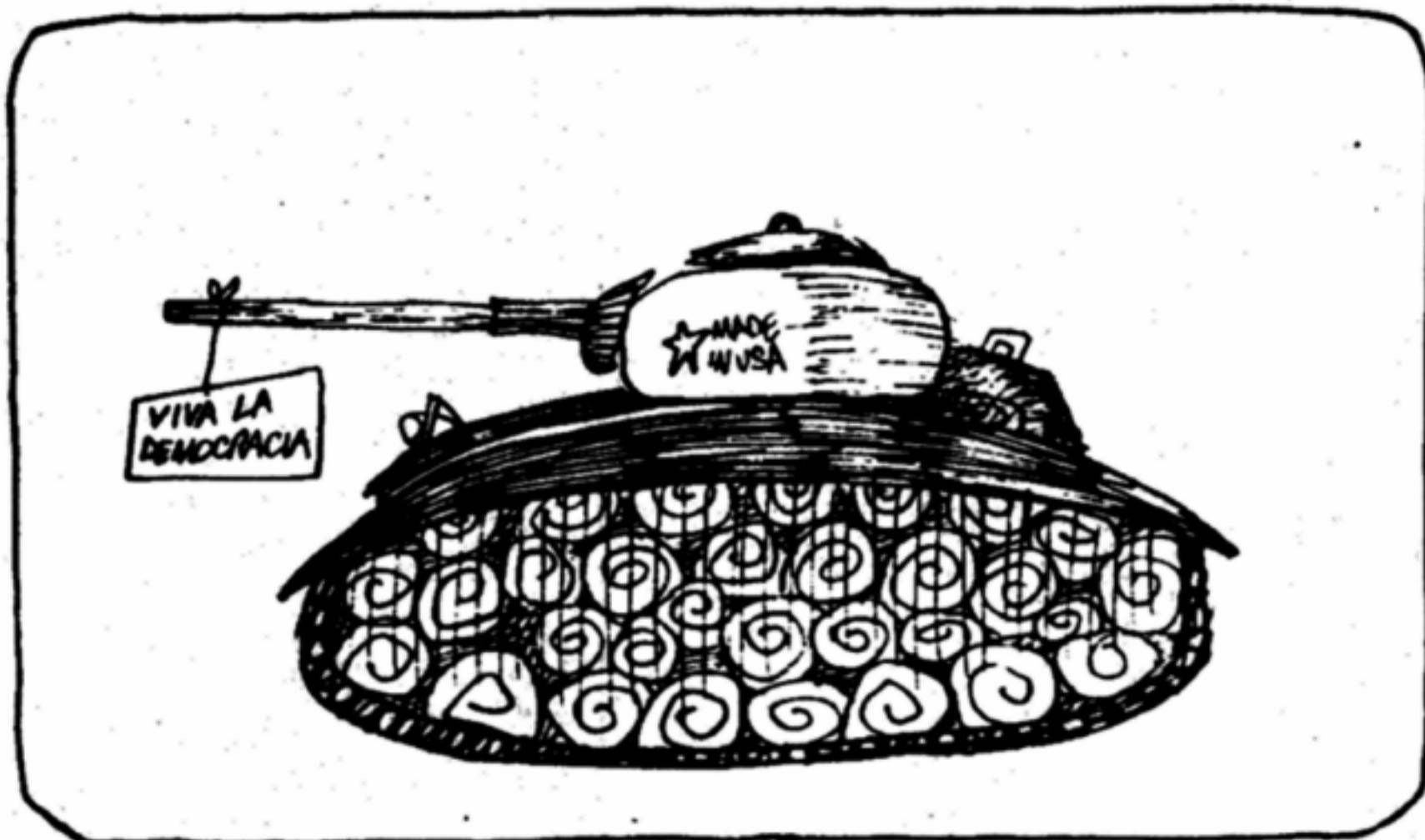
At the point where government takes action in terms of the Civil Defence Act No 39 of 1966, such as in the form of placing a military presence on the property, it is understood at this time that all aspects of security will fall under their control. Plant



management and personnel will have specific requirements to meet and there will undoubtedly be additional security facilities required.

The full implications of such eventuality cannot be assessed at this time.

”



# contempt of court

On the 4th of February, Tim Dunne, a lecturer at the University of Natal in Pietermaritzburg had a letter to the Natal Witness published. On May 16 he was sentenced to a fine of R150 or 150 days imprisonment. Mr Combes, the magistrate, said that "the letter had affected the dignity, repute or authority of public prosecutors. Dunne had exceeded the legitimate criterion in the exercise of freedom of speech and in doing so had brought the court into contempt ..." (Daily News, 17/5/78).

Below we reproduce the letter that was used as evidence in the court case, as well as Tim Dunne's statement made in court.

The Witness  
postbag

## Backing for Donald Woods

NATAL  
WITNESS  
4-2-78

SIR, — Your editorial on the contents of Donald Woods's speech before the Security Council of the UN made some interesting points.

You pointed out that Woods's recommendations, though radical, were eminently reasonable.

They were aimed at one set of persons — those who constitute "the Pretoria regime." They sought a single practical objective — a national convention of all South Africans to discuss the future (not the naive objective of "change or peaceful change"). They constitute worst embarrassment and inconvenience to those particular White South Africans who are most in favour of the apartheid regime.

The prospects of all South Africans having to read aloud and sign a declaration of the abhorrence of apartheid at international ports and airports is delightful. Fancy Pik Botha or Eschel Rhoodie or Louis Luyt arriving at New York Airport! We won't see that on SATV.

In fact your newspaper mainly took issue with Woods on his suggestion of the black list of White South Africans whose activities and work for the

regime made them guilty of crimes against humanity. Your argument was that it is a system which must change here, not individuals who must be hounded into change.

