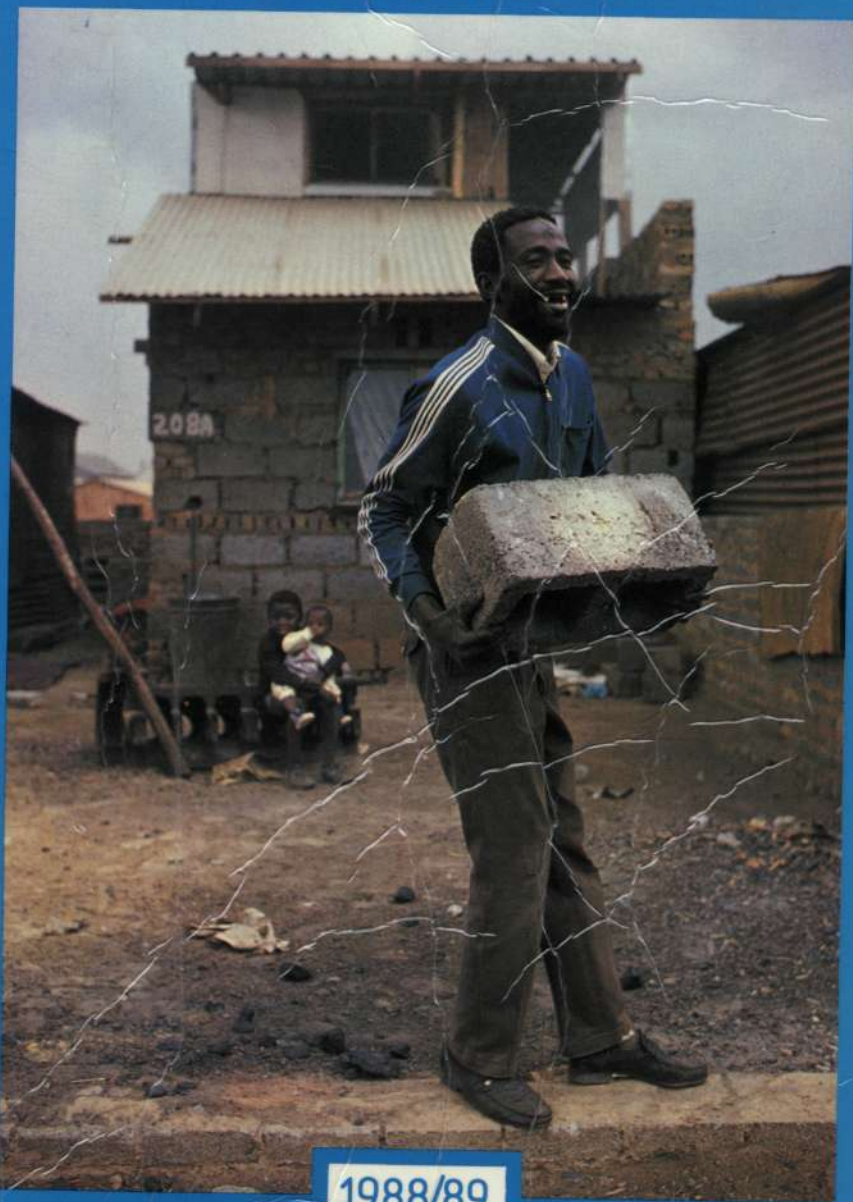


RACE RELATIONS SURVEY



1988/89

**RACE RELATIONS
SURVEY
1988/89**

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THE COVER

Photograph by Mark Peters

Rapid black urbanisation in South Africa in recent years has rendered the pass laws obsolete, but the national shortage of conventional housing runs to nearly two million units. So several million people, nearly all of them black, have built their own shanties or other shelters in and around the cities. They have used whatever material they have been able to lay their hands on: wood and mud, old packing cases and crates, corrugated iron, sheets of plastic, and occasionally bricks or concrete blocks. Sometimes referred to as squatters (a term not always technically accurate), these 'informal settlers' have been described as 'South Africa's new city builders'.

One of them is Mr Aaron 'Bobo' Khumalo, who built his house at Dlamini Camp No 2, near Chiawelo in Soweto. There he lives with his wife, Yvonne, and his children, Mandla (10) and Edward (1). The family moved to Dlamini Camp at the beginning of 1988 when the Soweto authorities demolished their shack at Mochaeneng opposite the Regina Mundi church. Before then they had lived in backyard shacks as sub-tenants.

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*The third sentence of the second paragraph of this preface should read: "In more recent years the Institute has been able to report the amendment or repeal of quite a number of these laws, **including the pass laws**, which were repealed in the middle of 1986."

PREFACE

This *Survey* is published during the Institute's diamond jubilee year, the organisation having been founded on 9 May 1929.

The *Survey*, which has been an annual publication since 1936, pioneered research into the impact of discriminatory legislation on every aspect of South African life. For many years the *Survey* had little to do but report the enactment of one discriminatory piece of legislation after another: the Prohibition of Mixed Marriages Act of 1949, the Population Registration and Group Areas Acts of 1950, the Bantu Building Workers Act of 1951, the Reservation of Separate Amenities and Bantu Education Acts of 1953. In more recent years the Institute has been able to report the repeal of quite a number of these laws, which were repealed in the middle of 1986. It has also been able to report the extension of statutory trade union rights and home-ownership to Africans, along with the erosion of the industrial colour bar, and the disappearance of apartheid from at least tertiary educational institutions and private schools.

As we go to the printers the repeal of another form of apartheid seems to be reaching the national political agenda: Section 52 of the Republic of South Africa Constitution Act of 1983 limits the parliamentary franchise to white, coloured, and Indian people, while Section 93 vests the control and administration of African affairs in the state president. At this stage we cannot foretell how long it will be before these crucial aspects of discrimination have been removed.

The *Survey* remains a unique publication. It is the only one monitoring the impact of discrimination right across the society in a systematic way. It is also the only one methodically keeping track of the dismantling of discrimination where this is occurring. Nor is the *Survey* concerned only with legislation per se: it also pays attention to wider ramifications, including material inequality between black and white. Down the years we have reported on the change in the ratio of white to black spending on schoolchildren by the state from about 7 to 1 in the mid-1950s when Dr Verwoerd nationalised black education and pegged its funding, to 18 to 1 in the early 1970s, to about 4,5 to 1 today.

Does the Institute have anything to celebrate in its 60th year? We have held a number of functions for our members to mark our birthday, but we have been conscious on all these occasions that much injustice and inequality still persists. However, our President, the Reverend Dr Stanley Mogoba, argued in his presidential address on 17 August that it was not true that the Institute had nothing to celebrate. In spite of abhorrent racial laws still on the statute book, he said, 'there is one thing that we as an Institute can indeed celebrate in this our diamond jubilee year: it is that the trend away from apartheid is irreversibly established'.

JOHN KANE-BERMAN

*Executive Director
South African Institute of Race Relations*

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The Institute's chief librarian, Mrs Ellen Potter, assisted by Ms Mildred Francis, Mrs Eunice Halo, Mrs Clara Masoga, Mrs Sarah Mohale, Ms Prisca Nkungu, and Mr Alfred Nkungu, obtained much of the material and provided the press clipping service essential for the writing of the *Survey*.

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The Institute also warmly thanks all those who contributed to the production costs of the *Survey*. They are:

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OVERVIEW *

INTRODUCTION

The first general election in South African history in which white, coloured, and Indian voters went to the polls on the same day was held on 6 September 1989. In the House of Assembly, elected representatives of the National Party (NP) were reduced from 120 to 93 while the Conservative Party (CP) increased its number of MPs from 22 to 39. The newly formed Democratic Party (DP) saw its representation increase from 19 to 33. Of the NP's 93 seats, 29 were marginal to the CP, with majorities of fewer than 1 500. One byelection was pending.¹ The NP got 48% of the white vote, the CP 31%, and the DP 21%.²

The Labour Party retained control of the House of Representatives, winning 69 out of 80 elected seats, but no party gained an overall majority in the House of Delegates.

The election was the second held during a state of emergency, which had been imposed in June 1986 and thereafter renewed annually. Africans were unable to vote in the election, but it was nevertheless mainly about them and their demand for the parliamentary franchise.

The election was accompanied in major centres by stayaways organised by trade unions and a loose alliance of anti-government organisations calling itself the 'mass democratic movement'. There were about 50 petrol-bomb attacks and other violent incidents. According to certain church leaders 23 persons were killed in violence in the Western Cape, but the police said the figure was 15. A defiance campaign organised in the weeks preceding the election evoked a mixed response from the authorities: blacks who flocked to whites-only beaches in Cape Town were sjambokked by the police, who in Durban made no attempt to interfere with a similar demonstration against beach apartheid. One illegal protest march involving religious personalities in Cape Town was stopped by unarmed black policewomen, but another was broken up by water cannons spraying purple dye.

Shortly before the election the state president, Mr P W Botha, resigned after a public row with the leader of the National Party, Mr F W de Klerk, over the latter's proposed visit to Zambia to meet President Kenneth Kaunda. Mr De Klerk, who had taken over the party leadership from Mr Botha in February when the latter relinquished that post after suffering a stroke, became acting state president on 15 August. After the election, he became state president.

Mr De Klerk and his party went into the election committed to a 'five-year action plan' aimed at creating a 'new South Africa' based on

* In references throughout the *Survey*, dates cited are for 1988 unless otherwise specified.

equality before the law. Every South African would have the right to participate in decision-making at all levels of government affecting his interests, but no individual or group would be allowed to dominate or be dominated. The new South Africa would be based on the principle of self-determination regarding own affairs, with joint decision-making on general affairs. A new dynamic would be injected into the process of negotiation (see chapter on *Political Organisations*).

Shortly before his resignation Mr Botha hosted the best-known of African National Congress (ANC) leaders, Mr Nelson Mandela, to tea at his official residence in Cape Town. The two men agreed to promote peaceful solutions, fuelling speculation all over the world that Mr Mandela's release from imprisonment was in the offing. The president of Inkatha and chief minister of KwaZulu, Chief Mangosuthu Buthelezi, said of the meeting that it was a gesture 'for which Mr Botha will always be remembered by black South Africa'.

Inkatha and the ANC both published the terms on which they were prepared to talk to the government about a new constitution (see chapter on *Political Organisations*). Repeating its call for the release of political prisoners and the lifting of bans on political organisations, Inkatha stressed that it favoured 'inclusive' negotiations (ie negotiations that did not exclude certain groups). The ANC also reiterated its standard pre-conditions, including the release of political prisoners and the lifting of bans. It also said that an 'interim' government should be established to run the country during the 'transition.' The Pan-Africanist Congress said it would enter talks with the government only when the latter indicated its willingness to 'transfer power to the oppressed and dispossessed.'³ The Black Consciousness Movement said 'our struggle is not based on a compromise, which is what negotiated settlements are.' Negotiations were possible only to break a stalemate between the government and its opponents.⁴

The President of the South African Institute of Race Relations, the Reverend Dr Stanley Mogoba, said that negotiation should involve the 'entire political spectrum — not just the African National Congress, but the Pan-Africanist Congress; not just organisations such as Inkatha, but the United Democratic Front and the Azanian People's Organisation; not just the National Party but all other political parties and interested groups.'⁵

Various racially discriminatory laws were amended in 1988 and 1989. Amendments to the Group Areas Act provided for the proclamation of racially mixed residential areas. According to the CP at least 19 whites-only suburbs in South African cities had become racially mixed anyway because of the government's failure to enforce the act. Legislation to enforce it more strictly in suburbs not proclaimed as 'free settlement areas' was abandoned. An amendment to the Prevention of Illegal Squatting Act provided for drastic action against illegal squatters, but also for the upgrading of informal settlement. It was estimated that as many as 7m people, nearly all of them black, could be living in and around the cities in self-erected housing, despite the anti-squatting laws.⁶

State and private-sector efforts to upgrade the infrastructure in black townships continued, and the state-owned electricity supply commission, Eskom, committed itself to a programme of electricity for all. Eskom said that about 20m people in South Africa were without electricity. It hoped to halve that number by the end of the century.⁷

The boycott of rents and service charges in a number of black townships, mainly Soweto, continued through the period under review. The government reported in June 1989 that more than 105 000 state-owned houses in black townships — about a third of the number available — had been sold to their occupants in its 'great housing sale'.⁸

Educational desegregation continued: the government announced early in 1988 that technikons could determine their own admission policy, as was already the case with universities. In mid-1989 the way was cleared for the desegregation of university and technikon residences. However, several ministers reiterated that government schools (unlike private schools) would remain segregated.

Black consumers launched consumer boycotts in the Witwatersrand towns of Boksburg and Carletonville when the CP, which won control of them in municipal elections in October 1988, reintroduced certain social segregation measures. At one stage the government indicated that it might legislate to prevent CP-controlled local authorities from re-imposing apartheid in the social field, but at the time of writing no such legislation had materialised.

The minister of law and order, Mr Adriaan Vlok, said in July 1989 that apartheid had become an 'albatross' around the country's neck. 'If you ask a black South African what apartheid has done, he will say it has caused nothing but grief... If we do not get rid of it, it will crucify us all.'⁹

It was reported in March 1989 that there had been 4 012 fatalities in political violence between September 1984 and December 1988.¹⁰ In 1988 and 1989 the most serious political violence occurred in Natal, where the official death toll between September 1987 and September 1989 was 883. Talks between the presidents of Inkatha on the one hand and the ANC/Congress of South Africa Trade Unions (COSATU)/United Democratic Front (UDF) on the other, aimed at stopping the violence, were agreed upon in principle, but at the time of writing had not taken place. The stroke suffered by the president of the ANC, Mr Oliver Tambo, in August was expected to delay the talks.

At the time of writing voters in South-West Africa/Namibia were registering to vote on 6 November for a constituent assembly to draw up a new constitution for the territory as a sovereign state. The elections were due to be supervised by the United Nations Transitional Assistance Group (UNTAG), following an international agreement which involved the phased withdrawal of Cuban troops from Angola and of South African troops from Angola and Namibia.¹¹

The agreement, mediated by the US with the help of the Soviet Union, also entailed the removal of ANC bases from Angola. It was reported in mid-August that the ANC's complement in Zambia was being reduced and that ANC members were being moved to Dakawa in Tanzania. The

shift arose in part from Zambian dissatisfaction with violent incidents involving ANC personnel there.¹²

In July 1989 Mr De Klerk travelled to Maputo for talks with President Joaquim Chissano of Mozambique.

In August and September he held meetings with Presidents Mobutu Sese Seko of Zaïre and Kenneth Kaunda of Zambia in an effort to promote reconciliation between the MPLA government in Angola and Unita forces led by Mr Jonas Savimbi. South Africa was also involved in efforts to promote reconciliation between the Frelimo government in Mozambique and Renamo rebels.

The minister of defence, Mr Magnus Malan, said in April 1989 that the new Russian policies of 'glasnost' and 'perestroika' had created a new international climate. In Brazzaville the previous month he had spoken to the Soviet deputy foreign minister responsible for African affairs, Mr Anatoly Adamishin, who had indicated that the Soviet Union was prepared to re-examine its interests in southern Africa.¹³ Various South Africans travelled to Moscow for discussions with Soviet officials and academics during the period under review, while several Russian journalists visited South Africa. A senior Afrikaans journalist, Dr Piet Muller, said in May 1989 that the Soviet Union now seemed to be the most non-partisan of the various countries concerning themselves with South Africa. 'Would South Africa's politicians dare accept help from that quarter?' he asked.¹⁴

The governor of the South African Reserve Bank, Dr Gerhard de Kock, died in August 1989. His successor, Dr Chris Stals, said at the end of the month that real gross domestic product had increased by 'somewhat more than 3%' in 1988. The rate of inflation had slowed down to 12,9% in the same year (from 18,6% in 1986), but had started rising again in the first half of 1989. The surplus on the current account of the balance of payments had declined from R6,2bn in 1987 to 2,9bn in 1988 and an annualised level of R2,3bn in the first half of 1989. Total gross gold and foreign exchange reserves declined from R8,7bn at the end of August 1987 to R7,4bn at the end of June 1989.¹⁵

The country's foreign debt was reduced from \$23,7bn on 31 August 1985 to \$21,2bn at the end of 1988. But for the decline in the foreign-exchange value of the rand, the amount outstanding would have been \$18,6bn.¹⁶ Dr Stals said in September 1989 that between \$8bn and \$9bn of the debt was theoretically payable on demand in June 1990, but he expressed confidence that foreign creditor banks would agree to re-schedule the repayment programme.¹⁷

POLITICS

The state president, Mr P W Botha, admitted in May 1988 that constitutional reform should have gone a lot more quickly. He blamed the delay on foreign intervention and reluctance among some South Africans to

give up strong traditions. Re-imposing the state of emergency in June 1989 for the fourth year in a row, the government said that reform could take place only in a context of non-violence. Explaining why the government had renewed the emergency, the minister of information, broadcasting services, and the film industry, Dr Stoffel van der Merwe, said that whatever the injustice of detention without trial, it paled into insignificance beside the revolutionary 'courts' and their 'necklace' executions. Radical and revolutionary organisations had refused to stop their campaign of terrorism and mobilisation for revolution, he said.¹⁸

Mr Botha's resignation in August 1989 brought to an end an era which had seen the consolidation of power in the presidency, the introduction of the tricameral parliamentary system, violence leading to emergency rule, the repeal of discriminatory legislation such as the pass laws, large-scale American disinvestment from South Africa, and the re-opening of political contact between South Africa and other states on the sub-continent. Dr Van der Merwe said of the Botha/Mandela talks at Tuynhuys in July 1989 that they were part of a process of preparation for future negotiation and a step towards the release of Mr Mandela. An ANC executive member said in London that the meeting had taken him completely by surprise.¹⁹ The chief information officer of the CP, Mr Koos van der Merwe, said the CP was shocked that 'a convicted criminal was cordially entertained in the Presidency'. He called on Mr De Klerk to make it clear to the electorate whether he was in favour of the release of Mr Mandela. A co-leader of the DP, Mr Wynand Malan, said the meeting was an important step in returning rationality to the political scene in South Africa.²⁰ In a statement released on behalf of some Soweto community leaders and the Mandela family, the general secretary of the South African Council of Churches, the Rev Frank Chikane, said the meeting was merely a 'ploy' to sow confusion in the minds of black people and the outside world. He said, 'For Mr Mandela or any of our leaders to be able to contribute meaningfully to the search for peace in this country, they must first be given the opportunity to be in contact with the masses they represent.'²¹ In a statement released by the prisons authorities Mr Mandela said that the only way to peace was through dialogue with the 'mass democratic movement' and the ANC in particular. He said that his release was not the issue. 'I would only like to contribute to the creation of a climate which will promote peace in South Africa.'²²

While on a European tour in June 1989 Mr De Klerk met the prime minister of Britain, Mrs Margaret Thatcher; the West German chancellor, Mr Helmut Kohl; the prime minister of Portugal, Mr Anibal Cavaco Silva; and the foreign (later prime) minister of Italy, Mr Guilio Andreotti.²³ A meeting with the new American president, Mr George Bush, was mooted, but did not materialise.

In March 1989 the South African Law Commission published a 491-page working paper which called for the introduction, as soon as possible, of a negotiated bill of rights that would protect individuals from arbitrary state action. It also urged the government to repeal all discriminatory legislation.²⁴

A new Democratic Party (DP) was launched in April 1989 following an agreement between the Progressive Federal Party (PFP), the National Democratic Movement (NDM), and the Independent Party (IP). The leadership was to be a triumvirate consisting of Dr Zach de Beer, Dr Denis Worrall, and Mr Wynand Malan.²⁵ Dr De Beer said that if the DP came to power, it would grant every adult the right to vote.²⁶ In May 1989 Mrs Helen Suzman of the former Progressive Federal Party announced her retirement from Parliament, having served as MP for Houghton (Johannesburg) for 36 years.

A feud developed among right-wing political groups in June 1989 following the CP's rejection of a call for an election pact by the *Herstigte Nasionale Party* (HNP), the *Afrikaner Weerstandsbeweging* (AWB), the *Boerestaat Party* and the *restricted Blanke Bevydingsbeweging van Suid Afrika*. The leader of the AWB, Mr Eugene TerreBlanche said, 'Unless the government is defeated in a united effort in this election, it will probably be the last election in which the white population will have a say in their own future.'²⁷

An economic research institute in Johannesburg estimated that South Africa's military disengagement from Angola and Namibia during 1988 would save the government up to R5bn a year.²⁸ A committee of inquiry was appointed in April 1989 under the chairmanship of the chief of the South African Air Force, Lieutenant General J P B van Loggerenberg, to investigate military service.²⁹ The South African Defence Force (SADF) suggested in July that national service might be scaled down by cuts in the two-year period and increased use of volunteers.³⁰ It also indicated that a greater proportion of its manpower needs would in future have to be drawn from the black population.³¹

An attempt by the End Conscription Campaign to discuss alternative forms of military service with the government failed and the organisation was banned from carrying out its activities on 24 August 1988.³² A group of 143 men subsequently announced their intention not to serve in the SADF. A number of conscientious objectors were charged and convicted for refusing to do military service.³³ The SADF said in May 1989 that it could accommodate fewer than half of the people who volunteered for national service in the previous year.³⁴

It was reported in June 1989 that South Africa was about to test an intermediate range ballistic missile capable of carrying nuclear warheads.³⁵ The following month it was reported that the state-owned arms manufacturing and procurement agency ARMSCOR was exporting to 39 countries. The retiring chairman of ARMSCOR said: 'Despite the arms embargo of 1977, South Africa has become a significant player in the world's market.' The country had earned more than R2bn from arms exports in the past 13 years.³⁶

POLITICAL VIOLENCE

The year 1988 was the most violent in South Africa's history in terms of guerrilla-related incidents. In March 1989 the minister of law and order, Mr Adriaan Vlok, said that there had been 291 'terrorist' incidents in 1988 compared with 235 in 1987, 231 in 1986, and 136 in 1985. Mr Vlok added that there had been 64 'acts of terrorism' between 1 November 1988 and 12 February 1989.³⁷

In June 1989 the police reported that security forces had killed 94 and arrested 393 insurgents over the past two years.³⁸ Mr Vlok said that in the first five months of 1989 some 200% more acts of terror had been launched on 'soft' than on 'hard' targets.³⁹

There was also an increase in other incidents of violence and unrest during 1988. According to Mr Vlok, there were 4 944 incidents of unrest and violence in 1987 but 5 028 in 1988 – an average of 14,3 every day.⁴⁰

Fatalities in political violence also showed an increase – from 706 in 1987 to 883 in 1988, bringing the total since September 1984 to 4 012. The number of security force members killed during this period was 187, while 163 guerrillas of the ANC and PAC had been killed.⁴¹

During the period under review, Natal continued to be the area where most deaths relating to political violence occurred. A peace pact signed between COSATU, the UDF and Inkatha in September 1988 did little to stem the violence in the area, which by September 1989 had claimed 883 lives, according to official figures.⁴² In June 1989 the ANC announced that it was willing to participate in peace initiatives following a statement by Chief Buthelezi that without its involvement, any peace initiative would be futile.⁴³

The period under review also witnessed the assassination of certain prominent political activists. In January 1989 the health secretary of the Azanian People's Organisation (AZAPO), Dr Abu-Baker Asvat, was shot and killed in his Soweto surgery. In May 1989 a University of the Witwatersrand lecturer and anti-apartheid campaigner, Dr David Webster, was fatally shot outside his home. The assassination of Dr Asvat and Dr Webster added to a list of more than 100 unsolved assassinations of political activists in South Africa.⁴⁴

In January 1989 Mr Mandela's wife, Mrs Winnie Mandela, was involved in a controversy surrounding the abduction of four youths from a mission house by her 'football club', Mandela United. One of the abducted youths, 14-year-old Stompie Moeketsi Seipei, was subsequently found murdered.⁴⁵

During the period under review, there were a number of clashes between white right-wing supporters, mainly members of the Conservative Party (CP) and the Afrikaner Weerstandsbeweging (AWB), and black people. In November 1988 a member of an extreme right-wing group, the Wit Wolwe (White Wolves), opened fire on a crowd of black people killing seven and injuring 17.⁴⁶ During February 1989 a number of Africans reported that they had been victims of unprovoked attacks

by white vigilantes in the CP-controlled town of Carletonville (west Rand).⁴⁷

SECURITY

The Durban and Coast Local Division of the Supreme Court said in June 1988 that trials in which the accused had no legal representation could be declared unfair.⁴⁸

A total of 294 people were sentenced to death in 1988, and 117 people were executed.⁴⁹ The latter was a 29% drop on the 1987 figure of 164. From 1 January to the beginning of June 1989, 32 people had been hanged at Pretoria Central Prison.⁵⁰

In November 1988 the president of the banned Pan-Africanist Congress, Mr Zephania Mothopeng, and a veteran ANC activist, Mr Harry Gwala, were released on 'humanitarian' grounds.⁵¹ Mr Nelson Mandela was moved from a prison cell to a house on prison property.

A total of 258 people faced treason charges in eight trials in South Africa and the 'independent' homelands during 1988. By the end of 1988, two trials involving 27 people had been completed, resulting in four convictions for treason. These convictions came from the longest treason trial in the history of South Africa, the 'Delmas trial'.⁵² In the second Delmas trial, four men who faced charges including high treason refused to participate in the proceedings of the court. As members of Umkhonto we Sizwe, the armed wing of the ANC, they believed that they should not stand trial in a civilian court.⁵³ In April 1989 three of the accused were sentenced to death and one received a sentence of 25 years' imprisonment for multiple counts of murder.⁵⁴

Approximately 99 trials under the Internal Security Act of 1982 and other acts took place during 1988, involving 317 people, of whom 165 were acquitted.