Here I find you too reasonable, too forgiving! After all Cabinet Ministers do sign banning orders, do call for the bulldozing of homes, do turn a blind eye to police crimes, do subject Black people to untold embarrassment, insecurity, misery and poverty in the cause of an impossible ideal of White purity and White power. Similarly one could catalogue the activities of military leaders, police chiefs, security policemen, National Party members, Bantu Administration officials, the Community Development Department, public prosecutors in political trials, and many more. When people choose to stand behind the regime, they choose to be attacked when it is attacked.

I will certainly be evening up the score with a few security policemen, and a few National Party members, when the list opens.

TIM DUNNE  
11 Birkett Court,  
2 Christie Rd,  
Pietermaritzburg.



## STATEMENT BY TIM DUNNE

I admit that I wrote the letter which appeared in the Natal Witness on the 4th February, over my name and which was placed before this court. I cannot claim that it was an unconsidered act, though I can say that I did not in the least suspect that anything like a trial would follow in consequence. The worst I expected was the continued animosity of the Security Police.

Certainly it was my intention to draw direct parallels between public prosecutors amongst others, and Cabinet Ministers, whose moral outrages I had earlier listed in the letter. Certainly it was also my intention to throw a critical public spotlight on all those who by their formal choice of occupation or allegiance, deliberately set about maintaining the present inhuman regime, under the cloak of "preserving law and order".

I concede that I am guilty of contempt of public prosecutors in political trials. The legal definition of contempt of court is not what the ordinary man believes to be the case, and may affect the public image of the courts.

Indeed I think I can claim that the view of the man-in-the-street is that, ideally, the defence counsel is for him, the prosecutor is against him and the court is adjudicating. This was my own view until this case. It is a view that was consolidated by a number of events last year. When I read in the newspapers that both Mr Vorster and Mr Kruger had launched into attacks on a particular advocate last year, because he continually appeared as the defence lawyer in political trials, I formed the impression that defence lawyers were to all intents and purposes, fair game for political attacks, and that being so, it seemed to me that the converse held equally well. If it was going to be made difficult for defence lawyers, then I hoped to help make it equally difficult for prosecutors, in political trials.

The newspaper clippings of the events I have just mentioned were searched for unsuccessfully. But fortuitously over the weekend, both the Afrikaans and English language newspapers carried a similar attack by Mr Kruger on defence lawyers, photocopies of which I have attached to this statement, in an attempt to show the court that what I have described as the man-in-the-street's view of the courts, would be fairly well supported and reinforced by such reports.

I feel that it is clear that public opinion is very different from the legal precedents put forward in this case. Majority South African opinion can be reasonably assumed to be antagonistic towards prosecutors in political trials, regardless of the merits or demerits of the accused.

I therefore believed that I was entitled to regard as fair comment, any criticism of the public prosecutors in political trials, which was itself based on political questions.

As a Christian I am, like every other Christian, called to a two-fold inescapable responsibility to be a prophet and a peacemaker. The Christian has to be always one or the other, and if possible, preferably both. In consequence he can find himself in a situation when his duty as a citizen and his calling as a believer are in conflict. I find myself in such a situation at this moment. I believe what I wrote was the truth and that it should be said and should continue to be said. Though such a Christian position may not always be in itself a guarantee of the correctness of one's views or principles, truth can only be found when men cling on to what they see of it. The New Testament tells of the persistent

woman and the judge whom she pestered until finally justice was done. Every Christian is called to persevere in the struggle for justice, even to the point of pestering the courts for justice.

Consequently I ask that the court shall regard my actions as motivated by a sense of justice and reasonableness, and as undertaken as part of my Christian responsibility to work openly and forthrightly for peaceful change, and a truly humane South Africa.

# Kruger hits at 'erring' lawyers

CAPE TOWN—The Minister of Justice Mr Jimmy Kruger, said yesterday South Africa's legal system was being undermined by people using certain practices in security court cases and that he would investigate these during the parliamentary recess to determine what would be done to counter them

Replying to the debate on the Justice Vote, Mr Kruger listed the recurrent practices as delaying tactics in security cases, demonstrations in and near courts of law, the intimidation of witnesses, the frequent appearance of certain advocates and lawyers in security proceedings and the enormous amounts of money which were readily available to defendants in these cases.

"There has been wide consultation on this problem and various measures have been proposed as solutions, but the underminer has chosen his terrain well.

## Democrats

"As democrats we are vulnerable, because preventive measures must of necessity be of such a nature that it could be described as a negation of our basic legal principles, possibly even from favourable quarters," he said.

"On the other hand, we have to do with an important aspect of the onslaught, not on the Government, but on our system of government and our way of life. In a nutshell, we have to do here with the deliberate undermining of our democratic legal system and I will again look at the whole matter during the recess to determine what can be done about it.

"Meanwhile, I feel at liberty to request the co-operation of our whole legal society in our efforts to withstand the onslaught. I have the fullest confidence in the controlling bodies of the legal professions. Perhaps they can think of ways of preventing individuals from the legal profession from contributing to the undermining of the legal system we know and in which we believe," he said.

The Government always endeavoured to curtail

the activities of underminers by making use of the courts of law, but this policy had cost the country dearly on various occasions.

Explaining that revolutionaries regarded nothing but the revolution as sacred, he said South Africa had long ago become conscious of the fact that the legal system and court procedures were being abused, but that this problem had become so serious recently that it could no longer be ignored.

Five important aspects of the problem had become discernible recently.



MR J. T. KRUGER

"In the first place it became clear over the years that delaying tactics were frequently being used in security cases. Our democratic court procedures can easily be abused for this purpose without the presiding judge or the judicial officer being aware of it or being able to do anything to prevent it."

Demonstrations in and near court rooms, people chanting songs and waving their fists, and impromptu speeches in courts, had also become a regular feature at security cases, and received wide media coverage.

Many policemen who could have been used more productively elsewhere were required to be present at these rallies in order to protect the public against possible violence.

## Intimidation

Intimidation of witnesses frequently occurred, and there had been instances where the lives of witnesses had been threatened from the public gallery. The normal pattern which followed from such actions was that the witnesses suddenly forgot vital aspects of their testimony, claimed they had been assaulted by the police or became unwilling to testify.

Turning to the regular appearance by certain advocates and lawyers in security cases, Mr Kruger said: "I want to state clearly that I am not referring to advocates and lawyers generally, and also not to all advocates and lawyers appearing in security cases. I am referring to those individuals who associate themselves with the case and aims of underminers to such an extent that it becomes questionable whether the trust vested in them as officials of the court is justified."

## Fees

Mr Kruger said he had been told that one advocate had received R10 000 per month as a standing fee for a certain case, and another had received R5 000 per month on the same basis.

The last aspect was the "enormous amounts of money" available to defendants in these cases, who never made use of pro deo advocates. He was in favour of people being properly represented, but this money came from political organisations with political aims and he was opposed to the use of money to undermine South Africa, he said.—Sapa.



# UNEMPLOYMENT and APARTHEID

Below we publish extracts from the Black Sash Johannesburg Advice Office Interim Report (February to August 1978):

"The unemployment crisis has brought hundreds of people to the Advice Office during the past months. One aspect of unemployment which has not been properly considered is the extent of the crisis in rural areas and in the homelands. People who live in the prescribed areas are at last becoming aware of how urban black people are affected but influx control and the Labour Regulations ensure that the extent and effects of national unemployment remain hidden and of no concern to white South Africans.

Recruitment of labour from the homelands is now severely restricted and people who have no Section 10 rights have little hope of being allowed to register in jobs they have found. Those borderline cases where people have been in the area for many years in unregistered employment and might previously have been registered after special application to the Regional Labour Commissioner are now impossible of resolution. Such applications are now generally refused on the grounds that 'there are too many people who were born here in town'. This exposes the whole underlying fraudulent nature of the influx control policy. It enables the South African Government to shed all responsibility for unemployed people who are not in 'white' urban areas by pretending that they do not exist and are not part of the South African population.

Unemployed people who live in homelands and in impoverished rural areas are in a far worse condition than those in urban areas. They have little hope of earning a livelihood in the informal sector because the communities in which they live have no purchasing power. Increasing numbers live in closer settlements in the homelands where they have no land and are not allowed to keep livestock. Unemployment Insurance Fund benefits, pensions and welfare assistance are almost impossible to obtain and many complain of unsympathetic and obstructive treatment meted out to them by Commissioners of the Plural Relations Department. They are not allowed to leave the area where they live to look for work and if they do so illegally and find a job they cannot be registered. With the greatly increased penalties imposed on employers for employing unregistered workers and the fact that such employers must go to Court if charged and can no longer pay Admission of Guilt fines. People without permits are finding it impossible to obtain any kind of work at all.

...

CASE

Mr NM comes from Nqutu in Natal where he has a wife and two children. He was employed in a factory in Johannesburg for five years on annual contracts. He was retrenched when his last contract expired in November 1977. His employers did not give him his Unemployment Insurance Contributor's Record Card, and so, he could not receive benefits. By law he had to return to Nqutu when he was discharged but he found that no recruiting was being done there. In desperation he came back to Johannesburg and found himself a job but was refused registration.

Mr DM has lost his job and his house and all hope. His Reference Book is stamped that he may do farm labour only. He was registered in his employment on a chicken farm just

CASE outside Vereeniging. He was paid R10 per week. His employer provided a house for him at Sebokeng but he had to pay the monthly rental of R13,75. He asked his employer for more money and was immediately discharged, and had to leave the house. His wife, children, aged father and himself had nowhere to live and, as he is only allowed to work on the farms, has no prospects for security for his family. He is Xhosa and through independence of Transkei is now an alien in South Africa. The only place he can legally expect to have a house is in Transkei but his family have been in the Transvaal for at least three generations and utterly reject this as a solution.

...  
Pensions: The poverty caused by unemployment has greatly increased the number of people trying desperately to find some source of financial support. Old people who have never applied for pensions before because they could not cope with the delays and obstructions entailed in making application and because their families were supporting them are now making applications because the family breadwinner is unemployed. They come to us because of the enormous difficulties they experience. We have the impression that the Department of Plural Relations tries to avoid paying pensions wherever possible and to delay applications in order to reduce costs.

CASE ...  
 Mr KJM was in receipt of a pension in Johannesburg but decided to retire to Lebowa because his relatives did not want him to remain with them. His pension was cancelled and he was told to reapply in Lebowa. Through bureaucratic bungling and administrative delays he was not paid any pension for a full twelve months. When the pension was eventually reinstated he was not given any back payments for the period during which he received nothing.



# STRIKES

Entumeni Coal Mine: On the 12th September workers at Anglo-American's Entumeni coal mine went on strike. Initially only one shift of some 300 workers acted, but were soon joined by 500 others (out of a total workforce of 1 100). The workers demanded to see the mine manager who had to rush back from Johannesburg. Two mine policemen sent by the manager to the workers were assaulted. Police were called in and "stood by", but no damage to property has been reported."

The strike was said, by management, to relate to a "misunderstanding concerning the bonuses being paid to certain categories of workers at the colliery" (Natal Mercury, 78-09-14).

On Thursday, two days after the strike had started, it was reported that most workers had returned. 65 chose (?) to leave the mine - 60 workers from Lesotho and 5 from the Transkei bantustan.

Clermont Housing Scheme: 30 policemen were sent to Clermont, outside Durban, on 28 September when about 200 workers went on strike for higher wages. They were employed on a Port Natal Administration Board housing scheme.

It was reported (RDM, 78-09-29) that the District Commissioner of police "spoke to the protesters who then went home. The men were told to return (the next day) and put their grievances to their liaison committee, which would discuss the wage claims with PNAB officials."

East London Canning Factory: About 850 workers (women) went on a brief strike over overtime payment. The manager of the factory said that the women workers returned after Department of Labour officials mediated.

Some of the workers complained that "their liaison committee was a 'ja baas' one and not effective" (Post, 78-10-05).