The number of organisations banned during 1988 was 32.⁵⁵ Among them was a white right-wing organisation, the Blanke Bevrydingsbeweging van Suid Afrika.⁵⁶ This brought the total number of organisations banned since 1960 to at least 40.⁵⁷

The year 1988 saw an overall decrease in the number of detentions. There were 3 707 detentions under the emergency regulations during 1988 (excluding the 'independent' homelands).⁵⁸ After a hunger strike that began in February 1989 in protest against detention without trial most detainees were released. Approximately 700 of them were served with restriction orders. By the end of April it was reported that about 900 emergency detainees had been freed since the start of the hunger strike, which lasted about nine weeks.⁵⁹ According to the Human Rights Commission, 189 people were being held in detention without trial in South Africa as of 21 July 1989.⁶⁰

The commission said in June that 'the picture of detentions in the last twelve months is dominated by releases, bringing the number of

detainees to the lowest figure since the declaration of the emergency in 1986'. It suggested that the government was no longer using detention as 'the major tactic of repression', but was instead using a 'more subtle' method of restricting people and so making them police their own activities.⁶¹

The auditor general, Mr Joop de Loor, said in February 1989 that compensation paid to victims of police action had increased by 85% to R3 440 733 in the 1987/88 financial year. A large portion was paid to victims of police action during riots.⁶²

The minister of justice, Mr Kobie Coetsee, said in April 1989 that 14 prisons in South Africa were over-populated by 80% or more.⁶³ He said he intended to seek cabinet approval to release prisoners automatically once prisons had reached 'bursting-point'.⁶⁴

POPULATION, SETTLEMENT AND HOUSING

The Department of Health and Population Development was reported in March 1989 to have estimated the country's population at 37m.⁶⁵ According to other estimates, the annual increase in population in South Africa over the next 20 years (including the Transkei, Bophuthatswana, the Ciskei, and Venda) would exceed 1m, and the total population in 2005 would be 53,3m.⁶⁶

In October 1988 the minister of constitutional development and planning, Mr Chris Heunis, said that the definition of race groups needed to be made more flexible. A small group of National Party MPs were said to favour the creation of an 'open' group.⁶⁷

In March 1988 the minister of education and development aid, Dr Gerrit Viljoen, said that during 1987 the Department of Development Aid had moved 1 828 families within South Africa (including the ten homelands). Mr Heunis said in Parliament in June 1988 that during 1987 the Department of Development Aid had resettled 47 617 Africans.⁶⁸ More recent figures were not obtainable. In September 1988 Mr Heunis announced that the government planned to move a further 248 000 Africans in 60 communities throughout South Africa (excluding all ten homelands), at a cost of over R450m. The removals were to take place between 1988 and 1995.⁶⁹

The housing shortage in 1988 in South Africa (including the ten homelands) was estimated at 1,1m units by the government and 1,8m units by the Urban Foundation.⁷⁰ The foundation said that another 2,9m homes would be needed by the year 2000 to cater for a national population increase. Some 400 000 homes a year were thus needed between now and the end of the century to cope with demand.⁷¹ The Council for Scientific and Industrial Research said in June 1988 that it expected the shortage of housing in South Africa (excluding the 'independent' homelands) to increase to 2,1m units in 1990 and 3,4m units in the year 2000.⁷²

According to the Department of Development Planning, the government had identified 66 000 hectares of additional land for black urbanisation since 1986, most of it situated in the metropolitan areas. About 70% would be used for informal housing.⁷³ Mr De Klerk said that South Africa would face a massive development task in the 1990s. 'City after city will have to be built,' he said.⁷⁴

In May 1989 Mr Heunis said that African local authorities were owed R551m in rent and service charges as a result of a rent boycott in various African townships, notably Soweto.⁷⁵

A Group Areas Amendment Bill, which sought to increase drastically the penalties for contravention of the Group Areas Act of 1966, was not passed in 1988 after strong opposition to it in the coloured and Indian chambers.⁷⁶ Mr Heunis said in Parliament in February 1989 that the government had abandoned the bill and that it would investigate 'other ways and means' of ensuring an 'own community life' for each race group.⁷⁷

The Free Settlement Areas Bill was passed by the House of Assembly in September 1988, but the coloured and Indian chambers refused to approve it. The bill was referred to the President's Council, which sent it to the state president for his assent. It was signed by Mr P W Botha in February 1989. The act provided a mechanism for the creation of legal 'open' residential areas, in which people of all races would be allowed to live. Provision was also made, in the Local Government Affairs in Free Settlement Areas Act, passed at the same time, for the establishment of nonracial management committees with advisory powers in free settlement areas.⁷⁸ They would be elected on a common voters' roll.

HEALTH AND WELFARE

In June 1989 the minister of national health and population development, Dr Willie van Niekerk, said that South Africa could not afford 'first world health services'.⁷⁹ He also said that since expenditure on health amounted to 5,8% of gross national product, the country had already exceeded the World Health Organisation's target of 5%. Funds were limited, and would remain so, he added.⁸⁰

During a hunger strike by political detainees in the first half of 1989 (see chapter on *Security*) a substantial number of hunger strikers had to be hospitalised. According to a statement in Parliament in May by the minister of law and order, Mr Adriaan Vlok, 134 out of a total of 644 detainees who had gone on hunger strike had been admitted to hospitals in various cities.⁸¹ Most of the hunger strikers were subsequently released from detention. Some escaped from hospital.

Professor P W Coetzer, head of the department of community services at the Medical University of South Africa (MEDUNSA), said in April that 61% of deaths among African children were the result of malnutrition and premature births, and of related infections, especially

gastro-enteritis. The corresponding figures for the coloured, Indian and white groups were 41%, 16% and 9% respectively, he said.⁸²

Several feeding schemes which relied on public and corporate donations reported a dwindling in funds owing to decreasing donations and/or large increases in the number of people unable to provide for their own sustenance. Mrs Ina Perlman, executive director of Operation Hunger, said that the organisation was struggling to feed 1,3m people. Mrs Perlman said that all over South Africa jobs were being lost 'at a terrifying rate' and that 'for every job lost as many as 10 people face destitution within three months'.⁸³ If additional sanctions were imposed, 1m more black South Africans would be thrown below the survival line, she said in Washington DC in April 1989. According to Mrs Perlman, no more than 10-15% of people at grass-roots level caught up in the struggle for survival supported sanctions.⁸⁴

The South African National Tuberculosis Association (SANTA) launched a campaign in 1989 to urge employers to take a more active role in the prevention and treatment of tuberculosis (TB).⁸⁵ According to SANTA, an estimated 12m people in South Africa had dormant TB and an estimated 15% of these would contract a full-blown form of the disease, resulting in a daily death rate of between 10 and 20. Figures for the disease in the western Cape were among 'the highest in the world', according to the acting medical officer of health for regional services councils, Dr Stewart Fisher, who also said that the number of reported sufferers in the area as at the end of May 1989 once again showed a significant increase over figures of a year before. The medical officer of health for the Cape Town City Council, Dr Michael Popkiss, believed that stress caused by unemployment had become a major factor in contracting the disease.⁸⁶

At the beginning of July the head of the acquired immune deficiency syndrome (AIDS) training and information centre, Dr Ruben Sher, said that the number of people tested positive for the AIDS virus in South Africa had increased by a third from about 1 800 in 1988 to 2 400 in June 1989. The number of people with full-blown AIDS had risen to 256. In 1989, 61 cases had been diagnosed and 36 of these had died, he said.⁸⁷

The chief medical superintendent of Groote Schuur Hospital (Cape Town), Dr Jocelyn Kane-Berman, was transferred from her post after she had suggested in a newspaper interview that a detained leader of the African National Congress (ANC), Mr Nelson Mandela, should become prime minister of South Africa.⁸⁸ Dr Kane-Berman was reinstated by the administrator of the Cape, Mr Gene Louw, three weeks after she had started legal proceedings against the authorities.⁸⁹

It was reported in May 1989 that a crisis was developing at the J G Strijdom Hospital (Johannesburg) following the resignation of its superintendent, Dr Annette van der Merwe, and of at least 12 specialist doctors in protest over a government decision to declare the hospital a white own affairs institution, together with another 43 hospitals.⁹⁰ Dr Van der Merwe and the dean of the medical faculty at the University of the Witwatersrand, Professor Clive Rosendorff, both said that the status

of own affairs was incompatible with an academic teaching hospital.⁹¹ In July doctors working at the hospital said that although there was 'no cause for alarm' concerning the services rendered by the hospital, the cardiology department and one medical ward had been closed and the two sections of the intensive care unit had been amalgamated into one.⁹²

It was reported in August 1989 that a serious shortage of trained intensive care nurses had plunged the country's world-famous heart transplant unit at Groote Schuur into crisis.⁹³

EDUCATION

Of the R9,4bn budgeted for education (including the 'independent' homelands) during the 1988/89 financial year, 43% was allocated to African education, 12% to coloured education, 5% to Indian education, and 40% to white education.

The National Manpower Commission, commenting on the African pupil enrolment 'explosion', said that the demand for infrastructure, teacher training, and educational upgrading was so extensive that special efforts would have to be made to achieve any success at all. The government's ten-year plan to equalise educational opportunities by 1996 was put on hold. The minister of national education, Mr F W de Klerk, said in April 1989 that the country's growth rate had not generated enough funds to allow for the necessary increases in spending. Although progress had been made, sanctions and disinvestment, along with other factors, contributed to the plan's not being realised, he said.⁹⁴

In 1987 African matriculants outnumbered white matriculants for the first time in South Africa (including all ten homelands), by approximately 22 000. According to the preliminary matriculation results for 1988, there were 31 000 more African matriculants (for all areas, excluding the Transkei) than white matriculants.

Legislation to upgrade the farm school system for African children was passed in Parliament in March 1988 and was widely considered to be a step in the right direction. Approximately one third of African children at school outside the homelands attended schools on white farms. Mr Roger Burrows MP (Progressive Federal Party) said that the act addressed the fact that 36% of all African children between the ages of six and 14 in rural areas (excluding the homelands) did not attend school at all.⁹⁵

Early in 1988 the government announced that technikons would in future be able to admit students irrespective of race if they so wished. This means that the admission policy to tertiary institutions in South Africa is now in the hands of their governing councils and is no longer subject to a colour bar laid down by the government. Tertiary institutions are also to be allowed to determine their own admission policy for their campus hostels.

As far as secondary institutions are concerned, teacher training

colleges remained segregated, except that one correspondence college in Pietermaritzburg was authorised to admit 100 African students.

The number of black pupils at formerly white private schools rose to 14 543 in 1988, but the government refused numerous requests for the admission of black pupils to white government schools. The executive director of the South African Institute of Race Relations, Mr John Kane-Berman, said that 203 surplus white government schools had been closed down in the last ten years because of the drop in the white birth rate, and that in 1989 there were nearly 117 000 empty desks in white secondary schools outside the homelands. He pointed out that this was more than enough to absorb the shortage in African secondary schools outside the homelands. However, Mr Kane-Berman said, even if all vacant white classrooms in both primary and secondary schools were opened to blacks, the country-wide black classroom shortage would be reduced by only 20%. Eliminating apartheid was therefore only a part of the solution, since the black backlogs far outweighed the white surpluses.⁹⁶

The government did, however, indicate that it was prepared to assist in making more non-racial schooling available by establishing 'strongly subsidised' state schools in addition to continuing to subsidise private schools.

In July 1989 a number of educationists and parents of pupils at the white Johannesburg High School for Girls (Barnato Park), which was due to be closed at the end of 1989 owing to a large drop in pupil numbers, called on the government to open the school to children of other race groups who lived in the area but had to travel long distances to 'own affairs' schools. Mr Clase replied, however that the school would be closed.

Less than two weeks before the start of the new school year in January 1989, the (African) Department of Education and Training (DET) announced that approximately 20 000 pupils who had failed the matriculation examination in the white-designated areas of South Africa at the end of 1988 would not be able to return to DET secondary schools but would have to enrol at adult education centres or finishing schools instead. According to the DET, students at these centres would receive credit for all the subjects they had passed and would have to rewrite only those subjects they had failed. In Soweto (Johannesburg) students who were not readmitted set cars alight and assaulted a number of teachers. Although on a very much more limited scale than in earlier years black schooling was disrupted, sometimes violently, in Soweto and other townships in the first nine months of 1989.

The universities were pursuing a programme of financial rationalisation following cuts in government subsidies in 1988. At the University of the North (Turfloop) students reiterated their calls for, among other things, an end to the SADF presence on campus.⁹⁷ In March 1989 the university appointed a committee to investigate the shooting of and injury to three students by campus security personnel during a protest.⁹⁸ Militant students on several white campuses broke up meetings ad-

dressed by speakers with whom they disagreed. Among the people thus denied a hearing was one of the co-leaders of the DP, Dr Zach de Beer.

SOCIAL SEGREGATION

In the municipal elections held on 26 October 1988 the Conservative Party (CP) gained control of more than 90 (out of a total of 529) white local authorities, mainly in the Transvaal. By the end of December 1988 racial segregation of municipally controlled facilities had been reintroduced in eight towns in the Transvaal: Akasia (Pretoria), Boksburg and Brakpan (both east Rand), Carletonville (west Rand), Middelburg (eastern Transvaal), Rustenburg (central Transvaal), Stilfontein (west Rand) and Vanderbijlpark (southern Transvaal). In at least another nine towns in the Transvaal controlled by the CP it was not necessary to reintroduce segregation, as municipal facilities had never been opened to all races.⁹⁹

In late 1988 in two of the towns where segregation had been reintroduced, Boksburg and Carletonville, local black people began consumer boycotts of white businesses to protest against the reintroduction of segregation. The boycott was especially severe in Boksburg, where various commercial development plans were shelved as a result of it.¹⁰⁰

At the end of August 1989 the Supreme Court ruled that the Carletonville town council had acted illegally in putting up whites-only signs in the town's parks, and ordered the removal of the signs. A few days later the council decided to appeal against the decision.¹⁰¹ It had meanwhile been reported in May that the shopping boycott in Carletonville was collapsing.¹⁰²

In the general election on 6 September the CP retained control of Carletonville (increasing its majority from 98 to 955, while the NP retained the Boksburg parliamentary seat by a majority of 2 390.¹⁰³

In May the Durban City Council was evenly split on a proposal to desegregate the city's five remaining whites-only beaches. The mayor used his deliberative vote to support the opening of the beaches, but his casting vote to support the status quo, in accordance, he said, with council tradition.¹⁰⁴

In June 1989 the Afrikaner Weerstandsbeweging tried to prevent blacks from joining a group of 12 Democratic Party Johannesburg city councillors in a municipal swimming pool in Hillbrow, in protest against segregation (although it later transpired that the swimming pool in question had never been officially closed to blacks). Police arrested the AWB protesters amid applause from black and white bystanders.¹⁰⁵

The Johannesburg City Council indicated that it might consider desegregating the city's buses, swimming pools and recreation centres, but at the time of writing this had not occurred.¹⁰⁶

Mr Samuel Tshabalala became the first black person to win the (Pietermaritzburg–Durban) Comrades Marathon, on Republic Day 1989. The road run had been closed to blacks until 1975.¹⁰⁷ The restaurant at the Voortrekker Monument outside Pretoria opened its doors to blacks in July 1989.¹⁰⁸

In September 1988 the president of the South African Rugby Board (SARB), Dr Danie Craven, and other members of the board met members of the ANC and officials of the nonracial South African Rugby Union in Harare (Zimbabwe) for talks aimed at breaking the international sports boycott. At this meeting Dr Craven called for the abolition of apartheid and for rugby administrators to join him on the 'road to total integration'. The meeting was condemned by some rugby officials and by South African cabinet ministers.¹⁰⁹

In May 1989 the rugby unions of England, Scotland and Wales agreed to allow their members to participate in rugby matches in South Africa which were to form part of the centenary celebrations of South African rugby. The chairman of the South African Non-racial Olympic Committee, Mr Sam Ramsamy, said that his organisation would consider organising a boycott of the 1990 Commonwealth Games in New Zealand if a 'large number' of British rugby players responded to the South African invitation.¹¹⁰ An International XV nevertheless toured South Africa in late August and early September 1989. The Springboks beat them in both test matches, but not without difficulty. Many commentators said the Springboks' play revealed their lack of regular international competition.

THE ECONOMY AND BUSINESS

According to the Central Statistical Service (CSS) real economic growth was 3,2% in 1988 compared with rates of 2,1% in 1987 and 0,3% in 1986. The governor of the South African Reserve Bank, Dr Gerhard de Kock, said that he viewed the performance of the economy as 'magnificent' considering that South Africa's access to foreign loans and credit had been cut off. He expected the growth rate to decline to 2% in 1989.

On average, since 1985, real growth per year was 1,4%. Compared with the estimated annual population growth rate of 2,3%, this meant a decline in average per capita living standards. According to the minister of finance, Mr Barend du Plessis, South Africa needed a growth rate of about 5% 'to start catching up with certain backlogs'.

The chairman of the Anglo American Corporation of South Africa, Mr Gavin Relly, said in 1988 that a growth rate of 5% would have to be attained to absorb new job seekers and reduce the number of unemployed. He said, 'if the attainment of a 5% growth rate is seen, as it should be, as a fundamental underpinning of South Africa's future as a peaceful, prosperous state, we have no option but to remove or significantly

modify the constraints and distortions resulting from our political policies. They too should pass the test of affordability.'

South Africa's capital outflow in 1988 amounted to R6,7bn, bringing the total outflow in the four years since 1985 to R25bn. The Reserve Bank expected the surplus on the current account of the balance of payments to be between R4bn and R6bn in 1989, after R2,9bn in 1988. The Bureau for Economic Research at the University of Stellenbosch said in its *Economic Update* for January 1989 that a sustained surplus in the current account was necessary to cover the continuous net outflow of foreign capital. According to the Reserve Bank the fact that capital outflows were in excess of current account surpluses caused a decline in the country's gold and foreign exchange reserves. The unavailability of foreign loan finance to help fund South Africa's growth requirements continued to be a major constraint on the economy. In 1988 the average price of gold per fine ounce was \$437.

In 1988 the United Nations identified 520 multinational companies which had sold all their equity in South Africa and/or Namibia.¹¹¹

The government embarked on a programme of privatisation. One of the aims was to improve the efficiency of public sector commercial activities. Moving certain government undertakings (such as the South African Transport Services and the Post Office) to the private sector would expose them to market forces and political and bureaucratic interference would be reduced. The minister of administration and privatisation, Dr Dawie de Villiers, said that privatisation would offer investment opportunities for financial institutions, and would also provide the authorities with capital to invest in areas in which it was needed most urgently, such as housing, social and medical services, and provision of water, electricity, and sewerage. At the time of writing the state-owned iron and steel company, ISCOR, had launched an advertisement campaign to encourage the public to buy shares when it went to the Stock Exchange later in the year.

By mid-1989 the government had suspended bureaucratic and other restrictions on business development in 28 areas earmarked by the Small Business Development Corporation (SBDC).¹¹² According to the SBDC, out of a total of 1m businesses in South Africa in 1988, 650 000 were unrecorded, unlicensed, non-taxable informal sector businesses. It estimated that 3,5m to 4m people in South Africa (including all ten homelands) were engaged full time or part time in the informal sector and that the unmeasured economy had grown to account for more than 30% of GDP. The CSS suggested that a more realistic figure was in the region of 3%. One of the most successful components of the informal sector was the black minibus industry. Investment in taxi fleets was estimated at R3bn. It was reported in April 1989 that the Receiver of Revenue had appointed a team to investigate the industry. The exchequer was said to be losing R500m a year as a result of non-payment of income tax by black taxis.¹¹³

The president of the leading organisation of hawkers, Mr Lawrence Mavundla, said his organisation was fighting for the right of traders to

earn a living. Members would simply ignore the laws and regulations standing in their way until they were scrapped.¹¹⁴

Delegates at a conference on black business in April 1989 were unable to decide in favour of a 'support black' motion. Some delegates noted that it made no sense for people to support black traders purely for emotional reasons at the expense of their meagre incomes.¹¹⁵

The deputy governor of the Reserve Bank, Dr Jan Lombard, estimated in April that total expenditure on goods and services by African urban households was R30bn a year. The demand from African urban communities constituted almost 40% of total demand for foodstuffs in South Africa. He estimated that there were 2m African urban households in South Africa and this number was growing by about 100 000 (or 5%) a year.

LABOUR RELATIONS

There were 2,08m members of registered trade unions in 1988 and an estimated 330 000 members in unregistered unions, representing about 42% of the workforce falling under the Labour Relations Act of 1956 or 22% of the economically active population (excluding the four 'independent' homelands). According to Andrew Levy, Johan Piron and Associates, average wage settlements between unions and employers for the first five months of 1989 were, at 16,7%, lower than the 1988 average of 17,9%. But they argued that inflation was prompting pressure from unions to protect the real earnings of members, and that the downward trend in wage settlements could be reversed in the second half of the year.¹¹⁶

At the end of 1988 it was reported that employers were increasingly using lockouts in labour disputes.¹¹⁷

The Department of Manpower reported that the number of mandays lost in strikes in 1988 was 914 388, against 5,8m in 1987 — an 84% drop.¹¹⁸ According to Levy and Associates, strike action in the first six months of 1989 was up by almost 200% compared with the same period in 1988, but way down on the record 1987 levels.¹¹⁹

It was reported in July 1989 that two retail divisions of a large footwear company, Edworks, had been placed in provisional liquidation following a strike the previous year which had caused a dramatic drop in turnover.¹²⁰ The strike had been the last straw for the heavily indebted 85-year old company.¹²¹

The process of disinvestment from the country by foreign companies continued to preoccupy affiliates of the Congress of South African Trade Unions (COSATU).

A number of demonstrations followed the announcement in April 1989 that Mobil was due to sell its South African assets to Gencor. The Chemical Workers' Industrial Union made an urgent application to court to halt the proposed sale.¹²² The union said that it had tried since

July 1987 to negotiate an agreement with Mobil to protect employees' interests in the event of a pull-out, but that Mobil had refused to negotiate on the grounds that it had no intention of disinvesting.¹²³ In June 1989 it was announced that Mobil and the union had resolved their dispute, the company having agreed upon a R6,5m pay-out to employees.¹²⁴

In July 1989 about 700 members of the National Union of Metalworkers of South Africa (NUMSA) staged a sit-in after deadlock between the Goodyear Tyre and Rubber Company (SA) and NUMSA on the union's demands regarding the disinvestment of the company. NUMSA had demanded a minimum R5 000 in 'separation pay' for each employee, assurances on job security, maintenance of past levels of social responsibility expenditure, the liquidation of the existing pension fund and the payout of proceeds to workers and the establishment of a provident fund. A spokesman for the company said that there would be no concession to the demands since the sale of the local company to Consol involved merely a change in the ownership of equity. The employment relationship would not change and there was no reason for employees to receive separation pay.¹²⁵

At a press conference following its congress in July 1989, COSATU's general secretary, Mr Jay Naidoo, said that COSATU was taking seriously the fact that political negotiations in South Africa were on the agenda, but the form and content of such negotiations were crucial. The congress decided that the 'mass democratic movement' should initiate discussion to develop a common position to avoid the imposition of a settlement unacceptable to the majority of people. The congress reaffirmed COSATU's commitment to a strategic anti-apartheid alliance, but stressed that this had to exclude big business and those who participated in apartheid structures.

A resolution proposed by the South African Railways and Harbours Workers' Union committed the federation and the 'mass democratic movement' to fight privatisation and initiate a campaign to educate people about its 'harsh' effects. The congress formalised conditions for 'acceptable disinvestment'. These included one year's notice, separation pay, wage guarantees, receipt by unions of full information on the terms of sale, advance company pension contributions and that disinvestment proceeds, including future royalties, be paid into a trust fund nominated by the relevant union. The congress urged COSATU to work towards self sufficiency, reducing its dependence on foreign funding by 10% a year.

One of the main issues in the labour field during the period under review was controversy surrounding the passing of the Labour Relations Amendment Act on 2 September 1988. Unions held strikes and a major stayaway in June 1988 in protest against the bill. In 1989 the union movement continued to protest against the act and in June representatives of COSATU and the National Council of Trade Unions (NACTU) finalised plans for a campaign against the act. They planned to draw private and public sector employers into talks, which, if not satisfactorily resolved, could result in a nationwide strike.¹²⁶

At a meeting between the employer body, the South African Consultative Committee on Labour Affairs (SACCOLA), COSATU, and NACTU in June 1989 it was agreed to include the National Manpower Commission (NMC) in further discussions on the act.¹²⁷ On 11 July it was reported that the NMC was to 'urgently advise' the government on the possible review of the section of the act which allowed employers to sue unions for losses during industrial action.¹²⁸

Action against unionists by security police and other authorities, and attacks by unknown assailants continued to occur during the period under review, as did conflict between rival unions.

It was reported in January 1989 that at least six trade union members were awaiting execution for their part in killing fellow workers during strikes and that more than 40 other workers were facing murder charges.¹²⁹

In April 1989 nine members of a National Union of Mineworkers (NUM) 'safety committee' appeared on a murder charge, having allegedly used coat hangers to strangle a colleague who defied a strike call at a mine in the Middelburg district in August 1987.¹³⁰

The police reported in May 1989 that no-one had been arrested for four public executions of team leaders at the Western Holdings gold mine near Welkom in July 1986. One execution had taken place in front of a few hundred, and three others in front of an estimated 2 000 black miners. A NUM shaft steward, who had been named by two witnesses as having been present at the execution of one of the four team leaders in July 1986, was reported to be serving a prison sentence for two murder convictions in 1987.¹³¹ The Chamber of Mines reported in June that the 'public executions' were still unpunished 'because witnesses are unwilling to give evidence — presumably for fear of retribution'.¹³²

EMPLOYMENT

In its *Economic Survey* of November 1988, Sanlam said that since 1980 employment in the non-agricultural sectors of the economy had increased by only 0,7%, while the annual growth rate of the economically active population was 2,5%.¹³³ The director general of manpower said in July 1989 that there were 1m registered unemployed people in South Africa, but that the real unemployment figure was probably closer to 3m.¹³⁴ COSATU estimated that in 1988, 6m people of all race groups were either unemployed or underemployed in South Africa. This figure included people working in the informal sector.¹³⁵

In August 1989 COSATU's National Unemployment Workers' Coordinating Committee convened a conference to work out ways of organising the unemployed: 'We need to explain why unemployed workers should not scab, so we need to involve them in strikes,' the committee's secretary said. He pointed out that workers received pay-

ments for only a limited period after they were dismissed, but that they 'need to get this money for as long as they are unemployed'.¹³⁶

The National Manpower Commission (NMC) said in April 1988 that the small business was considered to be 'by far the most effective job creator in any economy'.¹³⁷

Professor Jan Sadie of the Department of Economics at the University of Stellenbosch said in August 1988 that almost 90% of the South African population was semi-skilled or unskilled.¹³⁸ The NMC said in August 1988 that there were 40 045 vacancies in the professional, technical and managerial occupations. According to the NMC, by the year 2000 there would be a shortage of 228 000 workers with university degrees or diplomas.¹³⁹

During the period under review there was more concern about the profile of emigrants than about the overall numbers leaving South Africa. The managing director of PE Corporate Services, Mr Martin Wescott, said 'One of the worst tragedies has been the loss of university graduates, potentially the next generation of top executives, accountants, engineers, architects, and so on'.¹⁴⁰

Professor Eddie Webster of the Department of Sociology at the University of the Witwatersrand said in May 1988 that three decades of talking about black advancement schemes had brought negligible results as there were 180 000 whites in managerial, executive and administrative positions, while only 2 860 blacks held those positions.¹⁴¹

Although all formal job reservation in commerce and industry was finally scrapped in 1987, the chairman of the NMC, Dr Hennie Reynders, said in February 1988 that one of the main reasons for the lack of progress in the advancement of Africans, coloured people and Asians in management was the attitude of white personnel. Although they professed to be positively disposed to helping with the upliftment of such groups, there was a notable unwillingness or inability to do this in practice.