The article published below, "A study of Strikes in the 1970s", is part of a longer study on strikes in South Africa. It was submitted to WIP in response to the editorial request asking for material on strikes. The list of strikes noted in the article is not exhaustive, but does serve to illustrate certain trends and dynamics.

The editors of WIP are keen to run further information on strikes and worker action in South Africa, and would appreciate any contributions in this area.

# A STUDY OF STRIKES IN THE 1970s

MA du Toit tells us in a recent work (South African Trade Unions, McGraw Hill, Johannesburg, 1976) that in South Africa industrial conflict was/is accommodated quite well by sound industrial legislation. Yes indeed, he has a point there, for strikes by African workers have mostly been illegal and for whites mostly channelled and 'bureaucratized' (cf R Davies: "The 1922 Strike", History Workshop paper, Wits 1978). Yet one thing is also clear: that is, the history of capital in SA - as the history of any other capitalist social formations - has been haunted in all its steps in space and time by the 'malaise' it always tried to stamp out, African workers going on strike. It somehow suggests that 'profitable investment' and the 'capitalist enterprise' seek to carry within them this 'malaise', for we would not like to attribute this phenomenon's repetitive manifestation to the work of external 'agitators' - as most of the spokesmen through the years have done. It has in fact been with us wherever hard cash flowed and multiplied. From the 31st May, 1856, in Port Elizabeth where African dock workers went on strike the trend has not been reversed (SALB, 3,7:74). Far from it, it has continued as the flipside of capitalist accumulation.

The advent of the National Party to power brought about an increasing attempt to control and regulate industrial conflict (as witnessed by the various legislative measures that were brought into operation - see below). Initially there were signs of success. For instance, from 1955-60 there were 420 strikes involving 34 854 workers (an average of 5 800 a year). In the 1960's the number of workers on strike per year decreased to about 2 000. But from 1969 onwards things start going haywire: a dockworker strike, then in 1971 the strikes involving 15 000 Ovambo workers, then the 2 000 Durban stevedores strike, and in 1973 things come to a head in the famous Durban strikes. Furthermore, in 1974, 1975 and 1976 one witnesses 194 strikes (38 961 workers), 173 (12 451) and 113 strikes (16 170 workers). These are the usually conservative estimates of the Department of Labour (Survey of Race Relations, 1977).

xxxxxxxxxxx

Compared to the relative quiescence of the 60's, the intensification of labour action in the 70's has again emphasised the normality of strikes in our capitalist process of production. In terms of the 70's, the labour/capital relation has not been one of peaceful coexistence. More and more workers downed their tools, voiced their grievances and made demands. In 1973, admittedly a rather noisy year,



67 338 African workers (1) took SA by surprise in participating in the phenomenon called "strike". What is the nature of this phenomenon, and why must it be seen as normal?

Usually a strike is seen as a collective action by workers which entails a stoppage of work in order that their grievances and demands are met by employers. Yet strikes are only the 'dramatic' manifestation of the unharmonious relationship between capital and labour in capitalist production. / Indeed, views that claim that employers and workers share similar interests in an essentially harmonious economic system refuse to take cognisance of the fact that on the one hand the goal of capital is maximisation of profit and that of labour the maximisation of wages, which, of course, is a portion of the capitalist's cost. Furthermore, to ensure the smoothness of production to generate the profits, efficient control of production is aimed at. This control is seen by management as its prerogative. But...efficiency at the expense of whom? The worker, who in his attempt to gain a greater control over the way his labour is used, is blocked by management's hostility to any trespassing on what they have declared as their area of jurisdiction. Thus the tension arises that perpetuates itself through all capitalist production (2). These tensions permeate the life of every worker, and the conflict expresses itself in a variety of ways that "are as unlimited as the ingenuity of man. The strike is the most common and most visible expression." (3)

Although SA in the 1970's is witnessing an upsurge of strikes, these strikes are not comparable in size, in length and organisation, or in articulation of working-class grievances to those which occur in many other capitalist countries. In fact, the distinguishing features of South African strikes involving African workers, have been their short duration and their lack of organised representative bargaining bodies. Applicable is Hyman's distinction between 'strials of strength' and 'demonstration strikes'. The former is the "industrial equivalent of war between nations" while "the latter, are short, usually spontaneous in origin; the decision to stop work is often virtually spontaneous - though the dispute would probably still centre around, or at least reflect, long-standing grievances which peaceful application had failed to remedy" (4). Indeed, most strikes have been variations of the latter kind.

However, before plunging into the central theme of this project, which is an analysis and collection of strikes in the 70's, a brief digression is essential. In order to understand the specific structural position of any form of labour action in South Africa, some analysis of the social formation must be presented. We begin this with a look at legislation.

In 1948 the Industrial Legislation Commission (Botha Commission) was appointed to report on:

- (a) "the desirability or otherwise of having separate trade unions and employers' organisations for Europeans, Coloureds and Asiatics..."
- (b) "the functioning of existing trade-unions or similar organisations composed of Natives, and the desirability or otherwise of regulating such organisations..."
- (c) "the setting up of machinery for the prevention and settlement of industrial disputes involving Natives..." (5)

In 1951 the Commission's major recommendations to the Government were that:

- (a) "existing trade-unions and employers' associations with mixed racial membership should be separated on a racial basis, and further, in case of mixed trade-unions, this division should be into separate branches with white executive committees;"
- (b) "African trade unions should be recognised in terms of separate legislation, subjected to a measure of reasonable control, and given sympathetic guidance..." (6)

The first recommendation was accepted by the Government. Thus it came to be that formally mixed unions became separate White and Coloured unions or separate branches of the same union. The second recommendation was rejected thus barring African unions from being registered. One of the foremost rationalisations for the rejection of this recommendation was the government's fear of African trade unions becoming political. (Botha Commission was appointed by the Smuts government and the recommendations were presented to Strijdom's administration). This was clearly expressed by the Minister of Labour at the time, when he stated that:

"What we must bear in mind is that these trade unions will be used as a political weapon... Whatever form of control is introduced you will not be able to prevent them being used as a political weapon... (T)hey can use trade unions as a political weapon and they can create chaos in South Africa at any given time". (7)

In 1953 the Native Labour (Settlement of Disputes) Act No 48 was gazetted which redefined the terms employee in the Industrial Conciliation Act to exclude all Africans. (This provision had already been met by the Industrial Conciliation Acts of 1924 and 1937, but Africans still qualified until 1953). The Act prevented registered trade unions from having African members and prohibited



strikes by African workers. (This provision had also been met by the War Measure 145 of 1942). Sympathetic strikes by workers of other racial groups, lock-outs or the instigation of such strikes or lock-outs were prohibited. The Act provided for the setting up of separate industrial conciliatory machinery for certain categories of African workers. It did not prohibit African trade unions but denied them official recognition and status. As an alternative to trade unions the three tier system was adopted which made provision for:

- (a) Works Committees elected by African workers;
- (b) Regional Native Labour Committees appointed by the Minister of Labour from Africans (not necessarily workers) from the local community with a white Labour Officer in the chair;
- (c) A Central Native Labour Board consisting of white officials appointed by the Minister.

The Works Committee was to be the first recourse if a dispute arose, yet one might wonder about their effectiveness given that by 1969 only 24 such statutory committees had been established. The duties of the second tier, namely the Regional Native Labour Committees were:

- (a) to maintain contact with employees with a view to keeping itself informed of conditions of employment of employees in its area and in particular trades;
- (b) to submit from time to time reports on any labour disputes which exist or are likely to arise; and
- (c) to assist in the settlement of disputes. (8)

The functions of the upper tier, the Central Native Labour Board, was to attempt to resolve disputes which had been "unsuccessfully" dealt with by regional Bantu Labour Committees, but if it, too, was unsuccessful it had to report to the Minister of Labour stating whether it considered such a dispute should be referred to the Wage Board (9). This Damoclean sword hung over the heads of the workers for twenty years before it was amended.

Then came the Industrial Conciliation Act No 28 of 1956. In terms of this Act no further mixed trade unions (catering for white and Coloured workers or Asian members) could be registered; machinery was created for the splitting of such unions along racial lines; and it was laid down that any mixed unions that continued to exist should create separate branches for white and non-white members and hold separate meetings. The Act also made provision for job reservation which specified types of work for persons of a specified race group. The Act was amended in 1959, (the Industrial Conciliation Amendment Act No 41 of 1959) further restricting the operations of the remaining mixed trade unions. The collection of trade union

dues from Africans was made illegal and the canning industry was classified as an essential industry, thus prohibiting strikes in that sector. The machinery for job reservation was further perfected. Another amendment took place in 1966 (Industrial Conciliation Further Amendment Act No 61 of 1966) which prohibited strikes and lock-outs for any purpose connected with the relationship between employers and employees. The Act was further amended in 1970 (Industrial Conciliation Further Amendment Act No 21 of 1970).

What we witness here is an avalanche of legislation which is an attempt by the state to accommodate conflict and ensure industrial peace in such a way that, firstly, the economic grievances of the African working class do not develop any political manifestations; and secondly, the state here is providing institutions which will replace trade unions as independent bargaining bodies for Africans. Thus the state is politically disorganising the working class, whilst at the same time it is restructuring the mode of economic negotiations in industry to favour and reinforce capital's prerogative over the production process.

The state's fear that economic grievances of the African labour movement would manifest themselves in political activism, occupies a central place in latter-day South African history. The wide range of legislative measures taken to prevent this synthesis are partly entrenched in direct labour legislation. The Suppression of Communism Act of 1950 was also primarily concerned with curbing the possibilities of any such political activism which challenged the essential foundation of the South African way of life. Yet, it took a decade or so to finally eliminate all the legitimate channels through which political aspirations could be realised.

The most significant organisation to emerge in the Apartheid state stressing political activity as inseparable from the economic, was SACTU.<sup>†</sup> In March 1955, a conference of 33 unions, consisting of 14 unions who had opposed the exclusion of African trade unions from TUCSA,<sup>†</sup> and 19 affiliated to CNETU,<sup>†</sup> formed SACTU. The latter formed part of the Congress Alliance<sup>†</sup> and maintained links with the now banned organisations - the SA communist Party, the African National Congress and its military wing Umkhonto we Sizwe. The basis of SACTU's labour mobilisation policy centred around broader political issues raised by the abovementioned organisations and their resistance campaigns against apartheid. The response of the state was aggressive. SACTU was forced into exile after the elimination of its



leadership in the early 60's. This hammered the final nail into the coffin of politically based trade unionism at that stage in time.

Black trade unions now had to resort to new forms of organisation. Prior to 1955, the economic gains which black trade unions made were largely due to the right which they had in demanding Wage Board investigations in their industries. After 1955, this obligation on the Wage Board was removed from the provisions of the Wage Act, thus depriving African trade unions of an independent access to any determination of African wages. They were now dependent on registered unions for an access to the institutions determining African wages (10). Hence black trade unions are left with two options: either parallel unionism or independent unionism in the confines of bread and butter issues. The former was the preferred strategy adopted by most prior independent unions, especially Coloured and Indian unions.

The abovementioned must be seen as a form of labour control. Yet, hand in hand with the measures taken to stunt the political expression of the labour movement went the introduction of sophisticated machinery designed to regulate and control the physical flow of labour in the economy. The establishment of a system of labour bureaux in 1952 must be seen as one of the most significant aspects of the apartheid state's labour policy. It catered more efficiently for the demands of the different sectors of capital: firstly, by reserving certain areas for specific kinds of labour (especially agricultural), and secondly by allowing for the removal of 'excess' population from one area to another, depending on the needs of capital. This is the infamous system of influx control (11). The 'homeland' policy fits in admirably with the above measures, in so far as they provide both a source of labour as well as a dumping ground. Consequently, the shuffling back and forth of the migrant worker, subject to these systems of control, both militates against and attenuates his organisational strength.