In June 1989 the Chamber of Mines reported that more than 100 blacks were employed as supervisory miners with blasting certificates on an equal footing with their white colleagues on its member mines. The mines were nevertheless short of 760 blasting certificate-holders and had therefore applied to the Supreme Court for an order invalidating regulations made by the government the previous year to govern the granting of 'certificates of competency' to mineworkers.¹⁴²

In August the court overturned the regulations, which had been made under the Mines and Works Act. Both the National Union of Mineworkers and the Chamber of Mines had argued that the regulations could be used to exclude black workers, whose explicit exclusion by law had been removed in 1987. The government said that it would seek leave to appeal against the court's ruling on the regulations.¹⁴³

A survey indicated that whereas in 1981 black skilled or semi-skilled workers could expect to earn little more than half the wages of their white counterparts, the proportion in 1988 was 70%.¹⁴⁴ Between 1985 and 1988, according to one survey, white skilled wages rose by 56% and black semi-skilled and unskilled wages by 75%.¹⁴⁵ Labourers' wages had increased

by an average of 22,5% in the first half of 1989, it was reported in July.¹⁴⁶

The Anglo American Corporation reported in July 1989 that 69% of the 192 000 eligible workers were now members of its employee share-ownership scheme.¹⁴⁷

THE HOMELANDS

The ten homelands budgeted for total expenditure of R7,8bn in 1988/89, a 27% increase on 1987/88. The growing public debts of the 'independent' homelands, alleged misuse of public funds there, and corruption received much attention during 1988/89. The managing director of Sun International, Mr Sol Kerzner, admitted in an affidavit to a Commission of Inquiry into Across-Border Irregularities (the Harms commission) in January 1989 that he had given an 'undue payment' of R2m to the Transkei's former prime minister, Chief George Matanzima, to protect Sun International's gambling rights in the Transkei. Several people – some of them prominent – were charged in the homeland on counts of fraud, theft or corruption. Chief George Matanzima was convicted on three counts of bribery in March 1989 and sentenced to an effective four-and-a-half years in jail. He was granted leave to appeal and bail.¹⁴⁸

By the beginning of 1988 the size of the ten homelands was 17m hectares, approximately 14% of South Africa's surface area. The government said that the homeland consolidation process was nearing completion. Consolidation proposals for KwaZulu, involving an additional 477 000ha for KwaZulu and consolidation into 19 portions, from 26, were announced in June 1988. The minister of constitutional development and planning, Mr Chris Heunis, said that they would not involve forced removals.

Controversial incorporations of communities into homelands in 1988 included that of a portion of Peulton (eastern Cape) into the Ciskei in August 1988 and Braklaagte and Leeufontein (western Transvaal) into Bophuthatswana on 31 December 1988, in the face of opposition. On 1 July 1989 two villagers and nine policemen were killed in Leeufontein during clashes between residents attending a meeting and the Bophuthatswana security forces.¹⁴⁹

The Alteration of Boundaries of Self Governing Territories Bill, which contained clauses designed to prevent court challenges to the incorporation of communities into non-independent homelands, was tabled in Parliament in April 1989. It also provided for the retrospective validation of incorporation proclamations overturned by court decisions (excluding the case of Moutse).¹⁵⁰ The clauses provoked strong criticism and were removed from the bill.

As a result of the coup in Bophuthatswana in February 1988 three separate treason trials were held. One involved 143 members of the security forces. An act passed by Bophuthatswana in 1988 extended the

powers of the Bophuthatswana Police in the wake of the coup. A Legal Aid Act denied free state legal aid to anyone charged with treason or sedition.

KwaNdebele passed an act indemnifying the administration and its employees from any civil claims arising from the 18-month period of unrest between 1985 and 1987.

In the Ciskei six security policemen, including the head of the Ciskei's security police, were charged with the murder of a detainee, the Border co-director of the Institute for a Democratic Alternative for South Africa (IDASA), Mr Eric Mntonga. In March 1989 the six were sentenced to an effective total of 33 years' imprisonment after being convicted on charges of culpable homicide and/or defeating the ends of justice.¹⁵¹ Two other Ciskei policemen, called as state witnesses in the trial, were charged in April 1989 with Mr Mntonga's murder.¹⁵²

Elections were held during 1988 in KaNgwane, KwaNdebele and Venda. It was KaNgwane's first election and the Inyandza National Movement, a party led by the chief minister, Mr Enos Mabuza, won 52 of the 57 seats.

Elections for 16 members of the 93-member KwaNdebele Legislative Assembly, in which women had the vote for the first time, resulted in opponents of the administration and of 'independence' plans for KwaNdebele, winning all 16 seats. The minister of health, pensions and welfare, Mr Jonas Mabena, was elected new chief minister in February 1989. Prince James Mahlangu, the popular anti-independence leader who had stood against Mr Mabena in the election, said that he was fully supportive of the new chief minister.¹⁵³ Prince James was appointed minister of education and culture in the new cabinet.

Elections were held in September in Venda, which allows only one political party, the Venda National Party (VNP). Mr Frank Ravele, who replaced Chief Patrick Mphhepu as president when he died in April 1988, was re-elected president after the election.

In April 1989 Lebowa held elections contested by the Lebowa People's Party led by the chief minister, Mr M N Ramodike, and independent candidates. Mr Ramodike was re-elected chief minister.

The military administration in the Transkei, under the leadership of Major General Bantu Holomisa and which was installed in a coup d'état in December 1987, said it would hand over power to a civilian administration once it had eliminated corruption. The administration relaxed restrictions on non-Transkeian investors and actively encouraged investment. An attempt by Paramount Chief Kaiser Matanzima, the former president of the Transkei, to oust the new administration through the courts in September 1988 was unsuccessful. It was reported in July 1989 that about 1 000 prisoners were to be released from prisons in the Transkei in commemoration of the military coup of 30 December 1987.¹⁵⁴

In April 1989 the KwaZulu administration established an industrial court, following an application to the Supreme Court in Durban. The legislation to establish the industrial court had been passed in 1985.¹⁵⁵

RELIGION AND POLITICS

A march in February 1989 by 25 leaders of most of the Christian churches in South Africa was broken up by police. The churchmen were taken to the police station and later released. The Anglican archbishop of Cape Town, the Most Rev Desmond Tutu, subsequently met the state president, Mr P W Botha.

On visits abroad Archbishop Tutu called again for economic sanctions against South Africa and said that he would return honorary doctorates from overseas institutions whose countries had not imposed sanctions.

In May a delegation representing the Southern African Catholic Bishops' Conference (SACBC) and the SACC and its member churches was granted an audience with Pope John Paul II in Rome. At this meeting the Pope was reported as having repeated the Vatican's opposition to all forms of racial discrimination.

A convocation held by the SACC in May resolved to launch a campaign of 'effective and non-violent action' to end apartheid. The general secretary of the SACC, Mr Frank Chikane, told a reporter that a sum of R4,5m had been received from the European Economic Community (EEC) and had been made available to victims of apartheid. During the SACC's national conference, an extraordinary meeting of 26 leaders from 16 churches was held, after which a statement was issued urging Christians not to vote or stand for election in the local authority elections in October 1988. Other churches subsequently supported this call.

In June 1989 the provincial synod of the Anglican Church passed a motion to discourage the singing of 'Die Stem' and to use 'Nkosi Sikelel' i-Afrika'.¹⁵⁶

A bomb explosion in August 1988 in Khotso House, the Johannesburg headquarters of the SACC, was followed in October by a fire in Khanya House, the Pretoria headquarters of the SACBC. The minister of law and order, Mr Adriaan Vlok, said that the head of a right-wing group known as the Wit Wolwe, Mr Barend Strijdom, was suspected of being involved in the fire-bombing of Khanya House.

In November a delegation from the SACC met the ANC in Harare. A statement after the meeting called for a commitment to unity by all people in South Africa.

The New Nation, a newspaper issued by the Catholic Bishops' Publishing Company, was closed by the government for three months in 1988. A former editor, Mr Zwelakhe Sisulu, who had been detained in 1986, was released in December, subject to a number of restrictions.

Various religious personalities participated actively in protest marches at the time of the general election in September 1989. Some were arrested for brief periods before being released and ordered to appear in court on various charges.

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- 113 *Sowetan* 28 April 1989
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- 118 *Ibid* 12 June 1989
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- 122 *New African* 8 May 1989
- 123 *Business Day* 27 April 1989
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- 143 *The Citizen* 2 September 1989
- 144 *Business Day* 26 July 1989
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- 149 *Sowetan* 4 July 1989
- 150 *Sash* vol 32 no 1, May 1989
- 151 *City Press* 12 March 1989
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HEALTH AND WELFARE

HEALTH

Policy

Addressing a medical aid fund conference in Randburg (Transvaal) in August, the deputy minister of national health, Dr M H Veldman, said that it was the government's firm policy to privatise health services as far as practicably possible.¹

Finance

Expenditure on health is controlled by the Department of National Health and Population Development, the own affairs departments of health services and welfare (for whites, coloured people and Indians); the 'independent' and non-independent homeland authorities; and the provincial authorities.

The Department of National Health and Population Development budgeted R2,32bn for the 1988/89 financial year, an increase of R115m, or 5%, over the previous year's budget of R2,21bn. Of the total, R454m was allocated to health, a decrease of R187m, or 29%, over the previous year's budget of R641m. The allocation in 1988/89 was for the following programmes (the remainder being allocated to welfare, administration costs and auxiliary services):²

Expenditure on health: 1988/89

	<i>R</i>
Infectious, communicable and other diseases	62 422 000
Mental health	4 394 000
Medical care	100 581 000
Health protection and occupational diseases in mines and works	65 689 000
Auxiliary and associated services	111 823 000
Population development	115 383 000
(Less internal charges)	(6 537 000)
<hr/> Total	<hr/> 453 755 000

During the 1988/89 financial year, almost R756m was budgeted for coloured health and welfare, an increase of R207m, or 38%, over the R550m budgeted for the 1987/88 financial year. A total of R176m was allocated to Indian health and welfare for 1988/89, an increase of R24m, or 16%, over the previous year's R152m. Budgeted expenditure on white health and welfare in 1988/89 amounted to R951m, an increase of R117m, or 14%, over the previous budget of R835m. The allocations in

1988/89 were for the following programmes (the remainder being allocated to welfare and administration costs):³

Coloured, Indian and white health expenditure: 1988/89

	<i>Coloured R</i>	<i>Indian R</i>	<i>White R</i>
Mental health	25 606 000	2 286 000	27 733 000
Medical care	19 372 000	10 377 000	47 602 000
Associated and supporting services	1 468 000	1 414 000	—
Total	46 446 000	14 077 000	75 335 000

The provincial administrations budgeted the following amounts for health services in the 1988/89 financial year for all race groups:⁴

Provincial health budgets: 1988/89

	<i>R</i>
Cape	1 385 743 000
Natal	636 943 000
Orange Free State	342 463 000
Transvaal	1 563 286 000
Total	3 928 435 000

Allocations for health in the homelands for 1988/89 were as follows:⁵

Homelands health budgets: 1988/89

	<i>R</i>
Bophuthatswana*	130 256 000
Ciskei	105 798 000
Gazankulu	64 515 000
KaNgwane	31 047 610
KwaNdebele	17 515 000
KwaZulu	256 557 780
Lebowa	117 366 495
QwaQwa	21 966 750
Transkei	195 037 000
Venda	35 456 000
Total	975 515 635

*Includes welfare but excludes pensions

According to a senior Progressive Federal Party (PFP) researcher, Mr James Selfe, about R680m of the approximately R5,7bn allocated for health in the 1986/87 financial year was wasted on maintaining apartheid. Mr Selfe made this estimate by using a calculation devised by a professor of sociology at the University of Cape Town, Professor Mike Savage, who

calculated that 12c in every rand voted by Parliament could be attributed to the government's implementation of segregation. According to Mr Cedric de Beer, director of the Centre for the Study of Health Policy at the University of the Witwatersrand, the fragmentation of health services entailed many hidden costs that were impossible to calculate. For example, he said, many patients from Venda had to be taken long distances by ambulance to GaRankuwa Hospital because they could not receive treatment at white hospitals closer to them.⁶

Medical Personnel

As at 31 December 1986, 20 229 doctors, 3 486 dentists and 7 557 pharmacists were registered with the South African Medical and Dental Council (SAMDC).⁷ (At the time of writing no figures for 1987 or 1988 were available.)

The homelands had the following number of medical personnel:⁸

Homeland medical personnel

	<i>Number of doctors</i>	<i>Population per doctor</i>	<i>Number of nurses</i>
Bophuthatswana ^a	106	16 421	2 672
Ciskei ^a	188	3 989	3 354
Gazankulu ^b	86	7 508	1 426
KaNgwane ^b	29	16 513	657
KwaNdebele ^b	6	51 011	233
KwaZulu ^a	283	15 845	6 077
Lebowa ^b	38	60 292	3 889
QwaQwa ^c	14	17 134	314
Transkei ^a	248	11 827	5 467
Venda ^a	25	18 393	839

(a) Figures for 1985 (b) Figures for 1986 (c) Figures for 1987

Homeland medical personnel (continued)

	<i>Population per nurse</i>	<i>Number of paramedics</i>	<i>Population per para- medic</i>
Bophuthatswana ^a	651	52	33 473
Ciskei ^a	224	40	18 750
Gazankulu ^b	453	77	78 889
KaNgwane ^b	729	15	30 965
KwaNdebele ^b	1 314	9	32 985
KwaZulu ^a	772	115	38 804
Lebowa ^b	589	43	51 680
QwaQwa ^c	764	14	17 134
Transkei ^a	537	32	14 369
Venda ^a	548	32	14 369

(a) Figures for 1985 (b) Figures for 1986 (c) Figures for 1987

Dentists

Of the more than 3 000 dentists practising in South Africa and the non-independent homelands, only 18 were black.⁹

Doctors

Details of the number of (a) applications and (b) acceptances at medical schools in South Africa for the first-year course in 1987 were as follows:¹⁰

New medical students: 1987

University	African		Coloured		Indian		White		Total	
	(a)	(b)	(a)	(b)	(a)	(b)	(a)	(b)	(a)	(b)
Cape Town	291	7	125	16	356	12	634	115	1 406	150
MEDUNSA*	Breakdown according to race not available								3 216	351
Natal	329	40	49	2	601	39	—	—	979	81
Orange Free State	4	—	11	1	—	—	524	110	439	111
Pretoria	—	—	—	—	—	—	779	236	779	236
Stellenbosch	1	—	165	13	17	—	711	169	894	182
Witwatersrand	336	24	59	11	357	37	737	142	1 489	214
Total	961	71	409	43	1 331	88	3 385	772	9 202	1 325

* Medical University of Southern Africa

In October the minister of health services and welfare in the House of Delegates, Mr Raman Bhana, and the general affairs minister of national health and population development, Dr Willie van Niekerk, announced that they would recommend changes in registration to the South African Medical and Dental Council (SAMDC), so that doctors and dentists who had trained in India would be allowed to register. Between 200 and 300 Indian doctors and dentists in South Africa were unemployed because their qualifications, obtained in India, were not recognised in South Africa. The restriction on Indian-trained doctors practising in South Africa was introduced in 1985.¹¹

In 1986 the number of doctors in South Africa dropped for the first time. In that year there were 20 229 doctors registered with the SAMDC, compared with 20 477 in 1985. Although figures for 1987 and 1988 were not available, 72 general practitioners and 21 specialists left South Africa in 1987, and during the first five months of 1988, 33 general practitioners and six specialists emigrated.¹⁴ According to Professor John Gear, professor of community health at the University of the Witwatersrand, military call-up and political instability were two of the reasons given by doctors when asked why they were emigrating.¹³

In October the member of the executive council (MEC) for hospital services in the Transvaal, Mr Daan Kirstein, said that despite salary increases for doctors employed at provincial hospitals in 1988 there was still a 30% shortage of doctors at these institutions. Mr Kirstein said that even academic hospitals were short staffed, interns having to work a 100-hour week. 'They leave us as soon as possible,' Mr Kirstein said. He

added that the reason for the shortage of doctors included the emigration of South African-trained doctors and the strenuous working conditions.¹⁴

In November the chief medical superintendent of Groote Schuur Hospital (Cape Town), Dr Jocelyn Kane-Berman, was transferred to the post of regional medical superintendent in the western Cape after she made comments to *The Weekend Argus* about her choice of a future cabinet for South Africa. Dr Kane-Berman said that she would like to see people promoted on merit alone and suggested several additional members of government, including a jailed African National Congress leader, Mr Nelson Mandela, as prime minister. According to the member of the executive committee in charge of hospitals, Mr A van Wyk, Dr Kane-Berman had said later that her comments had been a joke, which Mr Van Wyk denounced as 'a very irresponsible joke for someone in her position'. Dr Kane-Berman's transfer was widely condemned. The chairman of the federal council of the Medical Association of South Africa, Dr Bernard Mandell, called for Dr Kane-Berman to be reinstated. He said that 'as a consequence of this move the morale of the staff of the hospital is bound to suffer and we are concerned that the image of South Africa abroad will also be damaged'.¹⁵

Nurses

Applications to train as nurses, the number of applications accepted and vacancies for students available at institutions for the training of nurses during 1986 were:¹⁶

New nursing students and vacancies: 1986

	<i>Applications</i>		<i>Vacancies</i>
	<i>Received</i>	<i>Accepted</i>	
African	23 060	2 091	752
Coloured	1 680	102	244
Indian	1 544	101	32
White	4 971	2 091	1 435
Total	31 255	4 385	2 463

Nursing students completing their training in 1986 numbered 2 842 Africans, 635 coloured people, 189 Indians and 1 808 whites.¹⁷

According to the 1986 annual report of the Department of National Health and Population Development there were 64 917 nurses registered with the South African Nursing Council (SANC) as at 31 December 1986 as follows: 26 969 Africans, 1 386 Asians, 5 737 coloured people and 30 825 whites.¹⁸

Speaking in Parliament in April, Dr P J C Nel MP (National Party) said that there were certain important trends which were giving cause for concern. First, he said, there was an unsatisfactory annual percentage growth in the ranks of registered nurses; the percentage figure had shrunk from 5,6% in 1960 to 2% in 1988. Secondly, he said, there had

been a dramatic decrease in student numbers and the number of first-year registrations had decreased from 10 300 in 1981 to 4 300 in 1986 — a total decrease of almost 60%.¹⁸

In September the executive director of the South African Nursing Association (SANA), Mrs S du Preez, announced that SANA had held talks with the minister of national health and population development, Dr Willie van Niekerk, to discuss pay and working conditions in the public service in an effort to combat the growing number of nurses joining private hospitals. She said that Dr Van Niekerk had undertaken to assist the provincial authorities in their negotiations for a better budget so that more nursing posts could be made available. Mrs Du Preez said that SANA had also asked for salary increases equal to the rise in the cost of living since the last salary increase in July 1987. This could be as high as 20%. She said that nurses were not really leaving the industry. 'The main walk-out now is from the government hospitals to the private institutions which are mushrooming, especially in the Transvaal,' Mrs Du Preez said. She added that a nursing sister who had a matriculation certificate and four years' training joined a provincial health institution at a starting salary of R1 100 before deductions. At private institutions nurses could start at R1 300 plus allowances.²⁰

Health services

Family planning

Speaking in Parliament in April, the minister of national health and population development, Dr Willie van Niekerk, said that between 1984 (when the population development programme was established) and 1986, the average number of births per African fertile woman in South Africa (excluding the 'independent' homelands) had decreased from 5,2 to 5,1; for Asian women from 2,8 to 2,5; for coloured women from 3,6 to 3,2; and for white women from 2,1 to 2,0.²¹

According to the annual report of the Department of National Health and Population Development the average number of children per African woman was 2,8 in metropolitan areas; 4,2 in semi-rural areas; 5,7 in rural areas (including the non-independent homelands); and 6,3 in the 'independent' homelands. The report said that if the current rate of growth continued, South Africa's population (excluding the 'independent' homelands) would reach about 140m in the year 2050 and 800m in the year 2100. If the current growth trend continued (ie a slight decline), South Africa's population would be 119m in the year 2100. If the minimum effect of the population development programme was achieved the population would reach 95m by the year 2100. According to the report, research had suggested that South Africa could accommodate an optimum population of about 80m people based on available resources. The report said if the number of children per woman could be reduced to 2,1 by the year 2010 then the South African population would cease to grow and stabilise at 80m.²²

The report for 1987 supplied the following statistics on sterilisation for all races (excluding the 'independent' homelands):²³

<i>Sterilisations (surgical contraception)</i>				
	1984	1985	1986	1987
<i>Female</i>	25 519	23 978	34 163	36 343
<i>Male</i>	469	684	2 981	2 903

According to the report, between July 1986 and June 1987, 810 women had legal abortions: 52 African, 29 Asian, 92 coloured and 637 white women.²⁴

Segregation in health services

In response to a question in Parliament the minister of constitutional development and planning, Mr Chris Heunis, said that the Cape was the only province where there were provincial hospitals which were not reserved solely for white patients. Mr Heunis said that certain areas in Cape hospitals were, however, allocated for the principal use of a specific race group in accordance with government policy, but there were also central facilities which, in accordance with medical criteria, were used for all race groups.²⁵

In response to a question in Parliament, the minister of national health and population development, Dr Willie van Niekerk, said that no wards in hospitals administered by the state were integrated. He said that hospital facilities were provided 'according to the wishes and needs of the community'. Dr Van Niekerk added that a committee was investigating the use of empty spaces in state hospitals.²⁶

According to the director general of health and population development, Dr C F Slabber, it was not likely 'at this stage' that underutilised white hospitals would be opened to black patients. Dr Slabber suggested that vacant sections of a hospital could be used to accommodate frail white people.²⁷

In February a coloured nun, Sister Cecilia McKenzie, who wished to donate her blood at a clinic in Aliwal North (northern Cape), was told that only 'white blood' was taken at the clinic. The chief executive of the Border Blood Transfusion Service (BBTS), Mr G du Toit, said that it was the organisation's policy not to turn anyone away, and that the matter would be investigated. He added that if the volunteers who ran the clinic could not be persuaded to run it according to BBTS policy, then other volunteers would have to be found.²⁸

In May, speaking during the joint sitting on the Proceedings of the Extended Public Committee on Provincial Affairs: Transvaal, speakers from the House of Delegates and the House of Representatives called for the desegregation of hospitals. Mr E Abramjee MP (National Peoples' Party) in the House of Delegates said that shortly before Christmas 1987 an Indian child who had drunk paraffin had been turned

away from the all-white Community Hospital in Groblersdal (Transvaal). The child had died on the way to Middelburg Hospital.²⁹ Mr G R Wessels MP (Labour Party) in the House of Representatives said that a white man who had been stabbed on a train at Newclare Station (west of Johannesburg) could not be admitted to Coronation Hospital, half a kilometre from the station, because it was for coloured people only. The man had to be taken to a hospital in Roodepoort (west Rand). He died, allegedly as a result.³⁰

Addressing the sixth general practitioners' congress in Cape Town in March, Dr Andrew Jamieson said that a large proportion of doctors discriminated against their patients purely on the basis of skin colour. He said that a pilot study of general practitioners in the Johannesburg/Witwatersrand area revealed that 12% did not see black patients at all, 40% made black patients wait in separate rooms and 40% saw black patients in a separate consulting room. Dr Jamieson said that in Pretoria 36% of doctors surveyed did not see black patients. Dr Jamieson said that although the medical practice had ethical rules governing virtually all aspects of the system, there was not one regarding racial discrimination.³¹

In August the chairman of the Conservative Party (CP) in Ladysmith, Dr Louis Fourie, resigned from his position over the party's opposition to his involvement in a multiracial consortium which was developing a new hospital in the town. Dr Fourie was one of 20 medical practitioners – six of whom were Indian – who were shareholders in a consortium which was planning to convert an old hospital in the town into a multiracial private hospital. Dr Fourie said that he had resigned as the chairman because of 'differences in principle', as the CP did not believe in multiracial companies. He did not, however, resign from the party.³² The hospital was expected to be opened in May 1989.³³

White-designated areas

At the end of 1987 there was an officially estimated shortage of 4 802 beds for Africans in areas under the control of the Department of National Health and Population Development. There was no shortage for whites.³⁴

According to the minister of constitutional development and planning, Mr Chris Heunis, as at 31 December 1987 there were 724 medical, administrative and other staff posts vacant at Baragwanath Hospital, 213 vacant posts at the J G Strydom Hospital, 166 at Coronation Hospital, 894 at the Johannesburg Hospital and 667 at Hillbrow Hospital (all in the Transvaal).³⁵ Mr Heunis also said that there was a 15% shortage of nursing staff at Transvaal provincial hospitals.³⁶

Following the death of a patient at Livingstone Hospital (Port Elizabeth) after she had waited four hours for a medical examination and eight hours for admission to a ward, the executive director of hospital and health services in the Cape Provincial Administration, Dr G S Watermeyer, said that the budgetary allocations in the Cape Province were being evaluated with a view to identifying areas of priority. He said

that the shortage of medical and nursing staff as well as problems relating to facilities would be addressed as part of this exercise.³⁷

In October the administrator of the Transvaal, Mr Danie Hough, announced that the government had allowed additional funds to alleviate the pressure on the province's health services. Mr Hough said that the shortage of funds for hospital and health services in the Transvaal had become so critical that it would have been impossible for the administration to maintain the present standard of health services without the additional assistance. He said that the administration would be able to continue present health services through rearrangement of priorities and more effective provision and management of services in the current financial year without further curtailments. Mr Hough said that this meant that the Lenasia South Hospital (west of Johannesburg) and Ellisras Hospital (northern Transvaal), which had been completed some time ago but which had had to stay closed because of a shortage of funds, could now both come into operation in January 1989. He said that upgrading programmes at Baragwanath Hospital (Soweto) could also continue.³⁸

Homelands

The Development Bank of Southern Africa gave the following statistics regarding health facilities in the homelands:³⁹

Homeland clinics and hospitals

	<i>Clinics and health centres</i>		<i>Hospitals</i>	
	<i>Number</i>	<i>Population per clinic/centre</i>	<i>Number</i>	<i>Population per bed</i>
Bophuthatswana ^a	305	5 707	11 ^d	374
Ciskei ^a	95	7 895	7	248
Gazankulu ^b	100 ^e	6 457	6	345
KaNgwane ^b	103 ^e	4 649	3	495
KwaNdebele ^b	29	10 554	1	584
KwaZulu ^a	595 ^e	7 746	30	490
Lebowa ^b	132	17 357	14	485
QwaQwa ^c	18	13 327	2	1 070
Transkei ^a	219	13 455	32	392
Venda ^a	54	9 200	3	346

(a) Figures for 1985

(b) Figures for 1986

(c) Figure for 1987

(d) Includes one private hospital

(e) Includes mobile clinics

According to Dr Eric Buch of the Centre for the Study of Health Policy at the University of the Witwatersrand, South Africa continued to spend too little on health care for its rural and homeland African populations. He said that the health systems in the homelands remained inadequate and had not improved significantly over the past five years. In addition, he said the government allocated considerably less money

for the medical care of rural Africans than for urban populations, in spite of the greater health needs of the socio-economically deprived rural areas. Dr Buch said that in addition to inadequate health services, socio-economic conditions in the homelands made inhabitants' health status unsatisfactory.

In April the KwaZulu minister of health, Dr Frank Mdlalose, said that a critical shortage of funds had placed KwaZulu in a 'suicidal position'. Dr Mdlalose said that the 'grossly inadequate allocation of funds' allowed for no growth in his department. He said that KwaZulu also faced a severe shortage of doctors, only 40% of existing medical posts in the rural areas being filled. Some rural hospitals had been staffed by South African Defence Force (SADF) doctors, he said, but their numbers were consistently decreasing. There was only one SADF doctor in 1988, compared with 30 or 40 in previous years. Rural areas such as Ceza and Mbongolwana had been forced to operate without doctors, Dr Mdlalose said.⁴² KwaZulu's doctor to patient ratio stood at 1 to 15 844, while the national average was 1 to 2 320.⁴³

Plans to build an R11m hospital in Lebowa in memory of the late chief minister, Dr Cedric Phatudi, were criticised because it would be only 5km from the Shiluvane Hospital in Gazankulu, which was usually used to only 55% of capacity.⁴² According to the minister of education and development aid, Dr Gerrit Viljoen, the proposed hospital was 'a monument to the reality of inter-ethnic antipathy which we have to take into account in many cases — of the unwillingness of the government of one group to have its people share the same facilities with the population of another group just over the border'.⁴³

Diseases

The minister of national health and population development, Dr Willie van Niekerk, gave the following information about the notification of diseases in the white-designated areas of South Africa in 1987:⁴⁴

Notification of diseases: 1987

	<i>Cases reported</i>	<i>Cases per 100 000</i>	<i>Deaths</i>
Cholera	34	0,12	0
Leprosy	59	0,20	1
Malaria	7 334	25,35	6
Measles	12 442	43,00	317
Polio	12	0,04	0
Trachoma	36	0,12	0
Tuberculosis	34 704	11,94	1 448
Typhoid fever	2 855	9,87	20
Viral hepatitis	997	3,45	21

Acquired Immune Deficiency Syndrome (AIDS)

In response to a question in Parliament Dr Van Niekerk said that 37 cases of Acquired Immune Deficiency Syndrome (AIDS) had been diagnosed in South Africa in 1987.⁴⁵ According to the Advisory Group on AIDS, by mid-December 1988 a total of 191 cases of AIDS had been diagnosed, 113 people having died.⁴⁶

According to a research fellow in the Economic Research Unit at the University of Natal, Mr Alan Whiteside, if the number of AIDS cases continued to increase at the present rate, ie doubling every eight to ten months, there would be 176 128 cases in South Africa by 1995 and the cost of treating the disease could reach R247m by that year. Mr Whiteside said that if the rate could be slowed down through awareness programmes and blood testing so that by 1991 the number of cases doubled once every year, there would be 33 024 AIDS cases by 1995.⁴⁷

In August a booklet produced by the Association of Chambers of Commerce and Industry of South Africa warned employers that if an employee was diagnosed as having AIDS this did not give an employer the right to fire him or her, and that such action could result in a court ruling of 'unfair dismissal'. The booklet warned employers to take the provisions of the Labour Relations Act of 1956 into account and to observe the confidentiality of the employee's health condition.⁴⁸

Towards the beginning of August, Brigadier Leon Mellet, a spokesman for the minister of law and order, claimed that seven African National Congress insurgents suffering from AIDS had been captured in South Africa. As at August 1988, 13 people in South African prisons were AIDS carriers, five of them security prisoners.⁴⁹

Malaria

In response to a question in Parliament Dr Van Niekerk said that from 1 January to 23 February 1988 a total of 5 116 cases of malaria had been reported – 1 990 in Natal and 3 126 in KwaZulu.⁵⁰

Addressing a medical fund function in Randburg (Transvaal) in August, the deputy minister of national health, Dr M H Veldman, said that he failed to understand the logic of some medical schemes which provided no benefits for preventive health care services. He said that some schemes would not cover anti-malaria drugs, yet they covered the cost of treating the disease.⁵¹

Malnutrition and infant mortality

According to a survey conducted by the Regional Health Organisation for Southern Africa for the Department of National Health and Population Development, almost 2% of rural African children under the age of five years in South Africa (excluding the 'independent' homelands) were wasted, 25% were stunted and 8% had low weight for age. The highest incidence of wasted children was in the Orange Free State (OFS) and southern Transvaal, while in the OFS, southern Transvaal and the Cape 28% or more children were stunted.⁵²

According to the 1987 annual report of the Department of National Health and Population Development a survey conducted among pre-school African children in Botshabelo in the OFS found that approximately 15% of the children were under weight for age while 36% showed significant growth retardation. Among children younger than three years, 17% were undernourished and 41% showed retarded growth, which indicated that the nutritional status of this age group was lower than that of the older children.⁵³

In response to a question in Parliament Dr Van Niekerk gave the following figures on the number of children treated in clinics for marasmus and kwashiorkor (both caused by severe malnutrition) between July 1984 and December 1987:⁵⁴

Children treated for marasmus and kwashiorkor: 1984-1987

	<i>Marasmus</i>	<i>Kwashiorkor</i>
July 1984 – June 1985	2 147	1 250
July 1985 – June 1986	3 103	1 263
July 1986 – June 1987	1 739	3 355
July 1987 – December 1987	1 964	3 387

The infant mortality rate (deaths per 1 000 live births in the first year) outside the 'independent' homelands in 1987 was 63 for Africans, 40,7 for coloured people, 16,1 for Indians and 9,3 for whites. In 1986 the coloured rate was 47,5, that for Indians 16,1 and that for whites 10,9; the figure for Africans was not available.⁵⁵

Tuberculosis

In April the South African National Tuberculosis Association (SANTA) said that the government's decision to withdraw compulsory tuberculosis (TB) vaccinations in October 1987 could mean a significant setback in the fight against the disease. The chairman of SANTA'S Soweto branch, Dr W M Matsie, said that medical personnel at TB clinics were now reluctant to administer the vaccine as they were no longer protected by the government. According to the director of development in the Department of National Health and Population Development, Dr D Groenewald, the decision to withdraw compulsory vaccination was made because the department could 'run into trouble' if immunisation was enforced. He said that people could contract an infection or have some reaction from the vaccination and the policy was therefore not to enforce but rather to encourage it.⁵⁶

According to Dr Matsie, although Soweto's TB problem had decreased in the previous ten years, there were still 100 new cases identified there every month.⁵⁷

There was a sharp increase in the number of TB cases reported in the western Cape. According to SANTA, by April at least one in every 124 people in the region had TB.⁵⁸ According to Cape Town's medical officer of health, Dr Michael Popkiss, 927 new cases of TB had been reported

among coloured people between January and May 1988 — an increase of 22% over the same period in 1987. Dr Popkiss said that the number of new cases in the African population had decreased slightly, from 676 in the first four months of 1987 to 660 in the corresponding period in 1988. Dr Popkiss said that these figures could be misleading as people often moved between townships in the municipal areas and those administered by the Western Cape Regional Services Council.⁵⁹¹

WELFARE

Policy and legislation

In August the minister of constitutional development and planning, Mr Chris Heunis, said that the government had approved guidelines, which had been published in a memorandum in April, for a national social welfare policy and for the establishment of welfare advisory councils for the different population groups.⁶⁰ A draft of a proposed new welfare policy was first published in 1985 (see 1986 *Survey* pp578-579 and 1987/88 *Survey* p432).

The memorandum proposed the establishment of separate advisory councils for each race group, the privatisation of welfare services to the highest possible degree, the devolution of welfare responsibilities and the creation of the best possible structures and services for raising the general quality of life.

In accordance with the policy of social welfare being an own affair, coloured, Indian and white welfare would continue to be administered separately by the three houses of Parliament. African welfare would be administered by the four provincial administrations and the Department of Development Planning would be responsible for policy, planning and the creation of norms and standards for African welfare. The Department of Development Aid would provide services for Africans in the trust areas and would advise the non-independent homelands on the development of their own social welfare services.

The private sector would be represented on the local welfare committees, the regional welfare boards and the welfare advisory councils, all of which would be racially based and would be established by the provincial administrations and the own affairs departments. The welfare advisory councils would appoint representatives to serve on the multi-racial South African Welfare Council (SAWC). The SAWC would advise the National Welfare Policy Council, which would comprise the ministers responsible for social welfare.⁶¹

The South African Black Social Workers' Association rejected the proposals, describing them as an attempt to control welfare services along ideological lines (by introducing the concept of own affairs), while reducing state financial responsibility for these services.⁶²

The **Pension Law Amendment Act** passed during the year under review contained technical amendments to various pension laws. The act

provided, inter alia, for the regulation of pension rights in the education service of the departments responsible for education; for the consultation of the minister of national education before certain regulations were made; for the extension of the power of the minister of national health and population development to make regulations regarding the financial management and control of pension funds; and for the abolition of the Black Compensation Fund and the transfer of its funds, rights and liabilities to the Mines and Works Compensation Fund.

The **Housing Development Schemes for Retired Persons Act**, aimed at addressing the housing needs of retired people and at protecting their interests, was passed during 1988 (see chapter on *Housing*).

Budgets and facilities

The following amounts were allocated to welfare services in the 1988/89 financial year:⁸³

Non-homeland African welfare expenditure: 1988/89

	R
Department of Development Planning	2 793 000
Cape province	249 605 000
Natal	88 180 000
Orange Free State	127 308 000
Transvaal	344 789 000
<hr/>	
Total	812 675 000

Coloured, Indian and white welfare expenditure: 1988/89

	R
Coloured	708 634 000
Indian	160 286 000
White	869 072 000
<hr/>	
Total	1 737 992 000

Homeland welfare expenditure: 1988/89

	R
Bophuthatswana	21 195 055
Ciskei	70 183 000
Gazankulu	39 230 000
KaNgwane	21 504 100
KwaNdebele	24 546 000
KwaZulu	347 344 000
Lebowa	137 594 218
QwaQwa	2 700 000
Transkei	245 925 000
Venda	3 820 400
<hr/>	
Total	914 041 773

Social workers

In response to a question in Parliament the minister of national health and population development, Dr Willie van Niekerk, said that as at February 1988 there were 1 022 African, 729 coloured, 331 Indian and 4 395 white social workers registered with the Council for Social and Associated Workers.⁶⁴

Children

The following amounts were allocated to child welfare in the 1988/89 financial year:⁶⁵

Child welfare budgets: 1988/89

	<i>R</i>
Non-homeland* African: Cape Province	17 533 000
Natal	3 849 000
Orange Free State	2 966 100
Transvaal	12 151 000
Coloured	201 223 000
Indian	50 554 000
White	117 795 000
Total	406 071 100

*Information on the homelands is not included as not all the homeland budgets break down the allocations in the same way.

As at November 1988 monthly foster care grants were as follows: R79 for Africans, R123 for coloured people and Indians, and R153 for whites.⁶⁶

During 1987 a total of 301 African, 153 Indian and 2 502 white children were placed in adoption in terms of the Children's Act of 1960.⁶⁷ Information on coloured children was not obtainable.

The minister of constitutional development and planning, Mr Chris Heunis, said that there were no state-administered children's homes for Africans in South Africa (excluding all ten homelands). There were 11 privately administered homes in 1988 – five in the Transvaal and six in Natal – accommodating 896 children. Mr Heunis admitted that there was a shortage of homes and said that private organisations were encouraged to establish such facilities.⁶⁸

According to the annual report of the House of Representatives, there were no state-run and 28 privately administered children's homes for coloured children in South Africa in 1987. A total of 2 425 children were accommodated in these homes.⁶⁹ There were six homes for Indian children in 1987.⁷⁰ According to the annual report of the Department of Health Services and Welfare (white own affairs) there were 75 white children's homes in 1987 accommodating 5 384 children.⁷¹

According to Professor Linda Richter of the Institute of Behavioural Studies at the University of South Africa, there were about 9 000 street children in South Africa. Professor Richter defined street children as

those children who had abandoned or had been abandoned by their families before the age of 16 years and had drifted into a nomadic life. She said that a distinction had to be made between 'children of the street' who were homeless and lived on the street and 'children on the street' who went into urban areas to beg or earn money for their families to which they returned. Professor Richter said that more than half of the visible street children were the working children of needy families.⁷²

In November the Institute of Child Care (ICC) was launched by the National Association of Child Care Workers. The aim of the ICC was to provide child care with a recognised professional status. The body would also register qualified child care practitioners who had reached a nationally recognised standard of practice and knowledge, draw up, evaluate and advise on a set of standards for child care in residential institutions, monitor professional practice and do research.⁷³

The aged

Welfare budgets for the aged: 1988/89

	R
Non-homeland* African: Cape Province	101 301 000
Natal	57 976 000
Orange Free State	96 415 000
Transvaal	222 934 000
Coloured	271 075 000
Indian	55 078 000
White	569 772 000
Total	1 374 551 000

*Information on the homelands is not included as not all the homeland budgets break down the allocations in the same way.

In 1985 the state president, Mr P W Botha, requested that the President's Council examine the position of the aged of all races in South Africa (see 1986 *Survey* Part 2 p585). The Report of the Committee for Social Affairs on the Socio-Economic and Spatial Implications of Ageing was published during 1988.⁷⁴ The report gave the age composition of the various population groups as indicated in the table opposite, *Age distribution of population*.

The report said that the white population in particular, but to an increasing extent also the Indian and coloured race groups, was characterised by a rising trend towards ageing. The report estimated that the number of people in South Africa of 65 years and older would increase from 1,3m in 1985 to 4m in the year 2020. Although the proportion of aged people in the white population group was projected to increase from 8,1% in 1985 to 15,1% in 2020, the increase in actual numbers would be the highest in the African population which would increase from 779 400 in 1985 to 2,7m in 2020 (3,8% of the African population). The number of aged Indians was expected to increase from 24 800 in

Age distribution of population: 1970-1985

	<i>1970 Proportion</i>	<i>1980 Proportion</i>	<i>1985 Proportion</i>
<i>African</i>			
Under 15 years	43,4%	41,7%	43,8%
15-64 years	53,0%	54,7%	53,2%
65 years and over	3,6%	3,6%	3,0%
Total	100,0%	100,0%	100,0%
<i>Coloured</i>			
Under 15 years	46,2%	39,0%	35,4%
15-64 years	50,7%	57,7%	61,1%
65 years and over	3,1%	3,3%	3,5%
Total	100,0%	100,0%	100,0%
<i>Indian</i>			
Under 15 years	41,3%	36,9%	33,0%
15-64 years	56,9%	60,7%	64,2%
65 years and over	1,8%	2,4%	2,8%
Total	100,0%	100,0%	100,0%
<i>White</i>			
Under 15 years	31,3%	27,5%	24,9%
15-64 years	62,1%	64,4%	66,7%
65 years and over	6,6%	8,1%	8,4%
Total	100,0%	100,0%	100,0%

1985 to 81 000 in 2020 (11,9% of the Indian population), coloured people from 103 500 to 346 200 (7,4% of the coloured population) and whites from 408 500 to 858 200. The committee expressed concern that proper care of the aged would be affected by the decline in the ratio of working people to retired people. Recommendations of the committee included the following:

- a national policy on housing for the aged should be formulated as a major subdivision of a housing policy for South Africa;
- the largest possible number of people should be encouraged and helped to obtain a dwelling of their own during their economically active lifetime, so as to ensure that the aged of the future would possess their own homes;
- state housing for the aged should be restricted to the infirm and/or needy;
- substantial incentives should be introduced to encourage the private sector, individuals, employers and community welfare organisations to provide accommodation for the aged;

- children should be encouraged to accept more responsibility for their aged parents;
- all possible means of ensuring that the aged remain for as long as possible in a state of reasonable self-sufficiency in the community (ie not in institutions) should be investigated;
- aged people should always be consulted in order to ensure that the planning and rendering of social services made provision for their specific needs and abilities;
- an evaluation of the possibility and desirability of extending the present privatisation of the whole spectrum of social services for the aged on a free market or partially subsidised basis should be undertaken;
- in future every individual in South Africa should have to become more responsible for the financing of his/her own medical and health care;
- a national committee for the care of the aged representing all population groups should be formed as part of the South African Welfare Council;
- the task of the proposed committee should include all facets of the interests of aged people, with the emphasis on social welfare, housing, health and economic matters;
- the proposed committee should continuously monitor the formal, as well as the informal, setting of standards in the establishment of facilities and the provision of services for the aged by either the public or private sector or by both together. Where necessary they should act in the interests of the aged person and with due regard to the financial and practical implications; and
- a continuous publicity campaign should be undertaken to emphasise individual responsibility for financial provision for retirement and counter the belief that the state bore the sole responsibility for this.

Pensions

The following amounts were allocated for pensions in the 1988/89 financial year:⁷⁵

Pension allocations: 1988/89

	<i>R</i>
Non-homeland African: Cape province	153 799 000
Natal	81 903 000
Orange Free State	123 225 000
Transvaal	325 211 000
Coloured	429 076 000
Indian	93 599 000
White	524 208 000
Total	1 731 021 000

The following amounts were allocated for pensions in the homelands in the 1988/89 financial year:⁷⁶

Homeland pensions: 1988/89

	R
Bophuthatswana	90 174 378
Ciskei	61 641 000
Gazankulu	38 218 200
KaNgwane	21 000 000
KwaNdebele	24 207 000
KwaZulu	335 460 464
Lebowa	133 372 600
OwaQwa	22 945 000
Transkei	152 540 000
Venda	38 171 200
Total	917 729 842

The Report of the President's Council's Committee for Social Affairs on the Socio-Economic and Spatial Implications of Ageing said that evidence had shown that it had become beyond the capacity of the taxpayer to continue to finance the increasingly onerous burden of providing for the aged. The report said that in a state such as South Africa it was a *sine qua non* that the individual would retain the primary obligation to provide for his/her old age. If an elderly person had sufficient income to ensure security, great progress would have been made towards enjoying a happy old age. According to evidence given to the commission, 60% of whites were already making financial provision for their retirement. However, other race groups, Africans in particular, were not making, or could not make, similar provision and relied on government pensions.

With regard to parity of pensions for all population groups, the committee said that it was satisfied that there was wide acceptance of the principle of parity. It said that social pensions had become highly politicised and the evidence indicated that the pressure for parity would increase greatly in years to come. Based on the average rise in old-age pensions over the previous five years, the report gave the following information on pensions in the year 2000:⁷⁷

Projected old age pension payments: 2000

	Pensioners	Amount to be paid	
		Without parity	With parity
		R	R
African	970 402	1 979 620 000	4 307 400 000
Coloured and Asian	180 000	531 360 000	799 200 000
White	157 000	697 080 000	697 080 000
Total	1 307 402	3 208 060 000	5 803 680 000

The report said that many Africans held the view that the receipt of a pension was a right to which all South Africans were entitled and also that there should be pension parity for all. The report said that there was apparently also a strong feeling against a state-run compulsory national pension scheme. For political reasons some people were opposed to entrusting their pension funds to the government.

The committee recommended that urgent attention be given to the development and implementation of a national contributory pension scheme for all South Africans, with the primary objective of guaranteeing a minimum pension and full transferability from one place of employment to another. The scheme should be initiated on a voluntary basis, but continuous negotiations should take place with a view to phasing in a compulsory pension scheme. The report said that tax and other incentives should be more widely used to encourage and promote the use of pension, insurance and savings schemes in preparation for retirement, to encourage relatives to support the aged person in their homes and to encourage donations by organisations and individuals to old-age care projects. The commission also recommended that parity in pensions and the means test between all population groups should be striven for at the earliest possible time, and that the means test should be regularly reviewed in the light of the rising cost of living. Furthermore, the commission recommended that owner-occupied dwellings should not be included in the means test because home ownership disqualified some people from receiving pensions and they then might dispose of their property in order to qualify.

The commission also recommended that financial institutions and the Post Office should be requested to make special provision for direct payments into accounts and for facilities tailored to the needs of pensioners. Arrangements should also be made with the non-independent homelands for the trouble-free payment of social pensions and benefits to qualifying persons retiring to such homelands.^{7a}

In September the state president, Mr P W Botha, announced that social pensions for all races would be increased by R32,70 a month from 1 January 1989.^{7b} The effect of the increase was as follows:

Pensions before and after January 1989

	<i>Old</i> <i>R</i>	<i>New</i> <i>R</i>	<i>Increase</i>
African	117,00	149,70	28%
Coloured	167,00	199,70	20%
Indian	167,00	199,70	20%
White	218,00	250,70	15%

Earlier in the year, when no money was allocated in the main budget for pension increases, the House of Representatives attempted to increase coloured pensions by R12 a month from July. This attempt was blocked by the government. The minister of finance, Mr Barend du

Plessis, said that he had not been able to authorise central treasury money to finance the increase because the House of Representatives' administration had not specifically budgeted for it. He said that he would not stand in its way if it were prepared to reallocate the money from elsewhere in its budget. Mr Du Plessis added that if he increased coloured pensions, he would have to increase African, Indian and white pensions too, and this would cost some R200m.⁸⁰

Payout facilities

In June a member of the executive committee of the Transvaal Provincial Administration, Mr John Mavuso, announced that from July Africans would be able to receive their pensions from designated pay centres in municipal offices instead of open-air centres, which had been used in the past. The pensions would also be paid over a period of ten days in order to ensure that pensioners did not have to stand in long queues, Mr Mavuso said. He indicated that pensioners would also be able to have their pensions paid into a bank or building society account. Mr Mavuso added that from April, payments had been made monthly instead of bi-monthly. He said also that African local authority officials would not be responsible for paying out pensions. This would ensure that pension payments would not be withheld from people who had allegedly not paid their rent and service charges to township councils.⁸¹

In July the first pension payouts under the new system were made but pensioners complained that queues were just as long as under the old system, if not longer. They also said that they were sometimes sent from one office to another without receiving their pensions or that their money had not been paid into their accounts. (Although the system of paying African pensions into bank or building society accounts was announced in 1987 — see 1987/88 *Survey* p443 — these institutions resisted this, arguing that they would face an added administrative burden but would not receive significant new income in return.) Pensioners also complained about rent charges being deducted from their pensions without consent.⁸² The Transvaal Provincial Administration replied that the new system was experiencing 'teething problems' which it would eliminate.⁸³

In August Mr Mavuso said that measures to enable all pensioners to apply for their pensions to be paid into bank and building society accounts were being implemented.⁸⁴ About 8 000 (4%) of the approximately 200 000 African pensioners in the Transvaal had applied for this facility.⁸⁵

Military pensions

In April it was reported that 26 African veterans of the Second World War were experiencing difficulties in receiving military pensions, partly because they were not South African citizens.⁸⁶ In September a liaison officer for the South African Defence Force, Commandant J H Buck, said that African war veterans who were Bophuthatswana citizens should receive their pensions from that territory's administration.⁸⁷ According to Mr Johnny Leburu of Bophuthatswana's Department of Internal

Affairs, Bophuthatswana was prepared to grant the ex-soldiers a pension but they had rejected this, fearing that it might jeopardise their chance of a lump sum from South Africa. This was denied by Mr John Choeu, one of the 26 veterans, who said that he was unable to claim from Bophuthatswana because it did not have the necessary forms. Mr Choeu argued that since he and the other veterans had fought for South Africa, they were entitled to a pension from its government. The 26 veterans were receiving a R40-a-month interim pension from the National War Fund until the matter could be settled.⁸⁸ War veterans' pensions for Africans were authorised for the first time in 1975 and African Second World War veterans who were not citizens of an 'independent' homeland have received a state pension since then.

Disabled people

The following amounts were allocated to welfare services for disabled people in the 1988/89 financial year (excluding pensions):⁸⁹

Budgets for the disabled: 1988/89

	R
Non-homeland* African: Cape province	436 000
Natal	220 000
Orange Free State	220 000
Transvaal	N/A
Coloured	2 490 000
Indian	3 855 000
White	19 402 000
Total	26 623 000

* Information on the homelands is not included as not all the homeland budgets break down the allocations in the same way.

According to a survey conducted by the Human Sciences Research Council, only 10% of South Africa's 3m disabled had permanent jobs. According to Mr P le Roux, who co-ordinated the survey, this situation was mainly due to the fact that too few disabled people knew of the training facilities and job opportunities available to them. 'As a result they cost the state millions of rand in welfare payments every year,' Mr Le Roux said.⁹⁰

Alcoholism and drug addiction

The amounts allocated for rehabilitation services for alcoholism and drug addiction in the 1988/89 financial year are shown in the table, *Rehabilitation budgets: 1988/89, opposite.*⁹¹

Speaking during his department's budget vote, the minister of health services and welfare in the House of Delegates, Mr Raman Bhana, said that between 1 July 1984 and 30 June 1985, 2 586 children of all race

groups between the ages of seven and 17 years had been prosecuted for being in possession of dependence-producing substances and/or abuse of such substances, while 2 329 had been found guilty. In respect of the age group 18 to 20 years, 6 791 had been prosecuted during the same period and 6 176 had been found guilty. With regard to persons over 21 years of age, 30 158 had been charged and 27 245 had been found guilty.⁹²

Rehabilitation budgets: 1988/89

	R
Non-homeland* African: Cape province	98 000
Natal	203 000
Orange Free State	N/A
Transvaal	640 000
Coloured	3 000 000
Indian	1 090 000
White	12 692 000
Total	17 723 000

*Information on the homelands is not provided as not all the homeland budgets break down the allocations in the same way.

In April the minister of national health and population development, Dr Willie van Niekerk, announced that a national plan to combat alcohol and drug abuse had been adopted by the cabinet. He said that it would include promoting an 'education for life programme in schools and among young people, co-ordinating the prevention and treatment of alcohol and drug dependency, and helping to collect, process and publicise knowledge and information. Dr Van Niekerk said that the loss of productivity through alcohol abuse was about R350m a year. With related costs in terms of health, motor accidents, violence, crime and social programmes to combat alcoholism, the total cost of alcoholism amounted to about R1,1bn a year.⁹³

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SOCIAL SEGREGATION

POLICY

Speaking in Parliament in February 1988, the minister of home affairs and of communications, Mr Stoffel Botha, outlined the government's policy regarding the sharing of public amenities by different races. He said that all population groups had a right to adequate amenities, that some facilities would be open to all races, but that the right to 'own institutions' should also be recognised and guaranteed. The sharing of facilities was a 'sensitive matter' and it would not be in anyone's interest to 'convert places of recreation into political battlefields'. Mr Botha outlined what he described as fundamental requirements in the provision of public amenities. These were:¹

- greater 'purposefulness' in the establishment of adequate facilities;
- greater investment by central government, and provincial and local authorities in the establishment of the necessary facilities;
- the application of effective control measures to prevent overcrowding and antisocial behaviour; and
- the preservation of beaches and other amenities for use by a specific population group which had a 'need' for its own amenities.