The weakness of the working class can be summarised in terms of the following conclusions:

- 1) Its inability to express itself politically;
- 2) Even the necessary economic basis of trade unionism is rendered ineffective because of the state's substitution of trade union roles by measures such as the three-tier system;
- 3) The unstable position of a large part of the working population and its easily controllable status (12) makes even the most nominal form of trade union activity well nigh impossible.

In contrast to the migrant labourer the urban black, as defined by Section 10 a&b of the Urban Areas Act, enjoys a marginally stronger position in the sale of his labour power, being relatively unrestricted with regard to his workplace. The maintenance of this 'permanent' population is to a large degree in accordance with the needs of the manufacturing sector. Nevertheless, he is still subject to stringent forms of political control. The division of the South African working class is reflected in the dichotomy between the urban dweller and migrant worker.

However, both share a common relation to capital at the shop-floor level, and are subject to controls within the labour process itself, the latter being sensitive to fluctuations within capital itself.

So far though, we have been hinting at the homogeneity of the interests between capital and the state. The chief emphasis given above has been to the state's labour policy which is ultimately functional for capital. This is not to say that the interests of different fractions of capital are always met by the state. The changing policy of the state can partly be explained by the conflicting interests within capital. Nevertheless, insofar as the state maintains the overall dominance of the capitalist system, which might entail working against the short-term interests of certain sectors of capital, in the long-run its interests are the maintenance and reproduction of that system. Not only does it procure a labour force but it facilitates capitalist production by even more direct measures such as import substitution, infrastructural development, taxation policies and control of foreign investment (13).

It is against this background of the complicity of interests between state and capital that the response of the working class, especially strikes, must be seen. What appears to be a capital/labour conflict must be extended to include the role the state plays in maintaining the conditions of capital accumulation. In SA this role is strongly interventionist, impinging upon the actual work situation itself.

### STRIKES from 1970-1973:

1970 August

McPhail's Coal Yard (Denver, Johannesburg), 450 involved, 2 days. Coal loaders and yardmen refused to start work on 12 August because the directors refused to dismiss a white foreman who had 'sacked' 2 Africans. 450 were arrested and the next day they agreed to go to work, but a director said that a 'hard core of Africans have taken control of the compound and are threatening any Africans returning to work with physical violence'. 67 returned to the 'homelands' and 84 appeared in court on



charges of contravening the Bantu Labour (Settlement of Disputes) Act, No 48 of 1953, by participating in or influencing others to participate in a strike (Star, 70-8-12&13)

1971 June

McWillaw Iron and Steel Foundry (Isipingo), 200 involved, 1 day. 200 Africans stopped work on 9 June demanding higher wages. By 16h00 the strikers assembled outside the factory gates and claimed they were told that their services were not needed, and that they could call for their pay. Truckloads of policemen armed with batons arrived and the Africans were called into the premises for a lengthy discussion with the employers. It appeared as though a settlement was negotiated (NM, 71-6-10)

June

Clairwood Clothing Factory, 37 involved, ? days. 37 Indian women garment workers were convicted in the Durban magistrate's court for taking part in an illegal strike (The Friend, 71-6-17)

September

Durban Abattoir, 200 involved, 1 day. 200 men walked out at 09h00 on 10 September, and refused to return to work despite the presence of police and negotiations with officials from the Labour Department. Workers went on strike after officials refused to accept demands for reinstatement of workers who had been fired (NM, 71-9-11)

1972 October

Durban docks, 2 000 involved  
Dock workers went on strike demanding wage increases

January

Roberts Construction, 450 involved  
A three hour strike by workers was the result of a misunderstanding over holiday bonuses (Star, 72-01-20)

June

Putco Reef, 300 involved  
Strike to back wage demands. An offer of 2% increase was rejected. 300 drivers were arrested and charged for striking but were acquitted. They received a 33,5% increase.

June

Ferro Plastics and Rubber Industries, (Industria)  
Strike - found guilty of refusing to work. Arrest of four by security police (Star, 72-11-09)

October

Cape Town Docks, 2 000 involved  
Stevedores staged a work-to-rule campaign during October and November after a dispute over changed conditions of employment

October

Fibres, Spinners and Weavers (Pty)Ltd (Benoni), +150 involved. Factory workers were paid off for allegedly refusing to work a 12-hour day. 'We asked for increase in June. We used to get R13 a week for working from 7.15 am to 4.30 pm. Last week we were paid R1,30 extra but we were told to work from 6 am to 6 pm.' (RDM, 72-10-27)

December  
 Pretoria Municipality, 200 involved  
 Municipal bus drivers went on strike. 57 were arrested, out of  
 whom 13 were convicted for participating in an illegal strike.  
 A number of workers lost their jobs in consequence.

#### COMMENT on strikes from 1970-1973

Prior to the 1973 Durban strikes, one witnesses a few sporadic acts of resistance by wage earners in the form of strikes. These isolated events were important in so far as they indicate that unorganised labour can still take collective action and present demands. This period is also important in that it possesses some of the features which have become characteristic of the 70's. The 84 coal yard workers who appeared in court in August 1970 on charges of contravening the Bantu labour (Settlement of Disputes) Act of 1953 by participating in or influencing others to participate in a strike, seemed at the time an isolated event in a boom economy. This prosecution policy of the state was, however, to become frequent practice.

Post-Sharpeville SA showed all the signs of an ever-expanding, profiting, arrogant capitalist economy. The optimism which went with this euphoria experienced by capital in a booming economy was punctured by the isolated events of working class resistance which brought to the foreground two crude facts: that African wages were appallingly low; and that inflation was creeping in by the back door, pushing the value of wages even lower.

The Putco bus drivers' strike and the Durban stevedores' strike of June and October 1972, apart from demanding higher wages and in the case of Putco receiving a 35% increase, manifest a remarkable degree of worker solidarity. The gains that these workers made were not merely material. Out of the Putco conflict, the Drivers' Committee which was formed to take care of the strikers' needs, especially of those who had been arrested, became the Transport Workers and Allied Union after consultation with the Urban Training Project. By 1975 its membership was 700.

The Cape Town stevedores showed an acute perception of their bargaining power by staging a work-to-rate campaign and banning overtime in October and November 1972 at a time when the Suez Canal was closed and Cape Town traffic was at its peak.

#### Footnotes

1. Report of the Department of Labour for 1973 (RP 33)  
 Quoted in D Horner, "African Labour Representation and the Draft Bill to amend the Bantu Labour Regulations Act" in SALB 2, 9&10:20.



2. Although conflict exists in Eastern European countries and the African socialist countries, it is of different form and content - see WH Friedland and CG Rosbey (eds) African Socialism, introduction.
3. C Kerr, Labour and Management in Industrial Society, p 171.
4. R Hyman, Strikes, p 20&23, quoted in J Maree, "Seeing Strikes in Perspective - review article of The Durban Strikes, 1973" in SALB, 2, 9&10:91-2.
5. D Horner, op cit, p 11.
6. Ibid, pp 11-12.
7. Hansard, vol 82&83, 53-08-04, cols 869-870.
8. D Horner, op cit, p 15.
9. Ibid, pp 15-16.
10. L Ensor, "TUCSA's relationship with African trade unions - an attempt at control, 1954-1962" in SALB, 3,4.
11. See also ML Morris, "Apartheid, Agriculture and the State" (unpubl paper), and "Capitalism and Apartheid" in T Adler (ed), Perspectives on South Africa; also Black Sash, "Memorandum on Influx Control".
12. See also ibid.
13. See recent debates centering around R Davies et al, in RAPE, 2,7.
  - + SACTU: The South African Congress of Trade Unions.
  - + TUCSA: Trade Union Congress of South Africa.
  - + CNETU: Congress of Non-European Trade Unions.
  - + Congress Alliance: An alliance of popular groups - the African National Congress (ANC), SACTU, Congress of Democrats (Cods), South African Coloured Peoples Organisation (SACPO) and the Transvaal and Natal Indian Congresses (TIC and NIC). The alliance based its common policy on the Freedom Charter, adopted at the Congress of the People in 1955.

C. Joakimidis.

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Item: Sanna 77 an all-SA handgun (Star, 21/9/78)  
 The Sanna 77, said to be the first fully South African made hand machine-gun, was launched in Natal this week with the object of capturing the civilian defence weapon market.

Mr Dan Pienaar, . . ., whose company manufactures the Sanna 77, said the design had been based on several European hand carbines, including Czechoslovakian models.

"There have been a lot of modifications, and in my opinion this is a far superior gun. It has virtually no recoil and can be fired with one hand - ideal for a situation where a vehicle is ambushed."

The Sanna 77 is a 9 mm parabellum, has an effective range of 300 m, and a magazine capacity of 40 rounds.

Mr Pienaar said that the police had stipulated that the weapon, which retails at R381, may be sold only to farmers, security organisations, Bantu Administrations and municipalities. However, doctors and company representatives travelling to remote districts would also be considered.

Item: Ryk Vn het nuwe SA wapen (Rapport, 24/9/78)  
 n Splinternuwe Rhodesiese beproefde handwapen word nou in Suid-Afrika vervaardig. . . .

Die Kommando is vier jaar gelede in Rhodesië ontwerp. Die wapen het hom reeds in die Rhodesiese terroriste-oorlog in die hande van eenhede soos die Selous Scouts en die Territoriale Polisie bewys.

. . .

Die Kommando sal hoofsaaklik aan boere in "sensitiewe" gebiede, veiligheidsorganisasies en mense wat veiligheids-wagte in hul diens het, verskaf word. Dit sal sowat R390 stuk kos.

Die Kommando is n semi-outomatiese 9 mm parabellum met n magasyn vir 25 patrone. . .

Item: Gatsha raps top aide: I like capitalism, he says (Sunday Times, 3/9/78)  
 Chief Gatsha Buthelezi, Chief Minister of KwaZulu and leader of the Inkatha movement, yesterday reiterated that the movement believed in free enterprise.

And he openly contradicted a statement made by one of his top aides this week that if he had a share in the South African Government he would nationalise the mining industry.

The aide - Inkatha's publicity chairman, Mr Gibson Thula - shocked commerce and industry when he told a symposium in Grahamstown that if Inkatha had a share in government the mines would be nationalised, adding that the country's resources would be used for the benefit of all.

Chief Buthelezi said that the publicity chairman had "unfortunately" not fully explained Inkatha's economic policy.

. . .

Chief Buthelezi told me that he was sorry he had not seen the speech before it had been delivered, "because it played right into the hands of my political enemies".

And he added: "I believe that the free-enterprise system is the best there is - there's nothing to compare with it".



Item: Future of SA capitalism at stake - Tucsia (Star, 20/9/78)  
 The future of capitalism in South Africa was at stake under the "rigidly-controlled socialistic system for blacks," Mr Arthur Grobbelaar, general secretary of the Trade Union Council, said yesterday.

...

Fifty-two laws had been passed specifically to determine the destiny of black South Africans - to prevent their participation in free enterprise, he said.

These acts constituted a "highly advanced form of bureaucratic socialism by which the life of every black is decreed, determined and administered from cradle to grave."

...

South Africa had only a nascent system of free enterprise enjoyed only by a small, segregated section of the population.

Increasingly blacks saw the alarming pattern of Government interference as apt and parcel of free enterprise. The danger was that they would reject the broader economic framework together with the legislation which they identified with it.

Item: Capitalism defended (RDM, 26/9/78)  
 The peoples of Southern Africa faced only one common danger - the destruction of freedom through communism, Dr WJ de Villiers, the executive chairman of General Mining and honorary professor of business economics at the Rand Afrikaans University, said last night.