The leader of the Conservative Party (CP), Dr Andries Treurnicht, said in Parliament in the same month that the CP demanded the return of 'order' to desegregated facilities such as beaches. (Dr Treurnicht was speaking after the occurrence of several racial incidents on beaches in Durban which had been desegregated in December 1987.) He claimed to speak on behalf of a large sector of the white population, saying, 'We demand that our people be protected and should have the right to use our own beaches.' Dr Treurnicht demanded a return to the segregation of all public facilities.²

In March the minister of constitutional development and planning, Mr Chris Heunis, said in reply to a question from the leader of the Progressive Federal Party (PFP), Mr Colin Eglin, that the government was still investigating the amendment or repeal of the Reservation of Separate Amenities Act of 1953, and that it had requested the provincial administrators to advise it about the issue. Mr Heunis was unable to say when the matter would be finalised.³

As in previous years, there were repeated calls during 1988 from the PFP and from all the parties in the houses of Representatives and Delegates for the repeal of the Reservation of Separate Amenities Act. In February Mr Eglin described the government's failure to repeal the act as 'pathetic egg dancing' and said that it was often imposing beach apartheid against the wishes of the relevant local authorities.⁴ Later in

February Mr Tiaan van der Merwe MP (PFP) pointed out that the allocation of amenities to the different races was so 'drastically unfair' and the amenities granted to black people so inferior to those granted to whites, that when white facilities were declared open to all races, it was understandable that such facilities should be 'swamped'.⁵

In May members of the PFP and the Labour Party walked out of the joint debate on provincial affairs to protest against segregated beaches. The MPs left during a speech by a member of the executive committee for the Cape province, Mr Pieter Schoeman, in which he claimed that the provincial authorities could not allow 'chaos' on the beaches by opening them to all races. He said that the Cape Provincial Administration was criticised by the left wing for practising apartheid, but was also pressurised from the right for not enforcing social segregation more strictly. However, Mr Schoeman said, only Parliament could scrap the Reservation of Separate Amenities Act.⁶

In the National Party (NP) manifesto for the municipal elections in October, the NP recommitted itself to separate amenities. The manifesto said that NP policy was that each group should have its own facilities where possible. It stated that municipalities had the responsibility for deciding whether amenities should be 'open' or 'closed'.⁷

Testifying in a defamation case in the Krugersdorp magistrate's court in October, Mr Clive Derby-Lewis MP (CP) was reported to have said that Johannesburg was a 'fully integrated and almost international city' that had a need for 'mixed facilities'. Mr Derby-Lewis allegedly admitted that facilities would have to be created in Johannesburg for all races. However, he reiterated the CP's preference for segregated amenities. Mr Derby-Lewis was accused of 'inconsistency' by the minister of national education and chairman of the ministers' council in the House of Assembly, Mr F W de Klerk. Mr Derby-Lewis subsequently denied having admitted the necessity for integrated facilities.⁸

Conservative Party-controlled municipalities

In terms of current legislation, each municipal authority has the right to decide on the segregation and desegregation of municipal facilities under its control. These facilities include lavatories, swimming pools, parks, halls and some sports facilities.

In the municipal elections held on 26 October 1988, the Conservative Party (CP) gained control of more than 90 (out of a total of 529) white local authorities, mainly in the Transvaal. Following the elections, CP town councillors met in Pretoria to discuss the reimposition of segregation on municipal facilities under their control. There was extensive negative reaction to the CP's announcement of its plans. The state president, Mr P W Botha, warned that the CP's reintroduction of segregation would have a 'disastrous effect' on South Africa's foreign relations, and that it would encourage international pressure for sanctions. The leader of the Progressive Federal Party (PFP), Dr Zach de Beer, described the plans as 'morally disgraceful'. A spokesman for

the United States Department of State appealed to the South African government to 'take a stand against the senseless turning back of the clock'. The Association of Chambers of Commerce and Industry of South Africa urged businessmen to challenge CP moves to reintroduce segregation and said that it planned to urge the government to repeal the Reservation of Separate Amenities Act.⁹

On 24 November the Boksburg Town Council agreed by 12 votes to seven to close Boksburg Lake, municipal halls and the municipal swimming pool to blacks. It also passed a recommendation that all the town's tennis clubs be restricted to whites, except for the club in the coloured township of Reiger Park. The council agreed to erect 'whites only' signs at these facilities by January 1989.¹⁰ A meeting of coloured residents of Reiger Park called for the isolation of the council, and agreed to take their business away from the town.¹¹ In December the town councils of Reiger Park and Vosloorus, whose residents were said to represent 80% of Boksburg's consumer spending power, officially announced a consumer boycott of the town by Africans and coloured people.¹²

The Johannesburg City Council subsequently agreed to 'censure' the Boksburg Town Council for its 'racist actions', although it rejected a PFP motion calling for the 'isolation' of Boksburg. The Sandton Town Council decided to break off all official ties with the Boksburg Town Council.¹³

In December Mr Heunis warned the CP that it would not be allowed to 'sabotage government policy'. He described the CP's policy as a 'recipe for conflict' and hinted at amending legislation to prevent CP-controlled councils reintroducing segregation. Mr Koos van der Merwe MP (CP) responded by claiming that that the CP was only implementing legislation passed by the NP, and that what the CP was doing in Boksburg was being done surreptitiously by the NP in a 'dozen other towns'. He pointed out that many town councils controlled by the NP had never desegregated their facilities.¹⁴

By the end of December 1988 segregation had been reintroduced by CP-controlled councils in the following towns: Akasia (Pretoria), Boksburg and Brakpan (both east Rand), Carletonville (west Rand), Middelburg (eastern Transvaal), Rustenburg (central Transvaal), Stilfontein (west Rand) and Vanderbijlpark (southern Transvaal). In at least nine other towns in the Transvaal which were controlled by CP councils it was not necessary to reintroduce segregation, as municipal facilities had never been opened to all races.¹⁵

FACILITIES

Government buildings

In answer to a question in Parliament in June, the minister of law and order, Mr Adriaan Vlok, said that all lavatories in police stations in South Africa were open to all races. Mr Vlok added that to the best of his

knowledge all signs relating to race had been removed from police stations. He undertook to see that any remaining signs brought to his attention were removed.¹⁶

Later in June the minister of home affairs and of communications, Mr Stoffel Botha, said that 221 post offices still had partitions for segregated services, but that separate services were no longer 'enforced'. He maintained that all partitions would be removed as soon as such work could be combined with 'other construction work in the buildings'.¹⁷

Hotels and restaurants

In April two Indian hoteliers from Natal, Messrs Linky Moodley and Rajan Naidoo, were ordered to leave the gardens of the Royal Hotel in the historic town of Pilgrim's Rest (eastern Transvaal), after they had been served drinks 'by mistake'. The two men queried the incident with the Federated Hotel, Liquor and Catering Association of Southern Africa (FEDHASA). The executive director of FEDHASA, Mr Fred Thermann, said that the exclusion of black people from the Royal Hotel was 'bad policy' and pointed out that the amended Liquor Act of 1977 no longer made any reference to race. Any decision to exclude people of a particular race group was thus made by the owner of the establishment.

The hotel was reported to be owned by a statutory body, the Board for Public Resorts, and managed by a private company, Overvaal Resorts. A member of the board, Mr Peter Jordaan, claimed that the cabinet had decided that public resorts should be developed separately, and that the board had followed this policy. The dining room of the hotel was open to all races, but after 'some problems' it had been decided to exclude black people from other facilities.¹⁸

Later in April it was reported that a white woman and her coloured baby had been refused admission to a white hotel in Worcester (western Cape). Mrs Karen Dauzille, a typist from East London, alleged that although she had booked a room for three nights at the Brandwag Hotel, she was turned away at the reception desk when the receptionist noticed that her child was 'too dark'. Mrs Dauzille said that despite the low temperature and rain, she and her baby had been compelled to spend the night in the station waiting room. A spokesman for the Brandwag Hotel claimed that Mrs Dauzille had been refused admission because she could not pay for her room.¹⁹

Two African businessmen were turned away from the Milpark Holiday Inn in Johannesburg in October. The men said that they had attempted to enter a restaurant at the hotel with two white colleagues, but that an African security official had allowed only the whites in. The incident was in conflict with the hotel's nonracial policy. The manager of the Milpark Holiday Inn, Mr A Nicholson, claimed that he knew nothing about the incident but said that it was understandable in view of 'tightened security' owing to strikes in the hotel industry.²⁰

In April an Indian family were refused admission to a restaurant in Benoni (east Rand). Mr Nelson Poonan said that he had made a tele-

phonic reservation for his family and himself at the local branch of The Porterhouse, as they had previously dined at The Porterhouse restaurant in Johannesburg. However, when they arrived at the Benoni restaurant, they were turned away because, according to the manager, the restaurant was not multiracial. The owner of the restaurant, Mr Athanasios Lappas, later expressed his regret at the incident and said that the manager had failed to understand company policy. He asked Mr Poonan to return to The Porterhouse and allow him to 'rectify' the incident.²¹

Holiday resorts and entertainment facilities

In November 1987 Shareworld, a large multiracial recreational complex between Soweto and Johannesburg, was opened. The complex represented a major advance in the provision of facilities for Soweto, which had previously had only two cinemas and five public swimming pools for about 2m Africans. Shareworld was also believed to be the largest enterprise in the country controlled by African shareholders, 550 of whom owned 50% of the stock. The complex, which was built at a cost of R28m, included an artificial sea, a menagerie of farm animals, a roller skating track, a discotheque, a gymnasium, educational exhibits, a computer centre for schoolchildren and eight cinemas. At peak periods during December 1987, the complex attracted more than 30 000 people a day, over 90% of whom were black. It also provided full-time or part-time employment to 600 people.²²

In January an Indian doctor and his wife, Dr and Mrs Jashmeer Debising, were barred from the spa holiday resort in Warmbaths (north of Pretoria). Dr Debising said that they had been admitted to the resort without question. However, when he had inquired about the location of the change rooms, he and his wife had been asked whether they were Indian and then escorted off the premises. The general manager of the resort, Mr Coen Alving, claimed that the resort was reserved for the white community and that Indians had their own resort at Roodeplaas.²³

African trainee teachers who visited a cinema in the Flora Centre in Roodepoort (west Rand) in February were ushered out of the cinema's back entrance. The group of 450 students were from the Soweto College of Education. The students were allegedly barred from entering shops in the shopping complex, and, after the film, were asked by the security staff to leave through a back entrance. The regional general manager of Ster Kinekor, Mr Dave de Villiers, denied claims that the cinema's manager had been rude to the students, and said that it was 'normal procedure' to ask patrons to use the back exits. The vice rector of the college, Mr Jan Prinsloo, said that he would not let the matter rest until he had obtained an apology for the racial incidents.²⁴

In April African visitors to an agricultural show at Bathurst (eastern Cape) were compelled to use a separate entrance to the showgrounds. A spokesman for the organisers of the show denied that Africans were the object of racial discrimination. He claimed that one of the en-

trances was used for cars, and as 'all' white visitors arrived by car, they had used this entrance. The other entrance, for pedestrians, had been used by Africans as most of them had arrived on foot.²⁶

In August 30 out of 200 delegates boycotted a conference for medical workers at the Warmbaths resort after it was discovered that the venue was usually segregated. The conference, which was organised by the Department of National Health and Population Development, was attended by delegates of all races. Special arrangements were made for blacks to be admitted to the resort, although black delegates were allegedly asked to 'keep a low profile'. The chief conference organiser, Dr Horst Kustner, claimed that the choice of venue was not 'disastrous' but a 'mini-victory for reform'. He believed that the fact that no complaints were received about the presence of blacks was a 'good example of how reform is working in this country'.

After the department had refused to apologise for holding its conference at a segregated venue, the 30 delegates walked out of the conference and six papers which were to have been delivered were withdrawn. The Medical Research Council, which was to have held a workshop at the conference, moved it to a Johannesburg hotel.²⁶

In September it was reported that the Natal Parks Board was to spend R2,8m on a multiracial resort at Moenjati (Natal south coast), which would cater primarily for Indians.²⁷

It was reported in October that an Indian family was turned away from the Murray Pebbles caravan park in Sabie (eastern Transvaal) after the owner had told them over the telephone that the resort was multiracial. Mrs Bada Rykliff said that when they arrived at the caravan park she had been told that she had sounded 'European' when she had telephoned to book, but that Indians were 'definitely not welcome'. The family then went to the Museum Information Bureau in Sabie, where an employee reportedly made 25 phone calls on their behalf without being able to find a caravan park in the vicinity which was open to all races. It was alleged that most caravan parks were only multiracial 'when it suited them', ie in the off-season.²⁸

Beaches

The administrator of the Cape province, Mr Gene Louw, announced in September that the government had allocated R61m (in addition to R28m budgeted earlier in the year) for the development of beach amenities on the Cape coast. The member for local government on the Natal executive committee, Mr Peter Miller, said in the same month that the Natal Provincial Administration had been allocated R104m over a period of three years for the improvement of beach facilities in the province.²⁹

In April the Afrikaner Weerstandsbeweging held a meeting in East London (eastern Cape) as part of its 'Save our Beaches' campaign to ensure that white beaches remained reserved for whites. The meeting, attended by only 100 people, was told that the only course of action left

to whites was to 'eradicate' liberals from the East London City Council and to replace them with Conservative Party (CP) members. Allegations of 'disgusting' behaviour by blacks on the city's beaches were made. However, in the same month a petition for open beaches, which had been signed by 1 057 residents, was handed to the East London town clerk, Mr Les Kumm.³⁰

In May Mr Justice J W Jones ruled in the South Eastern Cape Local Division of the Supreme Court in Port Elizabeth that a 1966 municipal decision to segregate the city's beaches was invalid (see 1987/88 *Survey* p259). Judge Jones said that he could not exclude the possibility that another court would interpret the issue differently or find his interpretation of the 1966 decision 'too rigid'. The minister of constitutional development and planning and the administrator of the Cape province immediately lodged an appeal against the decision. Port Elizabeth's beaches remained segregated pending the outcome of the appeal.³¹

In August Mr Louw appointed a three-man commission of inquiry into the racial status of Port Elizabeth's beaches. The commission was asked to investigate the existing allocation of beaches, including those which had been the subject of the recent Supreme Court case, and to suggest any necessary changes. It was also required to report on the possible privatisation of beaches and amenities. Mr Louw said that if the Reservation of Separate Amenities Act of 1953 was to be amended by Parliament while the commission of inquiry was at work, its terms of reference would be adjusted accordingly.³²

In January a beach warden at Mtwalume (Natal), Mr John Ellis, barred a number of Africans and Indians from using the Mtwalume beach. The action was reported to be illegal, as the beach had never been reserved for a particular race group. The Mtwalume Ratepayers' Action Committee, comprising white residents of the adjoining village (who were mostly pensioners), later applied to the Natal Provincial Administration to have the beach zoned for whites. The committee cited armed robbery, obscene behaviour, public indecency and racial strife owing to the presence of blacks on the beach as being among the reasons for their application.³³

Mr Ellis's behaviour received widespread publicity, and he subsequently announced a 'change of heart', saying that he would allow blacks to use the Mtwalume beach, and would go 'out of his way to protect them' from attacks by right-wing whites. However, he remained adamant that blacks would not be allowed to use the beach lavatories or the tidal pool, which had been 'built with white pensioners' money'. However, in April it was reported that two Indian families who had visited the beach after reading the 'change of heart story' were turned away by African guards.³⁴

Writing in *Indicator South Africa* during 1988, Messrs Douglas Booth and Dennis Mbona of the Centre for Social and Development Studies of the University of Natal outlined some of the issues involved in the desegregation of Durban's beaches. They pointed out that while whites in Durban were amply provided with recreational facilities, this was not true of the African population. The population of Durban's African

townships (which was estimated to be at least 826 000 people) was served by only four swimming pools. In addition, Africans had less choice regarding leisure-time activities, owing to greater poverty. A consequence of both these factors had been the extensive use by Africans of 'free amenities' such as beaches. Messrs Booth and Mbona also pointed out different patterns of beach usage by Africans and whites, with whites emphasising privacy and quiet and Africans seeing the beach as a venue for entertainment and unrestrained celebration. Such divergent views led to conflict. They found that large numbers of Africans tended to use the beaches only on certain public holidays, especially Boxing Day and New Year's Day. White perceptions of 'hostile [African] crowds' on Durban's beaches in January had been exacerbated by the presence of armed riot police and circling police helicopters.³⁵

The researchers analysed letters to Durban newspapers in response to the desegregation of beaches in 1987. They found that 16% of the writers were in favour of integration, 70% were in favour of 'controlled integration' (including pay beaches and stricter policing) and 14% were in favour of separate amenities. In contrast to white reaction to desegregation, black reaction had been overwhelmingly positive.³⁶

The amenities committee of the Durban City Council discussed a proposal by the Coloured Local Affairs Committee in September that two of the city's remaining three white beaches be opened to all races. The proposal was shelved.³⁷

In November Mr Morris Fynn, a member of the Coloured Local Affairs Committee and a prominent campaigner for open beaches (see 1987/88 *Survey* p260), called on the newly elected Durban City Council to desegregate the remaining whites-only beaches by Christmas. He said that if the beaches were not opened by 23 December, he would call a press conference at his home, at which he would announce a 'plan of action'.³⁸ On Christmas Day Mr Fynn cut down two 'whites only' signs on South beach and delivered them to the mayor's office at the Durban city hall, thereby facing the possibility that a four-month suspended sentence for cutting down signs earlier in the year would come into operation. The police said that they were investigating laying a charge of malicious damage to property against Mr Fynn.³⁹

Beach apartheid at Mossel Bay (southern Cape) was the source of controversy during the celebrations of the 500th anniversary of the landing of the Portuguese explorer, Bartholomew Dias, on the Cape coast. During 1987, 12 principals of coloured schools had proposed a boycott of the festival because the beach that was to be the site of the commemoration of the landing was reserved for whites. The chairman of the ministers' council in the House of Representatives and leader of the Labour Party, the Rev Allan Hendrickse, held talks with Mr Louw. Mr Louw offered to lift the racial restrictions on the beach temporarily while the festival lasted, but Mr Hendrickse stated that the boycott would continue unless the Mossel Bay beach was permanently desegregated, and that it would be extended to include other festivals held during 1988. The talks ended in stalemate.⁴⁰

The re-enactment of the Dias landing, which was held on 3 February, attracted a crowd of only 20 000 people, which was half the number originally expected. Few coloured people attended the ceremony. Due to the boycott, coloured actors who were to have played the original inhabitants of the Cape who met Dias, had to be replaced by whites dressed in loincloths and painted brown.⁴¹

Municipal facilities

In February it was reported that a number of local authorities in Natal had rejected a request by the Natal Provincial Administration to open their library facilities to all races. At the end of 1987 the provincial secretary, Mr Roy Hindle, had circulated a letter to all local authorities in the province, suggesting that they consider desegregating their libraries. Although more than 50% of the local authorities already had nonracial library facilities, there was 'considerable resistance' to desegregation from the remaining local authorities. The town clerks of Newcastle and Ladysmith, Messrs Dawie Schutte and Pieter Hurter, both expressed their opposition to the request, saying that black townships had their own facilities, and it was therefore 'not necessary' for whites to open their libraries to other races.⁴²

In March the Johannesburg City Council imposed a whites only restriction on what was to have been the first 'alternative' Afrikaans rock concert. The concert, which was to have been held in the Yeoville recreational centre, had to be cancelled after the council refused to allow the venue to be used by all races. A council spokesman said that the general policy of the council was for recreation centres to be reserved for use by whites. However, it was claimed that this was a 'recent development', as two weeks previously a multiracial audience had attended a concert by a band with African members at the same venue. The concert was subsequently held at a private venue.⁴³

In May the Durban City Council agreed by 15 votes to 11 to open the South Beach paddling pools to all races. The decision came after a racial incident during the month, in which an African woman, Mrs Cynthia Buckley, and her two children were turned away from the pools. Mr Peter Mansfield, a city councillor, said that 'the thoughtless act could do great damage to race relations in the city', and that the segregation of the pools 'could not be justified in terms of logic, equality or justice'. Two beaches, Addington and South beaches, were the only beachfront facilities that remained reserved for whites. (An additional beach in the Bluff area of Durban was also designated white — see *Beaches* above.)⁴⁴

There was no recurrence in 1988 of the violent racial incidents in Johannesburg's parks on 10 October 1987 (Kruger Day) (see 1987/88 *Survey* p263).

On 4 July six Africans appeared in the Johannesburg magistrate's court on charges arising from the Kruger Day violence. The charges included public violence, two counts of murder and seven counts of attempted murder. The accused pleaded not guilty and the case was

postponed to 12 August.⁴⁵ The outcome was not available at the time of writing.

The Johannesburg City Council continued with its plans to fence certain parks in the city, despite the absence of further violence. In April the Progressive Federal Party (PFP) leader in the council, Mr Sam Moss, submitted a motion to the council that plans for fencing the parks and charging admission to them be shelved. Mr Moss said that he believed that what was needed to prevent further racial conflict was rigid enforcement of the municipal bylaws, especially those relating to abuse of liquor in public places. The motion was not debated.⁴⁶

However, in June the chairman of the council's culture and recreation committee, Mr Danie Malan, announced that plans to fence three of the parks had been dropped, and that admission fees would not be charged at the first three parks to be fenced, ie Rhodes, Bezuidenhout and Pioneer parks. He said that ten mounted guards would be trained and deployed in the major parks. Mr Malan added that if an 'orchestrated incident' occurred, in which '40 or 50 busloads of people were brought to a specific park, the council would crack down on the number of people admitted and charge entrance fees'.⁴⁷

Later it was reported that the council management committee reserved the right to fence off parks in the future if necessary.⁴⁸ Although fencing of Rhodes and Bezuidenhout parks began in April, it had not been completed by the end of November.

In August it was announced that the Durban City Council was to spend R5 500 on the employment of four African beach guides during December and January. The task of the guides would be to 'avoid embarrassment' by advising African children that South Beach was reserved for whites. African children were attracted to the beach because of its paddling pools.⁴⁹

In October 200 African schoolpupils from Durban were granted permission to use a white swimming pool in Port Elizabeth (eastern Cape). It was reported that although the pupils had been well behaved, some of the whites had been shocked by their presence. Mr Adriaan Claasen, a white visitor from the Orange Free State, lodged a complaint with the police. Mr Thabani Msomi, a teacher in charge of the children, expressed his disappointment that racism was still the priority of the people at the pool and said that it was a clear indication that Port Elizabeth was 'behind the times'.⁵⁰

Churches

During the period under review there were a number of incidents in which Africans were refused admission to churches, mainly involving funerals at churches belonging to Dutch Reformed denominations.

In October the church committee of the Nederduitsch Hervormde Kerk in Bronkhorstspuit (near Pretoria) refused to grant permission for Mrs Sarah Mashiane, a domestic worker, to attend the church funeral service of her employer, Mrs Letta Venter. Mrs Mashiane had been em-

ployed by the Venter family for 38 years. The incident attracted publicity because Mrs Venter was the sister-in-law of a former cabinet minister, Mr Ben Schoeman. Mrs Venter's family subsequently cancelled the funeral arrangements and arranged for a minister of the local Nederduitse Gereformeerde Kerk to hold a multiracial service later on the same day, which was attended by Mrs Mashiane and other African mourners.⁵¹

SPORT

International isolation

At a meeting in Lausanne (Switzerland) on 21 June 1988, the International Olympic Committee (IOC) reaffirmed its opposition to apartheid and its support for the continued isolation of South Africa. The meeting, which was attended by 12 international sports organisations, declared that:⁵²

- the practice of apartheid violated the fundamental principles of the Olympic Charter;
- all member bodies of the Olympic movement should exclude or suspend South African national sports federations from membership (where this had not already taken place) and discourage sports contacts with South Africa until apartheid had been abolished;
- actions designed to disrupt the unity of the Olympic movement, especially efforts to organise sports contacts with South Africa, would be denounced;
- a commission should be established to examine apartheid in sport; and
- no 'non-African entity' could impose a solution to resolve 'this specifically African problem' (ie South Africa's racial policies), and the only solution would be one based on proposals made by Africans.

In April a vice president of the International Amateur Athletics Federation (IAAF), Dr Arne Lungqvist, said that the IAAF had agreed in principle to a new rule that athletes emigrating from South Africa would have to reside in their adopted country for at least two and 'probably three' years before they would be allowed to participate in international competitions. Dr Lungqvist pointed out that the new rule was similar to one in the Commonwealth Games regulations. (Since South Africa's suspension from the IAAF in 1978, none of its athletes had run for South Africa in international competition, and hence they were not bound by the three-year residence rule which applied to athletes of other countries who emigrated.) The new regulation meant that South African athletes would be prevented from competing abroad under 'passports of convenience'.⁵³

In June the United Nations (UN) issued a 92-page updated list of athletes considered to have contravened its provisions by competing in South Africa. The document claimed that despite a R220m campaign by South Africa to attract international sportsplayers, the calibre of players participating in South Africa had been 'mediocre', with the exception of some top golfers and tennis players.⁵⁴

During the period under review the South African Non-Racial Olympic Committee (SANROC), a London-based anti-apartheid sports organisation, stepped up its campaign against sportsmen and women from South Africa. In August SANROC announced that it would co-ordinate pickets and other demonstrations with anti-apartheid organisations to protest against violations of the 1977 Gleneagles Agreement, which had discouraged member countries of the British Commonwealth from having sporting ties with South Africa (see 1977 *Survey* p562).