...Dr De Villiers said whites could not stand alone in the battle for freedom in South Africa.

"This is a battle he cannot win without the help and active support of his black and coloured compatriots.

"To these people socialism is being put forward as the solution to all problems.

"But in the long run prosperity has to be created, and socialism offers no motivation for this."

Item: Squatters flee as homes burn (RDM, 78-10-04; and other reports)  
 On 78-08-24 81 squatters were arrested in a camp in East London. Charged with "erecting and occupying illegal structures", 78 pleaded guilty and were sentenced to 60 days or R20.

Two months later (78-10-03) more people were arrested and their homes set on fire. Despite photographic proof Administration Board officials denied that possessions had been burnt in the destruction of the homes (capitalism being very selective in what it calls "possessions"). Director of Eastern Cape Administration Board, H Swanepoel, said: "We are still active in the field of solving the problem of squatters. We will remain active until the problem is solved." The raids would not stop until the area had been "entirely cleaned out".

It was reported that "hundreds" of squatters had been charged.

Item: 'Aanvaar dié plakkerbuurte' (Transvaler, 78-09-27)  
 For those who advocate the "radical" solution of squatter upgrading to the "squatter problem" in South Africa it must come as a bit of a pleasant, although unexpected, breakthrough to find an ally in CH Kotzé, chief director of the Central-Transvaal Administration Board. And at the SABRA congress, of all places.

"Huidige plakkerwoonbuurte in swart state behoort as spontane stedelike vestigingsgebiede aanvaar te word aangesien dit as algemene verskynsel selfs in ontwikkelde lande voorkom...  
 Hy het die gedagte geopper toe hy by die SABRA-kongres gepraat het oor die groot finansiële eise wat die verskaffing van swart behuising aan die owerhede stel en etlike maatreëls voorgestel om die koste te verminder.

Wat plakker-gebiede betref, het mnr Kotzé gesê dit moet beplan, beheer, georden en van die nodige dienste voorsien word."

Item: Swart Vakbonde Lol (rapport, 78-09-24)  
 Swart vakbonde en hul doen en late begin al hoe meer van n turksvy word. En daar is n al hoe sterker gevoel dat die Regering hierdie kwessie aan die bors moet gryp en georganiseerde arbeid deur die bank oor dieselfde kam skeer.

...

Op die oomblik bestaan daar n ongemaklike anomalie.  
 + Swart vakbonde kan ingevolge bestaande wetgewing nie by die Departement van Arbeid as wernemersorganisasies geregistreer word nie, maar hulle is aan die ander kant ook nie onwettige liggame nie.

+ Geregistreerde vakbonde het sekere beperkinge op hulle, soos bv die verbod op deelname aan die politiek (bevordering van sekere politieke standpunte, werwing vir bepaalde kandidate en die skenking van geld on sekere politieke oogmerke te bevorder). Swart vakbonde is nie aan hierdie beperkinge onderwerp nie.

Daer is ook ander eienaardighede onder die huidige bestel moontlik. Volgens werkgewers word n groot getal werkkomitees wat ingevolge die Wet op Bantoe-arbeidsverhoudinge ingestel kan word, deur swart vakbondlede beman. Dit is dus heeltemal moontlik dat lede van swart vakbonde sodoende in elk geval kan deelneem aan onderhandelinge oor lone en diensvoorwaardes.

n Ander ding wat in die laaste tyd kop uitgesteek het, is Inkatha se verklaarde voorneme om sy net wyer as kultuur te span en toe te sien dat sekere arbeidskodes by swartes se werkplekke toegepas word. Party mense sien dit as die uitsteek van die politieke skilpad se kop. Inkatha is deesdae nie net tot Zoeloeland of Natal beperk nie. Hy staan bv ook sterk in n plek soos Soweto. Voorts is dit interessant om daarop te let dat van die nagenoeg dertig swart vakbonde wat bestaan, in n paar strategiese bedrywe nesgeskop het: dinge soos die chemiese bedryf, die vervoerbedryf, die metaalbedryf en dies meer.

...

Die gevoel in die nywerheid is dat deur alle lede van vakbonde onder die dissipline van die wet (Industrial Conciliation Act) te plaas, word feitlik verseker dat verantwoordelike vakbondleiding daargestel word.

Op die oomblik staan dit sover dit swart vakbonde betref, elke politieke agitator vry om op die vakbond-wa te klim om sy eie politieke denkrigting te bevorder (iets wat geregistreerde



blanke vakbonde ontsê word). Daar is ook geen manier om insae te verkry in die bronne en aanwending van hul fondse nie. En dis n ope geheim, is aan Sake-Rapport gesê, dat miljoene ter beskikking van swart vakbonde gestel word.

# 'Ominous' rise in frauds by businessmen

By Michael Chester, Financial Editor

Stal  
12-10-12

**MARITZBURG** — Grave concern has been voiced at a national business conference over the growing number of fraud and embezzlement crimes committed by company executives.

The issue was raised by Mr J G van der Horst, chairman of the Old Mutual Insurance empire, when he formally opened the annual national congress on the Association of Chambers of Commerce.

He told delegates that the trend was clearly shown in the significant losses suffered by short-term insurance companies in the rising number of fidelity claims over the past five years.

Recent claims indicated that business frauds were becoming cruder and more blatant. Moreover, while patterns in the past showed that most frauds were committed by company employees at middle and lower level, new claims revealed that substantial amounts had been embezzled by senior executives as high as managing directors.

The consequences, he warned, were ominous for the entire free enterprise system. "The level of social morality is directly linked to the performance of the economy," he said. "Thus it follows that the elimination of middle class morality leads to economic catastrophe."

Businessmen were duty-bound to conduct themselves and their businesses in a way that would not allow opponents of the free enterprise system to secure any holds over them.

Mr van der Horst said business should introduce its own code of conduct — starting with senior managers and directors.

"Dishonest practice, unwarranted exploitation, or unjustified business failures all evoke emotions among consumers, investors and employees."

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