In the same month it was reported that the Anti-Apartheid Movement (AAM) in Britain had persuaded some top international sportsmen to take a stand against apartheid. These included Messrs Sugar Ray Leonard, Muhammad Ali and Gerry Cooney (all boxers), and Mr Ruud Gullit, the European Footballer of the Year for 1987.⁵⁵

In April Spain banned South Africans from participating in any sports events in that country. The decision followed the defence by a South African boxer, Mr Brian Mitchell, of his World Boxing Association junior lightweight title in Madrid earlier that month. Mr Mitchell had entered Spain on a tourist visa. His presence had been an 'embarrassment' to the Spanish government, which had decided to ban all South African sportsmen and women to prevent a possible boycott of the Olympic games in Barcelona in 1992. The ban was immediately applied to six South African golfers who had intended to play in a tournament in Santander in May, as well as to a South African tennis player, Ms Kim Labuschagne.⁵⁶

In July the Canadian government announced that it had placed an immediate ban on all South African sportsmen and women playing in Canada.⁵⁷

In August the IOC informed the South African Olympic and National Games Association that the South Korean government would not supply visas to South Africans who wished to attend the Olympic Games in Seoul as spectators during September. South African athletes had been banned from competing in the games since 1960. The president of the South African Amateur Athletics Union, Professor Charles Nieuwoudt, said in response to the announcement that South African sport had never been in a worse position. 'Despite all the efforts we are putting into normalising our sport, we are being isolated more and more each day. And this will soon go further than just the Olympic Games,' he added.⁵⁸

In September the president of the South African Fencing Association, Mr Butch Daniels, was expelled from South Korea. Mr Daniels had allegedly tried to enter the country in order to attend the Olympic Games, but had been detained by the South Korean authorities after they had been warned by the IOC of his imminent arrival.⁵⁹

Miss Zola Budd, who had emigrated to Britain in 1984 in order to participate in the Olympic Games in Los Angeles (see 1984 *Survey* p926 and 1987/88 *Survey* p279), was the centre of renewed controversy during 1988. Miss Budd was chosen to represent Britain at the world cross-country championships to be held in Auckland, New Zealand, on 26 March. Some African countries, including Kenya, Nigeria and Zimbabwe, threatened to withdraw from the championships if she took part. British newspapers also alleged that Miss Budd had participated in a race in Brakpan (east Rand) in June 1987, and handed out prizes at a west Rand athletics meeting on 1 January 1988, both acts allegedly contravening the rules governing the British boycott of South African athletics. Miss Budd admitted that she had trained at the Brakpan meeting, but denied participating in the race.⁶⁰ The British Amateur Athletics Board (BAAB) threatened to withdraw its entire team from the Auckland championships rather than give in to international pressure to drop Miss Budd from the team. However, early in March Miss Budd announced her withdrawal from the British team. In April the IAAF said that it had found Miss Budd guilty of taking part in the two athletics meetings in South Africa. The BAAB subsequently held a meeting to discuss these charges, but failed to come to a conclusion after deliberations lasting nine hours. It then appointed a committee of inquiry to investigate the charges.⁶¹

Later in the month Miss Budd's name was added to the UN blacklist. The move was seen as a warning that there would be an international boycott of the Olympic Games in Seoul later in the year if she were allowed to take part. The IAAF announced that it would ban the British Olympic team if Miss Budd was a member.⁶² On 9 May it was announced that Miss Budd had decided to withdraw from international athletics and to return to South Africa permanently.⁶³

In March another South African athlete, Mr Mark Plaatjes, travelled to the United States and claimed political asylum as a 'victim of apartheid'. The Supreme Council for Sport in Africa denounced his actions as hypocritical and claimed that he had left South Africa merely to continue his running career.⁶⁴

In May Ms Annette Cowley, an ex-South African swimmer living in Britain, withdrew from her bid to be selected for the British Olympic team because, she alleged, she did not wish to cause 'another Zola Budd-type controversy'.⁶⁵

South African professional golfers, who had previously been allowed to play in most western countries, were banned from playing in tournaments in Belgium, Denmark, Finland, the Netherlands, Norway, Spain and Sweden during the first half of 1988. In August three golfers with South African links were banned from a tournament in Huddersfield (England).⁶⁶ In the same month Mr Hugh Baiocchi, a South African golfer, was fined £450 for walking out of a British tournament in protest against his compatriots' being banned from the Belgian Open Golf Tournament.⁶⁷

A meeting of the International Cricket Conference (ICC) in London

in July failed to adopt a West Indian proposal to ban from international competition any cricketer who played or coached in South Africa. The proposal threatened to split the ICC along racial lines. It was agreed, however, that the ICC would reconvene a meeting in January 1989 to consider two less severe proposals aimed at minimising contact with South Africa.⁶⁸

In August the Indian government threatened to ban a visit by the English cricket team because English players on the UN blacklist refused to sign declarations that they would never play in South Africa again. At least ten players likely to be selected for the team had played in South Africa. It was alleged that the Indian government had taken such action because it wished to canvass African support for its bid to hold the Commonwealth Games in New Delhi in 1994.⁶⁹ In October it was announced that the tour had been cancelled because the English Test and County Cricket Board had refused to select only players who had not visited South Africa. It was said that the board would consider demanding compensation from India for the cancellation of the tour.⁷⁰

In July the International Tennis Federation (ITF) voted by a large majority to exclude South African players from international team events and to withdraw official recognition of the South African Open Tennis Tournament. South African players would, however, still be able to compete in countries which would accept them.⁷¹

Six Fijian rugby players and a commentator who had travelled to South Africa in 1986 to participate in a 'rebel' rugby tour (see 1986 *Survey* Part 1 p305) were banned indefinitely from the Fiji Rugby Union in August.

In May Mr Jomo Sono, a South African professional soccer player, was barred from playing in an exhibition soccer match in Harare (Zimbabwe) to raise funds for victims of the Acquired Immune Deficiency Syndrome (AIDS). Mr Sono was invited to play in the match between the Zimbabwean national team and an invitation World XI team. However, the Zimbabwean Sports Council had withdrawn Mr Sono's invitation after SANROC had objected to his participation.⁷² In September the International Federation of Football Associations banned six Swazi and three Zambian soccer players from international competition for life because they had played in South Africa.⁷³

Other sports affected by the international boycott included aerobics, angling, bowling, horse racing, softball and table tennis.

South African attempts to counter isolation

During 1988 and early 1989 rebel tours were arranged to counter the isolation of South African sport. These tours were often clandestine and the names of foreign players and their countries of origin were often not released to the media. Sporting bodies made fewer statements opposing government policy and there were fewer efforts to convince the world that South African sport was multiracial.

In March it was reported that the International Rugby Board (IRB)

had agreed to allow a World XV tour of South Africa during 1988. The honorary life president of the Supreme Council for Sport in Africa, Mr Abraham Ordia, threatened to organise a boycott of the Olympic Games later in the year if the tour took place. Welsh rugby players were warned that Cardiff (Wales) would not be allowed to host the 1994 Commonwealth Games if they took part in the tour.⁷⁴ By May the rugby boards of England, Scotland, Ireland, Wales and New Zealand had all decided to discourage their players from participating in the planned South African tour. Some leading South African rugby officials, including the president of the Transvaal Rugby Union, Dr Louis Luyt, suggested that the South African Rugby Board (SARB) should withdraw from the IRB and arrange a rebel tour of South Africa. The president of the SARB, Dr Danie Craven, rejected these suggestions and said that if SARB withdrew from the world body, it would 'never again be allowed back into the amateur fold'.⁷⁵

In June 13 French rugby players arrived to play in South Africa. The French government condemned them, but the president of the French rugby federation, Mr Albert Ferrasse, endorsed their right to be in South Africa as 'individual players' and pledged his full support for Dr Craven.⁷⁶

In September Dr Luyt and other executive members of the SARB held discussions in Europe with sports officials from several African countries and members of the African National Congress (ANC). Dr Craven, who was ill at the time and unable to attend the talks, denied that the meetings were with the ANC and claimed that the presence of ANC officials had been 'purely incidental'. He maintained, however, that the way out of South Africa's sports isolation was 'through black Africa' and said that he would arrange further overseas meetings with African sports administrators if necessary.

Several weeks later Dr Luyt and Dr Craven met members of the ANC and officials of the nonracial South African Rugby Union (SARU) (an affiliate of the South African Council on Sport (SACOS)) in Harare. At this meeting Dr Craven called for the abolition of apartheid and for rugby administrators to join him on the 'road to total integration'. It was agreed at the meeting that the SARB and SARU should come under a single nonracial controlling body. The ANC delegation had allegedly 'accepted the good faith and sincerity of the [SARB] rugby administrators', and an ANC spokesman was quoted as saying, 'When prominent whites abandon apartheid, it is significant.' However, it was alleged that members of SACOS were 'shocked' at the ANC and SARB agreement. The chairman of the AAM in Britain, Mr Bob Hughes, said that the agreement would not mean an end to the sports boycott.⁷⁷ Despite the talks, the ANC wrote to the IRB in the same month expressing its opposition to a planned World XV tour of South Africa in 1989.⁷⁸

The meetings were reported to have caused a split in the SARB executive committee, at least three members strongly disapproving of contact with the ANC. The chairman of the ministers' council in the House of Assembly and leader of the National Party in the Transvaal, Mr F W de Klerk, said that the talks were 'absolutely unacceptable'. The leader

of the Conservative Party, Dr Andries Treurnicht, described them as a 'degrading spectacle'. Mr De Klerk met the SARB executive committee to express the government's opposition to contact with the ANC.⁷⁹

On 24 October the Transvaal Rugby Football Union executive committee passed a resolution expressing its full support for Dr Luyt and Dr Craven. In early November the vice president of the SARB, Professor Fritz Eloff, who had previously distanced himself from the talks with the ANC, came out in favour of the formation of a single nonracial South African rugby body.⁸⁰

A delegation from the National Soccer League (NSL) and the South African Soccer Association (SASA) travelled to Lusaka in October for talks with the ANC. The group, led by Mr Roger Sishi, agreed to strengthen efforts to isolate 'racist sport' by opposing soccer tours which contravened the international sports boycott of South Africa. The delegation also committed the NSL and SASA to bringing together all South African soccer groups to form a single nonracial soccer body. At the meeting the ANC requested the two South African soccer bodies to review their policy of importing players from neighbouring African countries which violated the boycott.⁸¹

In February a Brazilian soccer team, which included five international players, toured South Africa.⁸²

The British Amateur Swimming Association suspended the English Water Polo League from international competition in April, after a water polo team visited South Africa. An inquiry into the tour was to be held. No further details were available at the time of writing.⁸³

Five American gymnasts who participated in a competition in Cape Town in April left prematurely after Mr Edward Durch, the owner of their club in Albuquerque (New Mexico), had received death threats over the telephone.⁸⁴

In October a South African rugby tour of Chile by a nonracial team known as the South African Pioneers took place. The tour occurred despite political unrest in that country.⁸⁵

In October an athletics team comprising 13 Americans, a Brazilian and a Kenyan visited South Africa. The athletes were the first foreigners to compete in the country since the expulsion of South Africa from the IAAF in 1978. The secretary of the IAAF, Mr John Holt, claimed that none of the athletes were 'world champions' and described the tour as a 'rather pathetic gesture of defiance'.⁸⁶ A second tour by foreign athletes was scheduled for April 1989.⁸⁷

In September a British peer and former Labour government minister, Lord Chalfont, announced the formation of Freedom in Sport International (FISI), a British organisation which would support the right of sportsmen and women to participate in South Africa. Lord Chalfont claimed that FISI would provide a counter-balance to the advocacy of boycotts and blacklists by SANROC. He said that financial backing for FISI would come mainly from the South African Sports Federation (SASF), which 'represented over 100 sports in South Africa'.⁸⁸

Developments in South Africa

School sport

In March, in a policy statement on sport in white schools, the minister of education and culture in the House of Assembly, Mr Piet Clase, said that decisions regarding participation in multiracial sport and cultural activities lay with each school. The principal, management body and parents' representatives should all give permission for contact with schools which had members of a different race group. This policy, he said, had 'evolved through extensive consultation with educational authorities'.⁸⁰

Several weeks later, Mr Clase refused to release his department's directive on its new sports policy for white schools. However, according to some educationists the new policy was designed to prevent conservative schools from 'sabotaging' multiracial school sport. Under previous policy, if a white school objected to blacks' entering a competition, the black competitors had to withdraw. The new policy made it necessary for any school which objected to the presence of blacks to withdraw from the event. The revised policy was apparently devised to prevent a repetition of an incident at the Menlo Park High School (Pretoria) in February 1987 in which an African pupil had been banned from competing in an athletics competition (see 1987/88 *Survey* pp274-275).⁸⁰

In January the Menlo Park High School was again the scene of controversy when it barred African and coloured athletes from participating in an athletics meeting at the school. Some 300 athletes from Natal schools subsequently boycotted the meeting. Menlo Park matriculants held a sit-in protest and handed a petition to the principal, Dr C van der Merwe, protesting against the exclusion of black athletes.⁸¹

In March coloured junior athletes were forced to compete against adult runners in a meeting in Cradock (eastern Cape) after they were excluded from the junior races because white schoolchildren were participating. The organisers of the meeting told the coloured competitors that white schools did not participate in 'mixed sport'. The vice chairman of the South African Amateur Athletics Union (SAAAU), Mr Danie Malan, deplored the incident and said that the SAAAU would not sanction a meeting where athletes were discriminated against.⁸²

In May a rugby match between Christian Brothers College and Douglas High School in Kimberley (northern Cape) was cancelled after the parents' committee of Douglas High School refused to allow its children to play against a racially mixed side.⁸³

In December a petition signed by 30 000 white South Africans, calling for all sports venues to be opened to all races, was handed to the state president, Mr P W Botha. The petition had been organised by a Durban housewife, Mrs Lolly Mackenzie, in response to the racial incident at Menlo Park High School in February 1987.⁸⁴

Sponsorship

Sponsorship of South African sporting events, which totalled R63m in 1985 and R107m in 1987, was estimated to reach R130m in 1988. The

director of Business and Marketing Intelligence, Mr Johan Grobler, believed that sponsorship was growing 'by leaps and bounds' despite a reduction in the tax rebate for sports sponsorship from 90% to 65%. Football, road running and rugby received the largest amounts in sponsorship, the liquor industry contributing the largest amount.⁹⁶

In January it was announced that the South African Tennis Union (SATU) had received sponsorship from Standard Bank to the value of R600 000 for a 12-tournament professional tennis circuit. In addition SATU was given R1,4m for the development of junior tennis on a nonracial basis.⁹⁶

The Soccer Association of South Africa, an amateur body of mainly black players, announced in May that it was to receive sponsorship over a three-year period to the value of R1,65m from First National Bank. The funds were to cover participation in the association's annual competition, in which 2 800 clubs were expected to participate. (During 1987 First National Bank had provided a loan of R25m for the building of a soccer stadium at Crown Mines, near Johannesburg.)⁹⁷

In May the South African Cricket Board (SACB), an affiliate of the South African Council on Sport, received a donation of R20 000 from an anonymous sponsor. The funds were to be used to start a pilot coaching programme for young black cricket players in townships in the eastern Cape. The SACB hoped to raise funds to extend the programme to the entire country. The president of the SACB, Mr Krish Mackerdhuji, claimed that it was very difficult to find sponsors. The SACB had taken a determined anti-apartheid stand and thus it did not enjoy radio and television coverage of its games by the South African Broadcasting Corporation (SABC). This discouraged potential sponsors.⁹⁸

South African Council on Sport

The president of the South African Council on Sport (SACOS), Mr Frank van der Horst, said in February that SACOS needed to be 'democratised' by involving sportswomen and men at grassroots level in its policy and principles. He said that a major focus during 1988 would be combating the efforts of the regional services councils to control the use of sports fields (see chapter on *Government and Constitution*). He said that SACOS had also had to change its attitude to coloured and Indian local management committees, and to negotiate with these bodies, as they controlled access to civic amenities.⁹⁹

In March Miss Brenda Meth, a leading swimmer in the Amateur Swimming Association of South Africa (a member organisation of SACOS), was stripped of her captaincy of the Natal team after she had declined to read out a prepared speech at the national championships in Durban. The speech suggested that bodies in opposition to the association and to SACOS were racist and existed only to ensure that apartheid in swimming was perpetuated. Miss Meth said that she refused to be used as a 'political pawn' and that she had been victimised as a result.

In the same month Miss Rita Shabangu was expelled from the Tennis Association of South Africa (TASA) and six other players were sus-

ended because they had played in a South African Tennis Union tournament, which was seen as 'collaboration with apartheid policies'.¹⁰⁰

In April SACOS held a five-day festival of sport in Cape Town. Some 400 athletes participated and over 8 000 people attended the events.¹⁰¹

In the same month school principals told teachers at three coloured primary schools in the eastern Cape that they would have to resign if they did not dissociate themselves from SACOS. The teachers were asked to sign a declaration withdrawing their support from SACOS and declaring their willingness to officiate at 'normal sport' events. Teachers at two of the schools involved wrote to the director general of education and culture (coloured own affairs) to declare their 'conscientious objection' to the instructions.¹⁰²

The participation of members of the South African Defence Force and the South African Police in SACOS activities was a source of renewed controversy during 1988. In May the South African Soccer Federation ruled that individual members of the security forces could take part in its games, but that security force teams would be barred. Earlier in the year the Amateur Volleyball Association of South Africa (AVASA) had barred security force personnel from its interprovincial championships. Four Natal clubs belonging to AVASA were subsequently fined for playing against members of the police and army, but refused to pay. After a number of Natal players defected to the white-controlled Natal Volleyball Association, there was renewed pressure within AVASA to reconsider its ban on security force participation.¹⁰³

In July Mr Van Der Horst announced his resignation from his post as SACOS president. He maintained that he had taken the decision in order to 'prevent disunity in SACOS's mass struggle for nonracial sport'. It was reported that Mr Van Der Horst had stepped down in order to avert a split in the SACOS executive, owing to dissatisfaction with his style of presidency. It was alleged that as a member of the black consciousness-orientated National Forum, Mr Van Der Horst had not been neutral in his dealings with other organisations, such as the United Democratic Front. Mr Yusuf Ebrahim was subsequently elected as acting president of SACOS.¹⁰⁴

In September the South African Rugby Union, a SACOS affiliate, held talks with the African National Congress (ANC) in Lusaka (Zambia). The talks included a discussion of the rugby situation in South Africa and the recent meetings between the ANC and the South African Rugby Board (see *South African Attempts to Counter Isolation* above).¹⁰⁵

TASA, which had been established in 1978, was said to be one of the most successful SACOS affiliates, with 19 000 members organised into 19 provincial bodies and two school units. It had been the only SACOS affiliate to penetrate the homelands. In 1983 TASA's application for full membership of the International Tennis Federation had been defeated by a narrow margin. It was reported that TASA intended to reapply for full membership of the International Tennis Federation in early 1989.¹⁰⁶

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THE HOMELANDS

GENERAL POLICY MATTERS

Opening the QwaQwa Legislative Assembly in February, the state president, Mr P W Botha, said that the non-independent homelands had a 'proud history' of contributing positively to orderly and stable government. He said that those homelands that desired 'independence' would 'be encouraged and assisted towards achieving it'. Those that did not wish to do so, however, would 'remain an inextricable part of South Africa, and, as such, will remain linked to the constitutional future of South Africa'. Mr Botha said that the autonomy of the non-independent homelands would be increased. Matters of national interest would be reserved for decisions by the central government, but other matters would fall within the jurisdiction of the non-independent homelands.¹

In November 1988 the minister of constitutional development and planning, Mr Chris Heunis, expressed the government's determination to involve the non-independent homelands in decision making on national matters. He told a conference of representatives of these homelands that 'regional governments in one form or another' would remain part of the political system of South Africa. They had extended democratic processes to their inhabitants in a 'responsible manner', he said, thereby proving themselves in the constitutional field. Referring to the 'independent' homelands, Mr Heunis said that they were a unique example in Africa of 'autonomous regional governments'. The government, Mr Heunis said, recognised the essential role played by the homeland administrations within the political system, and it was for this reason that the Promotion of Constitutional Development Bill of 1988 — previously known as the National Council Bill (see chapter on *Government and Constitution*) — had provided that they should each have two representatives in the negotiation forum being established. Provision was also made for a representative of the non-independent homelands to act as co-chairman of the forum.²

The aim of the forum — which would determine its own name — was to plan and prepare a constitutional system providing for participation in government by all South Africans and to give Africans an interim say in government. Its 36 members were to include the six chief ministers of the non-independent homelands, who would be among the six members of the forum eligible to act as chairman.³

After a meeting in QwaQwa in February, the chief ministers of QwaQwa and Lebowa, Chief K Mopeli and Mr M N Ramodike, both repeated their rejection of the forum idea which, they said, served no purpose in bringing about change in South Africa. They would participate only under certain conditions, including the release of political prisoners and the lifting of the bans on political organisations.

They condemned the tricameral Parliament and both said that they rejected homeland 'independence'.⁴ They were committed to establishing one parliament with universal adult franchise and to bringing nonracial democracy into being through the politics of negotiation and consultation. They rejected 'the politics of revolutionary violence'.⁵ In December both chief ministers addressed delegates at the Labour Party's annual congress and again rejected the proposed national council. Both assured the Labour Party of their continued support for what they saw as its stand in Parliament against any further entrenchment of apartheid.⁶

In June, following the tabling in Parliament of amendments to the original National Council Bill, the chief minister of KwaZulu, Chief Mangosuthu Buthelezi, reiterated his rejection of the proposed national council 'in the present circumstances and as it is now constructed'. It was 'fundamentally and fatally flawed by its racist cornerstones'. He was not interested in a position on it and could see no way in which it could possibly be adapted. He would continue to oppose it until certain conditions — such as the release of various political prisoners — were met. The structure was inadequate because it implied the continuation of the tricameral system and was dominated by appointees of the state president. Black leaders had passed the point in history where they could be used as rubber stamps for the real intentions of the country's white political leadership, he said.⁷

On 1 August Chief Buthelezi and Mr Ramodike boycotted a meeting between non-independent homeland heads and Mr Heunis on the proposed bill and other measures to extend political participation in central government to Africans. Mr Ramodike sent a letter saying that Lebowa did not see any wisdom in participating in the council in its envisaged form.⁸ Although the chief minister of KaNgwane, Mr Enos Mabuza, attended, he brought a memorandum critical of various government policies and rejecting the meeting's agenda. Mr Mabuza said that it was 'premature' to discuss African representation while the homelands and proposed legislative and executive councils for Africans outside the homelands formed the basis of a future constitution. 'These all represent structures based on the government's group concept, the very stumbling block which excludes most South Africans from participating.' No statement was issued after the meeting.⁹

In June the United Municipalities of South Africa (UMSA) said that it had decided to form a political alliance with some homeland administrations to hold joint discussions on matters affecting Africans in the country. UMSA's president, Mr Tom Boya, said that UMSA had held talks with the leaders of KwaZulu, Lebowa and QwaQwa in previous weeks and would speak to the leaders of KaNgwane and Gazankulu to discuss the same idea. Mr Boya said that urban and homeland Africans faced the same problems and by forming links with the homelands, there would be one strong delegation — of councillors and homeland leaders — to represent Africans at government level.¹⁰ UMSA and the KwaZulu cabinet agreed during talks on a joint approach to the national council,

which they both rejected, and on the promotion of black unity. Mr Boya said that the alliance would aim to bargain with the government on earlier preconditions set by UMSA and various homelands for participation in the council.¹¹

Africans living on South African Development Trust land administered by the central government were not able to vote in the October municipal elections because no local authority system had been established for them. More than 2m people live in the urbanised sections of the trust areas, which cover 1,4m hectares. The minister of development aid, Dr Gerrit Viljoen, said that the development of a local government system was an urgent priority for those areas. Local government powers had previously been in terms of Proclamation 293 of 1962, and these had been very limited. The proclamation had been replaced in 1987 by Proclamation R29.¹² Africans not holding South African citizenship were also not allowed to vote.¹³

Schedule one of the National States Constitution Act of 1971, which lists the items in respect of which non-independent homeland legislative assemblies may pass legislation, was amended during 1988. Item 28, which gave legislative powers, with the prior approval of the minister of development aid, over the planning, administration, establishment and maintenance of townships (including the establishment of local government bodies) was replaced by a new item 28 which simply states 'Townships and settlements (including the establishment of local government bodies)'. Item 31Q, which had allowed legislative power regarding concluding conventions, treaties and agreements with the central government, was amended to include also 'any other government body or person' in South Africa.¹⁴ Item 32, which had been added to the schedule in 1987 (see 1987 *Survey* p851) came into effect in KaNgwane and KwaNdebele on 28 October 1988. It refers to 'the provision and distribution of electricity'.¹⁵

Multilateral co-operation

In 1982 the central government and the four 'independent' homelands established a formal system of co-operation to promote socio-economic development in South Africa within a broad development policy framework.

On 21 November leaders of the four 'independent' homelands met central government representatives in a 'summit' meeting in Pretoria chaired by the state president, Mr P W Botha. They agreed to refer to the structure of co-operation between themselves as the 'Economic Community of Southern Africa'. A statement released by the meeting said, 'The name emphasises the fact that a community of states has been created de facto and that this community concentrates on economic co-operation.' Mr Botha said that no African state would be excluded from taking part in the endeavour. He said that 'southern Africa' should be looking at a fundamental economic restructuring based on affordability and efficiency. Deregulation and encouragement of small businessmen

were important, and the private sector should be drawn further into the development process. He said that the central government and the homelands would have to be tougher in determining development priorities in the light of more difficult economic conditions. In their addresses to the 'summit' meeting, the homeland leaders complimented Mr Botha on his reforms, but asked that they be accelerated. The chairman of the Transkei Military Council, Major General Bantu Holomisa, said that unless there was a realistic programme of social change, all efforts of those working against sanctions would be futile.¹⁶

The general secretary of the Secretariat for Multilateral Co-operation in Southern Africa (SECOSAF), Mr A E van Niekerk, said in November that sooner or later the non-independent homelands would be drawn into the structure of multilateral co-operation that existed between the central government and the four 'independent' homelands at central government level. They already participated at regional level, he said. Lesotho and Swaziland had participated at conferences organised by SECOSAF, he said, and the organisation would welcome them into its ranks.¹⁷

On 31 October the representatives of the four 'independent' homelands and the central government on the multilateral economic and finance committee, the central co-ordinating body of the multilateral co-operation system, met and said that there had been considerable progress in removing constraints to economic development. They discussed matters including their financial relations and the formulation of a framework for an urbanisation strategy for South Africa.¹⁸

Citizenship

Owing to the provisions of the Restoration of South African Citizenship Act of 1986, no citizens of the 'independent' homelands applied in terms of the National States Citizenship Amendment Act of 1978 to regain their South African citizenship in 1987.¹⁹

The following table shows the number of citizenship certificates issued in the non-independent homelands by the end of 1987, the number issued during 1987 and the estimated number which remained to be issued at the end of 1987:²⁰

Citizenship certificates issued in non-independent homelands

	<i>Issued during 1987</i>	<i>Total number issued by end of 1987</i>	<i>Still to be issued at end of 1987</i>
Gazankulu	44	98 444	416 522
KaNdwane	nil	4 574	536 663
KwaNdebele	622	36 026	335 246
KwaZulu	2 005	1 604 159	1 580 301
Lebowa	356	278 210	1 164 454
QwaQwa	1 022	164 664	873 222
Total	4 049	2 186 077	4 906 408

The minister of home affairs, Mr Stoffel Botha, said that the government had received no requests from the administrations of the 'independent' homelands to grant dual citizenship to their citizens permanently resident in 'South Africa'.²¹

He also said that South African citizenship was regulated by three acts, only one of which — the South African Citizenship Act of 1949 — applied to whites. The National States Citizenship Act of 1970 and the Restoration of South African Citizenship Act of 1986 applied only to Africans. (The 1949 act applies to Africans as well.)²²

The minister gave the following estimates of the number of homeland citizens residing outside the homelands in 'South Africa' in 1980 and 1985:²³

Homeland citizens resident outside the homelands

	1980	1985
Bophuthatswana	713 618	588 993
Ciskei	864 611	331 300
Gazankulu	178 846	178 385
KaNgwane	326 080	329 714
KwaNdebele	158 232	211 819
KwaZulu	1 658 806	1 121 360
Lebowa	680 267	619 125
QwaQwa	781 743	704 443
Transkei	744 762	682 664
Venda	131 913	89 364
Total	6 238 878	4 857 167

The Bophuthatswana administration had reportedly identified 548 000 'illegal immigrants' in the homeland. During discussion of the Aliens and Travellers Control Amendment Bill, various Bophuthatswana MPs expressed concern about the influx of illegal immigrants in the territory, which has no prescribed border controls. The amendment bill contained proposals to establish an immigration selection review committee.²⁴

In June the minister of foreign affairs and information in the Transkei, Brigadier E Keswa, said that the Transkei's military administration intended asking the central government to grant South African citizenship to all Transkeians, including those permanently resident in the homeland. The purpose of the request was to enable all Transkei citizens to seek work where they liked, so that those preferring to work in 'South Africa' could do so.

LEGISLATION

General legislation during 1988

National States Constitution Amendment Act

The National States Constitution Amendment Act amended the National States Constitution Act of 1971 by the addition of a new subsection authorising the legislative assemblies of the non-independent homelands to appropriate funds for use outside their areas of jurisdiction within South Africa in respect of projects relating to matters referred to in schedule 1 of the 1971 act and which had been approved by the minister of development aid for that purpose.²⁵ Introducing the second reading debate on the bill, the deputy minister of constitutional development and planning, Mr Roelf Meyer, said that the non-independent homelands had requested the amendment to enable them to utilise their funds outside their borders. Examples of the type of spending envisaged included purchasing accommodation for their representatives in the white-designated area, hiring or buying distribution facilities for selling homeland produce outside the homeland and transport facilities and depots for homeland development corporations running transport services across homeland borders.²⁶

Regional Services Councils Amendment Act

Through an amendment to section 4 of the Regional Services Councils Act of 1985, the Regional Services Councils Amendment Act facilitated participation and co-operation across boundaries between the white-designated area and non-independent homelands. It provided that by way of agreement a local body, institution, or person within the area of a non-independent homeland could be deemed to be part of the area of a regional services council (RSC). The RSC could then provide services to these homeland participants who could also gain representation on an RSC. The council could undertake to perform any regional function or any RSC function within the area of jurisdiction of the homeland concerned.²⁷ For a discussion of the main body of this act, see chapter on *Government and Constitution*.

Excision of Released Areas Act

The Excision of Released Areas Act excised land in the Transvaal, including that on which the townships Lethlabile (north of Brits) and Soshanguve (north of Pretoria) are situated, from the released areas defined in the first schedule to the Development Trust and Land Act of 1936. The land portions were instead designated as development areas in terms of the Black Communities Development Act of 1984 and the townships designated as townships established in terms of the 1984 act. The land would vest in the administrator-in-executive committee of the Province of the Transvaal.²⁸ Introducing the second reading debate on

the bill, the minister of development aid, Dr Gerrit Viljoen, described the two townships as 'rapidly developing, inter-ethnic South African Development Trust (SADT) towns'. The bill, he said, provided for the transfer of the land from the SADT, to which it belonged, to the administrator of the Transvaal, the authority for local administration of African affairs outside the homelands. He would apply the existing law for an interim period in order to accomplish the transfer of these towns to their new dispensations. The Black Local Authorities Act of 1982 and the Black Communities Development Act would become effective on a date determined by the state president. It had originally been intended that the towns would eventually be incorporated into a homeland, Dr Viljoen said, but 'their strong inter-ethnic composition has rendered incorporation into Bophuthatswana both impractical and inadvisable. It was therefore decided that they would remain part of South Africa. Consequently it is no longer appropriate that they should continue to be administered as trust territories which are normally earmarked for ultimate incorporation' into a homeland. One of the problems, Dr Viljoen added, was that the towns' inhabitants feared incorporation although they had been assured by the government that they would remain part of South Africa. 'In order to make the matter unambiguous, this change in status was considered necessary.'²⁹

Development Aid Laws Amendment Act

The Development Aid Laws Amendment Act amended a number of acts. Section 30 of the **Black Administration Act of 1927** was amended to rectify an omission. The original section had allowed the minister of development aid to set aside land in trust areas as a town. The amendment enabled him also to extend and redefine or otherwise modify existing towns. Section 30 was also amended to give the minister the power to amalgamate local government bodies where adjacent trust towns had grown together in the course of development or to split up an existing local government body into two or more bodies to administer an area that had greatly developed and expanded.

The amendment act also amended the **Development Trust and Land Act of 1936** by repealing section 11(2). This subsection had made it compulsory for African-controlled associations or partnerships to get ministerial permission before they could acquire or hold SADT land. (This restriction did not apply to individual Africans.) The amendment was aimed at enabling African businessmen to compete more freely in commercial activities. The 1936 act was also amended by the repeal of section 24(3), (4) and (5). These subsections had required ministerial permission for the issuing of business licences in trust areas. The effect of the repeal was to deregulate licence application procedures and standardise the procedures in all areas.

The **Promotion of the Economic Development of National States Act of 1968** was also amended to expand the powers of the South African Development Trust Corporation (SADTC). This body had been

established in terms of the 1968 act to continue with certain residual functions of the Corporation for Economic Development (which was dissolved) until they had been transferred to the non-independent homelands' own development bodies. The SADTC's area of activity was limited by legislation to the non-independent homelands. Dr Viljoen said, however, that the SADTC had acquired a proven expertise in several fields, particularly in establishing black farmers, and there had been requests from some of the 'independent' homelands and the House of Representatives for the SADTC's assistance. The amendment of the 1968 act was therefore to enable the SADTC, while still in existence, to help any developing community, including those outside the non-independent homelands, if so requested, in the fields of industry, commerce, finance, mining and other businesses.³⁰

Customs and Excise Amendment Act

The Customs and Excise Amendment Act made various amendments to the Customs and Excise Act of 1964, including an amendment to authorise the commissioner for customs and excise to refund to registered fuel users in the 'independent' homelands part of any duty or fuel levy paid in 'South Africa' on any petrol or fuel bought for consumption in those homelands.³¹ This was because the homeland administrations did not have the infrastructure to process the refunds for which all registered users qualified. The section was retroactive to July 1987 because payments had in any case been made since then, the date of the introduction of a fuel levy.³²

Land Bank Amendment Act

The Land Bank Amendment Act amended the Land Bank Act of 1944 to enable the Land and Agricultural Bank of South Africa to finance farmers in all ten homelands, with the approval of the minister of finance, and via their own agricultural institutions. The loans would be guaranteed by the homeland administrations and the central government.³³

Borders of Particular States Extension Amendment Act

The Borders of Particular States Extension Amendment Act amended some of the schedules to the Borders of Particular States Extension Act of 1980 by inserting further land definitions. The principal act allows the state president to transfer, to the four 'independent' homelands, the land listed in the schedules from time to time. The act provided for the addition of further land to Bophuthatswana, Venda and the Ciskei.

The Progressive Federal Party (PFP) opposed the bill on the grounds that it opposed the 'piecemeal fragmentation of South Africa' and the 'juggling of land', which caused uncertainty to all those affected. Further, those living on the land being given to Bophuthatswana and the Ciskei would lose their South African citizenship.

Included in additions to the Ciskei was a portion of the Peelton area (eastern Cape) that had not been incorporated into the Ciskei at the time of 'independence' in 1981, although the other portion of Peelton had been. This was the only controversial part of the bill (see section on *Land* below for details on the Peelton incorporation). Mr Peter Soal MP (PFP) said that the opposition in Peelton to incorporation had not been brought to the attention of the standing committee investigating the bill and he asked Dr Viljoen to refer the bill back to the committee so that the issue could be investigated. Mr Peter Gastrow MP (National Democratic Movement) opposed the bill and argued the case of the Peelton residents opposed to incorporation. He said that the Peelton residents had heard about the proposed legislation only after it had already been passed unopposed by the House of Delegates and the House of Representatives. They had not been consulted about the legislation, which was now being passed 'behind their backs'.

Dr Viljoen denied this, saying that the tribal authorities of the tribe had wanted the incorporation and had made representations to this effect for years. He also claimed that the residents would not lose their South African citizenship. Dr Viljoen said that he did not deny that there was a difference of opinion in the Peelton case, but in view of the historical background and because of the need for the unity of the tribe it was only right that the unity of the tribal area be restored. He added that no African people lived on the land being incorporated into Bophuthatswana, so that there was no question of any loss of citizenship or 'indirect process of forced removal by way of incorporation'.³⁴

Enforcement of Foreign Civil Judgements Act

The Enforcement of Foreign Civil Judgements Act repealed the Reciprocal Enforcement of Civil Judgements Act of 1966 and provided that civil judgements given in 'designated countries' may be enforced in magistrates' courts in 'South Africa'. The act was designed with the 'independent' homelands as the 'designated countries' envisaged, although any other countries willing to enter into such an agreement with South Africa could be included within the scope of the act. The 'independent' homelands were to pass similar legislation, after which the central government's act would be implemented. 'Judgement' was defined in the act as 'any final judgement or order for the payment of money...by any court in any civil proceedings or in respect of compensation or damages to any aggrieved party in any criminal proceedings...'. It also includes judgements ordering the payment of taxes, fines, penalties or maintenance.

The minister of justice, Mr Kobie Coetsee, said that the repeal of the act and the common law had provided for the enforcement of foreign civil judgements of one state in the territory of another but had never been used because the procedures were costly and time-consuming and the original act had made 'greater provision for unilateral than reciprocal action'. Foreign civil judgements had had to be directed through

diplomatic channels for registration in the courts. The multilateral technical committee between the central government and the 'independent' homelands on juridical matters, he said, had investigated the problems with the existing procedure. As a result, the new bill presented a far more streamlined system and one more suited to the situation of the 'independent' homelands and the central government.³⁵

Constitutional Laws Second Amendment Act

The Constitutional Laws Second Amendment Act sought to accommodate legislatively the administrative problems caused by the Supreme Court judgement in May 1988 declaring the KwaNdebele election in 1984 null and void (see 1987/88 *Survey* pp923-924). The government foresaw 'absolute chaos' if all the actions of the KwaNdebele Legislative Assembly since November 1984 were not validated. The act validated Proclamation 114 of July 1984. This was a proclamation issued by the state president amending the KwaNdebele Constitution Proclamation to make provision for an election to take place in KwaNdebele. This effected the legalising of the constitution of the legislative assembly. The amendment act also suspended Government Notice 1038 of May 1986 in so far as it gave the KwaNdebele administration the authority to decide on elections and the composition of the legislative assembly. Parliament had to suspend that authority temporarily in order to pass the amendment act. The amendment act dissolved the KwaNdebele Legislative Assembly on a date to be fixed by the state president. It stipulated that an election of 16 members of the legislative assembly be held as soon as possible after the commencement of the act. It made provision for women over the age of 21 years in KwaNdebele to vote and stand for election. The minister of constitutional development and planning, Mr Chris Heunis, stressed during the second reading debate on the bill that the Supreme Court decision was not being overruled, but was being confirmed.³⁶

The legislation was passed in the houses of assembly and delegates but unanimously rejected in the House of Representatives. The Labour Party (LP) said that the bill was a 'legislative travesty of justice and morally indefensible'. The NDM and PFP opposed the bill on the grounds that passing it would validate all illegal actions in KwaNdebele and sanction the human rights violations in KwaNdebele over the previous four years.³⁷ Mr Meyer replied that the purpose of the bill was not to validate all actions of the KwaNdebele administration, only its legal actions.³⁸ In August the bill was referred to the President's Council (PC) for a decision in terms of section 32(1) of the Republic of South Africa Constitution Act of 1983 and ultimately passed. Members of the PFP, the LP and the NDM voted against the legislation in the PC.³⁹ Mrs Helen Suzman MP (PFP) said that it was 'an absolute disgrace' that the act had been pushed through in this way. She said that the decision undermined the authority of the courts. The PC's decision to override Parliament once again made a mockery of the legislature's authority, she said.⁴⁰

Moutse (Validation of Actions) Bill

The Moutse (Validation of Actions) Bill, tabled on 27 June 1988, was not passed during 1988. It provided for the validation of government actions in Moutse during the period of its illegal incorporation within KwaNdebele between 31 December 1985 and 29 March 1988. (The Appellate Division of the Supreme Court had found the incorporation to be illegal in March 1988 — see 1987/88 *Survey* pp884-886.) The bill sought to circumvent the problem of the illegality (because of the judgement) of the KwaNdebele administration's actions in Moutse in that period.

The bill was passed in the House of Assembly on 23 August, only the PFP voting against it. On 2 September the House of Representatives refused to read the bill a second time. The House of Delegates, which had passed the Constitutional Laws Amendment Bill, unanimously rejected the Moutse bill on 7 September.

Mr Pat Poovalingam MP (PFP) said in the House of Delegates that he recognised that the executive was in trouble but the point was that the situation was entirely of the executive's own making.⁴¹

Mr T Abrahams MP (LP) said in the House of Representatives on 2 September that his party had consistently opposed the incorporation of Moutse into KwaNdebele. 'The LP is on record for its efforts to oppose the mischief which is being perpetrated in that region. The minister [of development aid] should realise that we cannot now make an about-face and support this type of validation of the actions of a legislative assembly which were imposed upon the people of Moutse.'⁴²

The deputy minister of constitutional development and planning, Mr Roelf Meyer, said that unless the bill was passed, administrative actions in Moutse since 1985 were open to challenge in court. These included actions and decisions relating to matters such as pension payments, marriages, salaries, budgets and expenditure. All such actions would be illegal unless the bill was passed. The government accepted the decision to rescind the incorporation of Moutse, he added.

Mr Heunis said that the measure concerned the protection of the rights of Moutse residents and it was wrong for members of the House of Delegates blatantly to ignore these for the sake of scoring political points.⁴³

The minister of development aid, Dr Gerrit Viljoen, said in the House of Assembly, 'The bill is most definitely not aimed at covering up any illegalities. It must be quite clear that every aggrieved person maintains his right to approach a court for relief should he have been injured by the KwaNdebele government or any of its officials.'⁴⁴

Particular legislation during 1987 and 1988

Many of the 1988 acts passed in the homelands were unobtainable at the time of writing and will be discussed in the 1989/90 *Survey*. Most of the 1987 acts are described in the 1987/88 *Survey*.

Bophuthatswana

Bophuthatswana passed three acts in March 1988 in the wake of an unsuccessful coup attempt the previous month (see section on *Security* below for details).

First, Bophuthatswana's **Internal Security Amendment Act of 1988** amended its Internal Security Act of 1979. It deleted the requirement specified in section 10(1)(f) of the principal act that when banning a person (prohibiting that person from leaving or entering specified areas and from seeing more than a specified number of people) the minister of law and order must furnish reasons.

The amendment act also extended the provisions of section 25 to enable the Bophuthatswana Police to arrest or detain for interrogation purposes, without warrant, anyone suspected of being involved in actions aimed at 'effecting an unconstitutional change' of the homeland's administration or 'a secession' from the homeland. They could also detain without warrant anyone who was witness to such actions.⁴⁵

Secondly, the **Republic of Bophuthatswana Constitution Amendment Act of 1988** amended the Bophuthatswana Constitution Act of 1977. It provided that during a general criminal or public investigation into persons alleged to have been involved in acts aimed at effecting an unconstitutional change to the Bophuthatswana administration or a secession from the homeland, legal proceedings against the administration brought by those persons could be postponed for three months. It also provided in section 12 for the restriction, in certain circumstances, of the right of persons to an early criminal trial and to visits while in custody.⁴⁶

Commenting, Mr Raymond Tucker, acting southern Transvaal chairman of Lawyers for Human Rights, said, 'The denial of access to court for whatever period is to be deplored, and one can only say that Bophuthatswana has learnt well from its Pretoria masters.'⁴⁷

Professor Marinus Wiechers of the University of South Africa, who helped draft the Declaration of Fundamental Rights in Bophuthatswana's constitution, said that the amendment was an 'insidious attack' on the declaration, rather than a direct attack.⁴⁸

Thirdly, the **Legal Aid Act of 1988** denied free state legal aid to anyone charged with treason or sedition. Introducing the bill the minister of justice, Mr G Mothibe, said that persons facing charges that might incur the death penalty were not necessarily entitled to the privilege of legal assistance. The state had a right to refuse such privileges if it were not in the interests of the public, he said.

Mr Tucker said, 'This move presupposes that persons who are charged are guilty. Besides this, even guilty accused are entitled to legal representation as there is the question of mitigation which can be extremely important, especially relating to charges carrying the death sentence.'

Professor John Dugard, director of the Centre for Applied Legal

Studies at the University of the Witwatersrand, said that the laws totally disregarded accepted principles of criminal justice and were 'disgusting'.⁴⁹ The Bar Association of Bophuthatswana, the Side Bar of Bophuthatswana and the School of Law at the University of Bophuthatswana issued a statement on 7 April which criticised the denial of detainees' rights to legal representation.⁵⁰

The **Republic of Bophuthatswana Constitution Second Amendment Act of 1988** passed in August provided that when the registration of a political party was cancelled, the seats of members of the national assembly representing that party would become vacant and filled by way of byelection. This act followed the banning of the People's Progressive Party (see section on *Security* below).⁵¹

The **Aliens and Travellers Control Amendment Act of 1988** established an Immigration Selection Review Committee. Any alien whose application for a permit for permanent residence in Bophuthatswana had been refused by the Immigrants Selection Board could appeal to this new committee.

The amendment act also added additional requirements for issuing permanent residence permits: the board and the review committee had to be satisfied, inter alia, that the applicant would not 'pursue an occupation in which a sufficient number of persons is already engaged in Bophuthatswana to meet the requirements of the inhabitants' of the homeland; and the applicant had to be 'likely to become readily assimilated with the inhabitants' of the homeland. (Dependants, minor children and wives of permanent residents could be given permanent residence without satisfying these requirements.)⁵²

Bophuthatswana passed the **Manpower Development Authority of Bophuthatswana Act** which established a Manpower Development Authority to assist in promoting, regulating and co-ordinating manpower training in the homeland with a view to meeting existing and future demands, and to improving training standards.⁵³

Ciskei

The Ciskei passed a **National Security Amendment Act** in August 1988 which amended its National Security Act of 1982. It replaced section 5 of the principal act, which prohibits anyone from rendering assistance to or harbouring anyone who that person suspects of having committed or of intending to commit a crime relating to terrorism, sabotage or subversion. The original section also made such assistance punishable by the penalty to which the harboured person would have been liable on conviction for his/her offence. The new section 5 prohibits the harbouring of anyone who intends to commit or has committed such offences, but has a new penalty which carries a maximum sentence of 20 years. It also provides that nobody can be found guilty in terms of it if he/she can prove that he/she did not know or had no reason to suspect that the person was involved in such crimes. The offence of harbouring such persons or

failing to report their presence to the police was added to the schedule of offences in respect of which the attorney general could refuse the accused bail or issue a warrant for the detention of a witness. Also added to this schedule by the amendment act were a number of other security offences, all contained in section 18 of the principal act, and relating to the prohibition of certain organisations and publications.⁵⁴

KwaNdebele

The **KwaNdebele Traditional Authorities Amendment Act of 1987** amended the KwaNdebele Traditional Authorities Act of 1984 to extend the powers, functions and duties of tribal and community authorities to include certain local government powers in relation to matters including water supply, levying of service charges, allocating and administering the renting of houses and other buildings, and maintaining and establishing community facilities. The act also provided that township councils established under Proclamation R293 of 1962 (abolished in March) be substituted with community or ward authorities. The amendment act also conferred additional powers on the chief minister of KwaNdebele, including the power to amend or repeal any tariffs or levies payable to a tribal authority on account of local government matters. The chief minister could also, after consultation with the chief, withdraw the appointment of any headman if he failed to carry out his local government duties.⁵⁵

The **KwaNdebele Civil Defence Act of 1987** provided for civil defence in KwaNdebele in a state of emergency (declared in terms of the Public Safety Act of 1953) or a state of disaster. It included in its definition of 'disaster' any consequences 'arising out of terrorism' (as defined in the Internal Security Act of 1982). The chief minister was entitled to declare a state of disaster. He was empowered to issue directives to control the state of emergency or disaster.⁵⁶

The **KwaNdebele Levying of Taxes by Traditional Authorities Amendment Act of 1987** inserted into the principal act of 1983 the presumption that in any criminal proceedings for the non-payment of taxes, it would be assumed, until the contrary was proved, that such an accused was 18 years or older and that taxes were due and payable.⁵⁷

On 29 April the KwaNdebele Legislative Assembly passed the **KwaNdebele Indemnity Act** protecting the administration and its agents and employees from any civil claims arising from the 18 months of unrest between 1 December 1985 and 11 June 1987.⁵⁸

KwaZulu

The **KwaZulu Black Administration Act of 1988** transferred powers of issuing removal orders previously exercised by the state president to KwaZulu's minister of justice. The act gave the minister the power, after consultation with the chief minister, to order any black community to withdraw from any place to any other within KwaZulu.⁵⁹

FINANCING THE HOMELANDS

Homeland revenue

The director of the Africa Institute, Dr Erich Leistner, said that if all central government transfer payments – taxes, industrial incentives, customs union payments, and rand monetary area payments – were excluded from the 'own' revenue of the four 'independent' homelands, the proportion that internally generated revenue represented of their revenue in 1987/88 was only 24% for the Transkei, 23% for Bophuthatswana, 12% for Venda and 10% for the Ciskei.⁶⁰ According to their own estimates of revenue, the homelands were to derive the following amounts from their own revenue, loans and the central government in the 1988/89 financial year:

Estimated sources of homeland revenue: 1988/89

	<i>From central government^a</i> R	<i>From loans</i> R	<i>From internal revenue^a</i> R
Bophuthatswana ⁶¹	403 000 000	147 550 000	188 191 000
Ciskei ⁶²	910 000 000 ^d	–	191 000 000
Gazankulu ⁶³	407 707 000	47 134 000 ^b	153 029 000
KaNgwane ⁶⁴	214 884 000	30 027 000	48 690 100
KwaNdebele ⁶⁵	207 528 000	44 825 000	40 527 000
KwaZulu ⁶⁶	1 462 545 000	118 341 000 ^b	386 663 907
Lebowa ⁶⁷	859 636 000	65 714 000 ^c	220 784 000
QwaQwa ⁶⁸	160 333 000	25 500 000	120 000 000
Transkei ⁶⁹	660 246 000	–	936 113 000
Venda ⁷⁰	281 860 000	71 145 100 ^b	194 454 000
Total	5 567 739 000	550 236 100	3 479 452 007

- a The homelands generally include under the category of internal revenue various transfer payments from the central government, so that figures in the column showing revenue from the central government do not in most cases necessarily reflect the full extent of revenue it provides. For example, Bophuthatswana's internal revenue figure includes its customs union payment of R452,7m from the central government. The Ciskei's includes decentralisation incentives provided by the central government (R42m). The Transkei's internal revenue figure includes R265m in 'general tax', R52m in income tax, R18,3m in 'compensatory payment for circulation of rand currency' and R350m as customs and excise duties. Venda's includes R156m in transfer payments from the central government. Similarly, the non-independent homelands' internal revenue figures include income taxes transferred to them from the central government as they are an estimate of tax collected from their citizens working outside the homelands. These tax transfers constitute the major portion of 'revenue from own sources'.
- b These figures include their loans from the Development Bank of Southern Africa (DBSA) for projects in 1988/89
- c Referred to as 'credit facilities'
- d This figure includes customs union duties and rand monetary area payments from central government.

Central government allocations

Most homeland revenue provided by the central government is channelled via the Department of Development Aid (mostly to the six non-independent homelands) and the Department of Foreign Affairs (which is the conduit for the four 'independent' homelands).

In the 1987/88 and 1988/89 budget estimates, the following amounts were allocated for the 'development of black areas towards self determination' in the vote of the **Department of Development Aid**:

Development Aid Vote

	1987/88 R	1988/89 R
<i>Consolidation of black areas</i>		
Administration	3 000 000	3 000 000
Grant-in-aid to SADT ^a for		
purchase of land	39 575 000	56 946 000
settlement	25 000 000	25 000 000
(Less: estimated funds from own sources)	(6 000 000)	(6 000 000)
Total	61 575 000	78 946 000
<i>Development towards self-determination</i>		
Planning and administration	13 778 000	25 750 000
Grant-in-aid to SADT ^a for		
land planning and conservation	11 990 000	11 990 000
settlement of population	154 975 000	165 937 000
employment creation and income generation	69 255 000	76 105 000
human development	36 266 000	1 000 000
rendering social services	60 158 000	68 291 000
government planning and		
administration	23 524 000	23 524 000
physical infrastructure	54 654 000	73 501 000
(Less: estimated funds from own sources)	(68 000 000)	(18 000 000)
Total	356 600 000	428 098 000
Grand total	418 175 000	507 044 000

a South African Development Trust

The department also made provision for budgetary assistance to non-independent homelands as shown in the table opposite.

In addition the Department of Development Aid allocated R5m to the South African Development Trust (SADT) for subsidising the fares of commuters travelling within the non-independent homelands.

According to the chief director for development co-operation in the **Department of Foreign Affairs**, Mr Rod Smith, his department spends about 83% of its budget on the 'independent' homelands and was looking, in the long term, for ways to reduce the sum of its budgetary aid.⁷¹

Budgetary assistance to non-independent homelands^a

	1987/88 R	1988/89 R
Gazankulu	319 680 000	425 757 000
KaNgwane	157 349 000	228 524 000
KwaNdebele	147 940 000	219 678 000
KwaZulu	1 027 207 000	1 520 479 000
Lebowa	712 260 000	898 724 000
QwaQwa	123 925 000	170 657 000
Total	2 488 361 000	3 463 819 000

a This comprises administrative and technical assistance, an 'additional amount', project aid and a statutory grant.

Other government departments are also involved in financing the four 'independent' homelands, including the departments of finance and of development aid. For example, the Department of Finance allocated R46m in 1988/89 in rand monetary area 'foreign transfer payments' to Lesotho and the four 'independent' homelands, and the Department of Development Aid allocated R20m and R43,1m respectively for the purchase of properties and for the establishment of townships and infrastructure in the 'independent' homelands in 1988/89.

The following two tables summarise the total amounts allocated to the 'independent' homelands by various central government departments in the 1987/88 and 1988/89 financial years:⁷²

Estimated payments to 'independent' homelands: 1987/88

	Bophuthatswana R	Ciskei R	Transkei R	Venda R
<i>Direct assistance</i>				
Foreign affairs vote	336 000 000	299 666 000	517 722 000	221 200 000
Technical and other assistance ^a	18 677 000	23 643 000	15 153 000	10 469 000
<i>Economic Co-operation</i>				
Promotion Loan Fund	33 730 000	8 136 000	30 057 000	19 869 000
Incentives for industries	14 000 000	24 000 000	15 000 000	4 400 000
<i>Transfer payments</i>				
Income tax	50 938 000	28 414 000	134 837 000	8 849 000
Customs union	411 569 000	156 117 000	350 516 000	67 070 500
Rand monetary area	6 570 000	3 740 000	14 570 000	1 900 000
Job creation	8 500 000	10 800 000	7 200 000	2 500 000
Total	879 984 000	554 516 000	1 085 055 000	336 257 000

a Technical assistance includes a flour subsidy, salaries of judges, manpower provision and technical assistance.

Estimated payments to 'independent' homelands: 1988/89

	<i>Bophuthatswana</i> R	<i>Ciskei</i> R	<i>Transkei</i> R	<i>Venda</i> R
<i>Direct assistance</i>				
Foreign affairs vote	410 000 000	360 702 000	635 746 000	271 780 000
Technical aid	2 100 000	1 250 000	1 150 000	1 100 000
<i>Economic co-operation</i>				
promotion loan fund	43 000 000	13 000 000	29 000 000	32 000 000
Incentives for industries	13 000 000	36 000 000	20 000 000	5 000 000
<i>Transfer payments</i>				
Income tax	61 600 000	34 400 000	163 200 000	10 700 000
Customs union	N/A	N/A	N/A	N/A
Rand monetary area	7 400 000	4 200 000	16 570 000	2 100 000
Job creation	8 500 000	10 800 000	7 200 000	2 500 000
Total	545 600 000	460 352 000	872 866 000	325 180 000

N/A – Not available

The Commission of Inquiry into the Tax Structure of the Republic of South Africa (the Margo Commission), which reported in December 1986, recommended that the customs union agreement should be replaced by a 'more comprehensive system of financial relations'. In its white paper in March 1988, the government said that 'such a system would enable better account to be kept of the development requirements of the countries and internationally recognised norms and standards of development aid could be applied'. It was extremely concerned at the erosion of the base of its customs and excise duties as a result of the 'unrealistic transfers' to Botswana, Lesotho, Swaziland and the four 'independent' homelands.⁷³

Homeland budgets

The ten homelands budgeted for a total expenditure of R7,8bn in 1988/1989, a 27% increase on 1987/88. The table below compares the homeland budgets of 1987/88 and 1988/89 and shows the percentage changes:⁷⁴

	<i>Homeland budgets</i>		
	<i>1987/88</i> R	<i>1988/89</i> R	<i>Change</i>
Bophuthatswana	1 662 317 990	1 745 591 000	5%
Ciskei	859 000 000	1 068 506 000	24%
Gazankulu	376 657 000	560 736 000	49%
KaNgwane	230 138 690	299 861 722	30%
KwaNdebele	180 545 500	294 030 000	63%
KwaZulu	1 295 862 836	1 967 549 907	52%
Lebowa	865 045 000	1 099 406 000	27%
QwaQwa	231 922 800	301 760 000	30%
Transkei	1 604 435 000	1 952 180 000	22%
Venda	492 041 600	590 179 400	20%
Total	7 797 966 416	9 879 800 029	27%

The following tables give a detailed breakdown of the budgets of the non-independent homelands in 1988/89:

Non-independent homeland budgets: 1988/89

	<i>Gazankulu</i> R	<i>KaNgwane</i> R	<i>KwaNdebele</i> R
Chief minister (and economic affairs)	36 207 000	9 870 000	5 476 000
Interior	46 420 000	5 144 700	5 000 000
Works	90 054 000	95 293 500	88 187 000
Education (and culture)	187 977 000	84 169 000	75 494 000
Agriculture (and forestry)	36 245 000	15 198 000	21 214 000
Justice	7 800 000	1 750 000	6 200 000
Health (and welfare)	103 745 000	52 502 000	42 000 000
Finance	39 963 000	26 157 000	26 863 000 ^a
Police	12 325 000	8 885 000	19 000 000
Citizen liaison and information	—	—	2 769 000
Statutory amounts ^b	—	892 522	1 827 000
Total	560 736 000	299 861 722	294 030 000

a KwaNdebele's economic affairs budget is included here.

b Refers to amounts budgeted for salaries, and in all budgets, except KaNgwane's and KwaNdebele's, these are incorporated within each departmental vote

Non-independent homeland budgets: 1988/89 (continued)

	<i>KwaZulu</i> R	<i>Lebowa</i> R	<i>QwaQwa</i> R
Chief minister (and economic affairs)	91 240 970	50 483 000	8 642 750
Interior	14 515 000	32 066 000	25 266 750
Works	410 408 537	72 470 000	123 166 750
Education (and culture)	599 383 000	453 340 000	72 066 750
Agriculture (and forestry)	72 968 000	77 268 000	6 366 750
Justice	12 716 280	20 839 000	1 516 750
Health (and welfare)	603 901 780	256 581 000	24 666 750
Finance	126 962 340	90 040 000	34 566 750
Police	35 454 000	—	5 500 000
Law and order	—	46 319 000	—
Total	1 967 549 907	1 099 406 000	301 760 000

The budgets of the 'independent' homelands are as follows:

Bophuthatswana budget: 1988/89

	<i>R</i>
President	25 487 000
National assembly	3 236 000
Auditor general	1 788 000
Public service commission	3 504 000
Defence	50 819 000
Economic energy affairs, mines and planning	96 809 000
Finance	347 004 000
Education	275 413 000
Foreign affairs	9 885 000
Transport	57 790 000
Public works	161 346 000
Post and telecommunications	42 717 000
Agriculture and natural resources	119 325 000
Local government and housing	81 992 000
Internal affairs	103 259 000
Justice	12 692 000
Police	64 897 000
Prisons	12 227 000
Health and social welfare	130 256 000
Manpower	16 616 000
State affairs and civil aviation	21 103 000
Broadcasting	36 313 000
Water affairs	59 049 000
Population development	12 064 000
Total	1 745 591 000

Ciskei budget: 1988/89

	<i>R</i>
Presidency	22 800 000
Defence force	33 831 000
Auditor general	1 270 000
Education	138 759 000
Agriculture and rural development	62 467 000
Justice	57 393 000
Health	105 798 000
Finance	181 552 000
Internal affairs and land tenure	9 810 000
Manpower utilisation	4 348 000
Transport	23 540 000
Public works	172 031 000
Foreign affairs	7 773 000
Posts and telecommunications	33 691 000
Social welfare and pensions	70 183 000
Youth affairs, sports and recreation	1 445 000
Tourism and aviation	9 333 000
Statutory amounts	104 400 000
Fort Hare University	28 082 000
Total	1 068 506 000

Transkei budget: 1988/89

	R
Military council	14 877 000
Agriculture and forestry	140 153 000
Auditor general	4 071 000
Defence	59 275 000
Education	433 045 000
Finance	350 954 000
Foreign affairs and information	8 250 000
Health	195 037 000
Interior	7 833 000
Justice	16 931 000
Local government and land tenure	11 148 000
Commerce, industry and tourism	85 483 000
Police	49 917 000
Posts and telecommunications	33 909 000
Prisons	22 368 000
Public service commission	2 799 000
Transport	56 929 000
Works and energy	185 933 000
Welfare and pensions	245 925 000
Manpower planning and utilisation	27 343 000
Total	1 952 180 000

Venda budget: 1988/89

	R
Office of the state president	1 996 240
National assembly/local government	9 771 700
Public works	103 070 800
Education	137 674 000
Agriculture and forestry	32 566 200
Justice	2 351 200
Health	35 456 000
Finance	36 403 900
Foreign affairs	2 136 500
Urban affairs and land tenure	3 547 600
Venda police	22 529 700
Public service commission	2 130 100
Information and broadcasting	3 974 200
Auditor general	1 180 400
National intelligence	1 330 200
Posts and telecommunications	13 451 900
Internal affairs	3 481 600
Defence force	29 527 300
Prisons	4 350 400
Water affairs	36 540 300
Social welfare and pensions	64 279 400
Transport	16 365 400
Improvement: conditions of service	3 780 000
Commerce, industry and tourism	19 755 400
Statutory amounts	2 528 960
Total	590 179 400

General comments on financing

Financial relations between the central government and the 'independent' homelands

The growing public debts of the 'independent' homelands, alleged misuse of public funds there and corruption received much attention during 1988/89. Various commissions of inquiry investigated corruption and/or misuse of funds in the Transkei and the Ciskei (see *Commissions of Inquiry* below) while details of financial adjustment committees under the auspices of the Development Bank of Southern Africa (DBSA) were revealed.

In its 1987/88 annual report the DBSA said that when financial difficulties experienced by the 'independent' homeland administrations had 'come to a head' in 1986, a joint presidential committee between 'South Africa' and the Ciskei and Joint Financial Adjustment Committees between 'South Africa' and the Transkei, Venda and Bophuthatswana respectively, had been formed to formulate programmes to address the problem in the short and long term. In all cases the chief executive of the bank, Dr Simon Brand, was appointed as chairman and convenor and the bank was asked to manage the secretarial and staff work. Financial adjustment programmes were introduced to achieve a balance over several years between expenditure, own revenue and external assistance; careful loan financing and orderly debt servicing.⁷⁵ In the short term the programmes involved arranging for the financing of liquidity shortfalls through additional budgetary assistance and bank overdraft facilities. Overdraft facilities would be converted into more suitable instruments of debt. The servicing of the consolidated debt was then to be rescheduled to fit in with expenditure levels projected in the multi-year financial adjustment programmes.⁷⁶

On 5 January 1988 the planning and programming divisional manager of the DBSA, Mr Danie Schoeman, said that development spending in the 'independent' homelands would be closely monitored for two years to foster budgetary discipline, check corruption and curb wastage of taxpayers' money.⁷⁷

Responding to widespread criticism of central government expenditure on the 'independent' homelands and alleged misuse of South African taxpayers' money there, the DBSA gave an information sheet to MPs when it briefed them in April which said: 'The excess of expenditure over revenue, including budgetary assistance, did not for the most part result from wasteful expenditure by these governments or from graft or corruption. Granted that there have been such malpractices, closer analysis of the expenditure of the TBVC [Transkei, Bophuthatswana, Venda and Ciskei] governments shows that for the largest part, it has been providing services generally accepted to be government responsibilities, such as education, health services, welfare programmes, housing, infrastructure, development and the maintenance of law and order. It also shows that in most respects these services are provided at lower standards than in South Africa... The South African government

would for the most part have had to undertake these expenditures in any event if these states had not taken independence. Moreover, if the difference in levels of provision referred to are taken into account, it would probably have had to spend more on those services than is done now.' The bank statement said that this also applied to the non-independent homelands.⁷⁸

Dr Brand revealed that the four 'independent' homelands had run up a total long-term joint public debt of R5bn. (Of this, R1,5bn was the debt of their state corporations.) In addition the four had short-term loans of R1,5bn. He attributed this largely to financial mismanagement, and said that a dubious code of ethics had been adopted by elements of the private sector, which had 'set out to enjoy the easy pickings afforded' in these homelands. He said that through their financial adjustment programmes their combined budgetary deficits had been reduced from R1,33bn in 1986/87 to R706m in 1987/88. After a few years there would no longer be any reliance on 'inappropriate financing methods'.⁷⁹

In an article analysing the financing of these homelands, the director of the Africa Institute, Dr Erich Leistner, said that their expenditure had increasingly outstripped revenue during the 1980s and their budget deficits amounted to 48% of their revenue (excluding loans) by 1986/87 (compared to 7,5% in 1980/81). The annual deficits were being financed to an increasing extent by overdrafts provided by commercial banks, guaranteed by the central government. In 1986/87 overdrawn accounts amounted to R910m, he said. In 1986 the banks had indicated that they were no longer prepared to finance the budget deficits through open accounts.

Dr Leistner said that the problem was far more comprehensive and intricate than a simple case of financial mismanagement. He said that the rising deficits were due to the inability of the TBVC homelands to exploit more effectively and to develop their own sources of revenue, as well as the fact that they felt compelled for political reasons to increase spending on education, health and other social services (which do not generate significant income); to employ more people in the public service; to strengthen their security forces; and to improve salaries. For example, expenditure on health and education in 1985/86 constituted 35% of these homelands' total expenditure compared to 13% in the rest of South Africa. While revenue from own sources had increased, it had not increased at the same rate as expenditure, a fact which Dr Leistner said reflected economic underdevelopment rather than poor management.

Apart from these problems were expenditure on prestige projects and 'uhuru-hoppers' who had 'earned millions from inexperienced governments by stimulating interest in major but totally impractical or unnecessary projects'. The central government had ignored the financial blunders of the 'independent' homelands for many years partly because of their rejection internationally as 'products of apartheid' and because the central government wished to underscore their sovereign 'independence'. However the deterioration of the South African

economy, coupled with commercial banks' unwillingness by mid-1986 to advance further credit to the four homelands, had forced the central government to abandon its laissez faire policy in 1986. It had then adopted a reform programme geared towards:

- restricting expenditure increases to the absolute minimum needed to maintain essential services, while at the same time aiming for eventual parity with the rest of South Africa in respect of service quality;
- spending 25% of revenue in capital investment to enhance the homelands' revenue-creating capacity;
- increasing the proportion of internally generated revenue such as through levying of fees for government services;
- increasing central government budgetary aid, but according to prescribed norms and standards rather than on an ad-hoc basis; and
- terminating the financing of deficits through bank credit and loans as soon as possible in favour of loans being negotiated only for development projects, and only through approved sources such as the DBSA or the Department of Foreign Affairs' loan programme.

Dr Leistner argued that the only long-term solution was the economic development of the four homelands. Some of these homelands were far better placed for this than others. Economic growth that had taken place was largely due to major public works rather than to the growth of production capacity in mining, agriculture or manufacturing.

'Many whites seize upon the numerous reports of financial mismanagement, corruption and the like to lambast the South African government for allegedly wasting their money. In contrast, TBVC spokesmen and foreign experts aver that it is precisely South Africa's miserly allocation of funds that is largely responsible for the poor development record in TBVC... Furthermore, it must be remembered that a significant percentage of the expenditure in the TBVC states is of direct benefit to South Africa.' Dr Leistner concluded that financial considerations, inter alia, 'may well cause the five separate states to merge again into a tighter constitutional entity'.⁶⁰

Giving details of financing through bank overdraft facilities, the minister of foreign affairs, Mr Pik Botha, said in March that the 1986/87 budgets of the four homelands had been properly evaluated and expenditure brought down to the 'bare minimum' required. 'It was, however, found that an amount of R778m was still required to balance their budgets.' This amount had not been available in the Treasury and it had been decided to mobilise this amount at certain commercial banks in the form of overdraft facilities and/or loans. The repayment of this bridging finance was guaranteed by the South African Reserve Bank and supported by a back-up guarantee of the central government. Mr Botha added, 'The essence of the matter is that the negotiation, as well as the repayment of the bridging finance, is being handled within a jointly agreed framework of multi-year adjustment programmes.'

The estimated value of overdraft facilities obtained from banking institutions by each of the 'independent' homelands guaranteed by the central government in 1987/88 was as follows (the estimated amount taken up is in brackets): R190m to the Transkei (R155m), R100m to Bophuthatswana (not available), R62m to Venda (R58,6m) and R188m to the Ciskei (R188m). The respective (actual) amounts in 1986/87 were R217m (R213,8m), R272m (R180m), R62m (R62m) and R227m (R223,8m). The total of all these guarantees over the two years was R1,3bn. During 1988/89 the value of guaranteed overdraft facilities was R1,08bn.⁶¹

The chief director for development co-operation in the Department of Foreign Affairs, Mr Rod Smith, said in March that despite the central government guarantee of bank overdrafts, the homelands would have to repay the commercial loans from income they generated and that it would not come from taxpayers.

Financial relations between the central government and the non-independent homelands

In April Dr Brand warned that the crisis experienced in the 'independent' homelands showed signs of developing in the six non-independent homelands, which had an estimated joint debt burden of R400m, built up during the previous four years.⁶²

The minister of development aid, Dr Gerrit Viljoen, said in May that the increase in the allocation to the non-independent homelands in 1988/89 of 38% (R949m) over 1987/88 'does not in reality make an appreciable increase in funds available'. The increase represented the carry-over effect of increased social pensions as well as improved conditions of service introduced in the previous year; special aid in respect of the KwaZulu/Natal flood disaster; and the carry-over effect of 'urgent additional expenditure' which had been paid for in the previous year by way of bank overdrafts, but was being provided for in 1988/89 by way of an additional appropriation of R305,8m and provision for the redemption of and interest on these overdrafts. The only real increase was an extra R160m earmarked for education. This meant, Dr Viljoen said, that the non-independent homelands would have to 'apply extremely strict budgetary discipline in order to remain within basically the same expenditure limits as during the previous year in spite of inflation and an appreciable increase in the need for basic services'.

Including loans, Dr Viljoen said, the non-independent homelands would raise R1,25bn from their own revenue, an amount equal to 27% of the total allocation.

'I want to point out,' Dr Viljoen said, 'that the self-governing territories, like the provinces, are a form of regional authority constituting part of South Africa...in which the rendering of services to the inhabitants takes place on a decentralised basis and the inhabitants of which are also entitled to, and may lay claim to, funds from the central government. Indeed, if these regional authorities did not exist in the self-governing territories, the central government and the provincial authorities would

have had to render those services themselves and find the money for them, probably at a higher per capita rate than that at which the self-governing territories are doing it'. In response to criticisms of 'unnecessary duplicatory apartheid bureaucracy' he wished 'to point out once again how basically development-oriented the appropriations of the self-governing territories are in their composition'. He said that in 1987/88, 25% was allocated to health and welfare, 35% to education, 17% to the development of infrastructure and townships, 5% to agriculture and 18% for all other essential government services such as law and order. Dr Viljoen said that he agreed that there was a vital need for control over expenditure in the non-independent homelands. He outlined various statutory audit and financial control measures applicable in the non-independent homelands.

Dr Viljoen said that in the past year a conference of ministers of finance of the non-independent homelands had been convened. It met in conjunction with the minister of finance and himself and other department officials. It assisted with budgetary problems and the determination of the requirements of these homelands. Dr Viljoen intended to involve the chief ministers as well, 'because it lays such an important foundation for the determination of general policies and priorities by their governments in general'.⁸³

Dr Viljoen said in June that debating chambers had been provided in Gazankulu, KwaZulu, Lebowa and QwaQwa at a total cost of R21,5m. Administrative offices for Gazankulu, Lebowa and QwaQwa (all still under construction) and KwaZulu (completed) had cost an estimated R119,9m. The chambers and offices for KaNgwane and KwaNdebele were still to be built.⁸⁴

Dr Viljoen said that the DBSA had, by 31 March 1988, accepted obligations amounting to R817,9m in respect of projects in the non-independent homelands.

Finances in particular non-independent homelands

The minister of finance in **Gazankulu**, Chief L M Nkuna, said in his budget debate that Gazankulu's grant from the central government of R407,7m for 1988/89 was 'meagre' and 'inadequate for the development projects envisaged by the various departments'. Despite complaints, the Department of Development Aid had said that no additional funds would be available for Gazankulu during the financial year.⁸⁵ MPs said that there was a shortage of funds for education and health.⁸⁶

The South African Housing Trust gave **KaNgwane** a R98m loan for a major housing project in Matsulu township (Nelspruit). The KaNgwane Housing Trust was planning to build 10 000 houses in KaNgwane within the next five years.⁸⁷

On 30 September the Transvaal Provincial Division of the Supreme Court in Pretoria ruled that a **KwaNdebele** administration notice of July 1984 enabling it to collect tribal levies in the homeland was null and void (see also *Political Developments* below). Mr Justice H J Preiss ordered the administration to stop collecting or receiving taxes in terms of it. The

applicants were Prince James Mahlangu and Mr Fanie Fanyana Mtshweni.⁸⁸

Dr Viljoen said that the estimated cost of KwaNdebele's new capital was R55m, of which R30m had already been spent.⁸⁹

KwaZulu's minister of finance, Mr H T Madonsela, said in his budget speech in April that KwaZulu faced serious financial constraints in the coming financial year. He said that the central government had indicated that all additional expenditure would have to be financed by KwaZulu from its own revenue sources. Almost a third of KwaZulu's budget was allocated to education.⁹⁰ During the budget debate a KwaZulu MP, Mr M A Nzuzza, said that KwaZulu had a debt of R62,5m, made up of a debt of R4m to the DBSA and a R58,5m overdraft. He said that it was the result of 'severe underfunding' by the central government and that the KwaZulu administration found it increasingly difficult to meet the needs of its people on a shoe-string budget which had less and less buying power each year.⁹¹

In a joint statement in February Dr Viljoen and the chief minister of KwaZulu, Chief Mangosuthu Buthelezi, said that their administrations had accepted in principle the proposals of the **KwaZulu/Natal Planning Council**. (The council had given its final report in January 1987 — see 1987/88 *Survey* pp926-927.) They had agreed to implement the proposals — involving development projects costing an estimated R1,12bn — over five years, subject to the availability of finance. This amount included upgrading existing infrastructural and community facilities in the metropolitan areas at a cost of R486m and the development of new areas (R638m). Most projects were situated within KwaZulu (costing R660m) while the Department of Development Aid would be responsible for the projects on SADT land (costing an estimated R427m). The Natal Provincial Administration would be responsible for projects costing R37m. The development of new areas would provide 57 600 additional housing sites in KwaZulu and 25 800 sites on SADT land. The proposed expenditure did not include the provision of housing, in which, the statement said, the South African Housing Trust and the private sector would be involved as closely as possible.

Financing of many of the KwaZulu projects would be by way of DBSA loans of R428,5m for whose servicing the central government would provide financial assistance. The provincial administration would finance its projects from its own budget. The implementation of the remaining projects in KwaZulu and the SADT projects, however, would have to 'stand over for later consideration' and additional funds would have to be voted by Parliament.

A joint co-ordination committee would implement the proposals and represent the KwaZulu administration, the DBSA, the provincial administration and various government departments.

The planning council had identified problems related to the availability of land for township development in tribal areas and the KwaZulu administration and the Department of Development Aid

would negotiate with tribal authorities about using their land, subject to compensation for the tribes concerned.⁹²

Dr Viljoen said that the minister of finance, Mr Barend du Plessis, had agreed to give priority status to the project. He said that funds raised from the privatisation of state assets would be used as well.⁹³

Dr Viljoen said that the chief minister of **Lebowa**, Mr M N Ramodike, had forbidden the granting of Lebowa Development Corporation loans to ministers. He had instructed ministers who did have loans to repay them immediately, as a result of which they had been replaced by normal loans from commercial banks.⁹⁴

Commissions of inquiry

Between August 1987 and 31 May 1988 the Transkei commission of inquiry into the Department of Works and Energy, chaired by an advocate, Mr G A Alexander, and later by Mr Justice T van Reenen (because Mr Alexander had other commitments), spent more than 100 days hearing testimony about the misuse of public funds and corruption involving projects contracted by that department (see 1987/88 *Survey* pp937-938). Following the Transkei Defence Force (TDF) coup in December 1987 and the installation of the military administration, its terms of reference had been expanded in January 1988 to include the investigation of the awarding of gambling rights in the territory. The commission issued two reports as a result, both in July. Because the reports implicated South African citizens, who fell outside the jurisdiction of the Transkei commission, the central government appointed its own commission in August, chaired by Mr Justice Louis Harms, to investigate 'across-border irregularities' involving the Transkei and Ciskei (see *Harms Commission* below).

Gambling rights inquiry

Among those who gave evidence to the Alexander commission investigating gambling rights were the managing director of Sun International, Mr Sol Kerzner; the former state president of the Transkei, Chief Kaiser Matanzima; two former prime ministers, Ms Stella Sigcau and Chief George Matanzima; Mrs Lexie Cesa, whose company had attempted to get gambling rights in Umtata; and Mr Monde Sihele, who had previously owned gambling rights on the Wild Coast which were sold to Holiday Inns, later taken over by Sun International.

Evidence presented on gambling rights

Evidence was presented to the commission about the sale of exclusive gambling rights in the Wild Coast area and in the Umtata area.

The commission heard evidence that Chief Kaiser had received amounts totalling R274 000 from the establishment of the Transkei's only casino, the Wild Coast Sun at Mzamba beach (originally developed by Holiday Inns then taken over by a Sun International subsidiary). Holiday Inns had bought the casino rights for R500 000 in 1978 from a company called Mzamba Development, wholly owned by a nephew of

the Matanzima brothers, Mr Monde Sihele, despite the fact that it had originally held them before they had been handed to Mzamba Development. Evidence about casino rights in the Umtata area focused on the question of a payment of R2m demanded by and received by Chief George Matanzima in return for the rights. Documentation before the commission was that R3m had been placed in the account of a Cape Town attorney, Mr David Bloomberg, by Sun International in December 1986 as part payment for the purchase of 55% of the shares in a company called Transgames. (A Sun International subsidiary, Transun, already held the other 45%.) Transgames was a company that held exclusive rights to slot machine operations and lotteries in the Transkei. Mr Bloomberg was acting for the vendors of the shares being sold. The vendors included a company called Etablissement Sports et Loisirs (ESL), Mr Fred van Rensburg and Mr Vulindlela Mbotoli.⁹⁶ Evidence was that R2m of the R3m had then been transferred to the account of an Ugie farmer, Mr J Gouws, whereafter it had been used by Chief George Matanzima to purchase Mr Gouws' farm for R1,4m and to pay amounts of R50 000 each to various influential Transkei personalities, including the former prime minister, Ms Stella Sigcau.

In January 1987 Transun had taken over Transgames completely and also secured the exclusive Umtata gambling rights from the Transkei cabinet in an agreement signed on 12 December 1986. The Transkei administration had undertaken that no other company would be allowed to operate a casino within 100km of Umtata and Butterworth for 15 years.⁹⁶

In January 1988 Sun International placed full-page advertisements in various newspapers dismissing suggestions that it had made improper payments to secure these rights. The advertisement referred to media reports that were 'misleading in that they suggest that Sun International had been a party to improper payments. Such suggestion is without foundation. The conduct of Sun International and Transun in regard to the transaction is beyond criticism'. The advertisement said that Mr Bloomberg had been given R3m as part of a cash payment to the vendors of Transgames and if he had dealt with the R3m remitted to him differently then Sun International and Transun were totally unaware of this.⁹⁷

Mr Kerzner told the commission in the same month that negotiations for the balance of shares in Transgames had been conducted through Mr Bloomberg and that Sun International had eventually concluded a deal worth R7,6m, R3m of which was in cash.⁹⁸ He said that he had been aware of rumours that Chief George had wanted R2m for the rights. Asked by the commission whether there was any suggestion by Chief George of receiving some reward for the gambling rights, Mr Kerzner said 'absolutely not'.⁹⁹ Asked why he thought Chief George had changed his attitude to granting these rights to Sun International when previously he had been holding out for R2m, Mr Kerzner said, 'I cannot truly answer that. As far as I was concerned I was doing the transaction straight up. That was it.'¹⁰⁰

Mr Bloomberg testified in February, however, that he had paid the R2m to Mr Gouws on the instructions of Mr Kerzner. Mr Kerzner had not wanted the R2m to be disclosed in the prospectus of Transun.¹⁰¹

The Alexander commission was not able to decide who had been responsible for the R2m payment because of the conflicting evidence. It was only in January 1989, in an affidavit to the Harms commission, that Mr Kerzner admitted having paid R2m for the gambling rights (see below).

Ms Sigcau gave evidence relating to the R50 000 she had received from Chief George and which the chairman of the Transkei Military Council, Major General Bantu Holomisa, had cited as proof that she too was involved in bribery and the reason for the second coup which toppled her. She told the commission that Chief George had given her the money and she had believed it was a gift and had accepted it in good faith. The December 1987 coup had not been motivated by a belief that she was involved in corrupt practices, but by an unfounded rumour that she planned to arrest the top hierarchy of the Transkei Defence Force (TDF), she believed. She had heard about others also receiving R50 000 only when she had been told of the coup that deposed her. She was the only recipient who openly announced the fact of her gift immediately, telling friends, family and the church that she had the money. She denied any involvement in Chief George Matanzima's plan to push an application for casino rights through the cabinet.¹⁰²

Chief Kaiser told the commission in January 1988 that he had not been aware of a R50 000 deposit Chief George had made into his account in January 1987 as he did not have time to look at his bank statements.¹⁰³ He said that he had always been and still was opposed to the erection of a casino in Umtata.¹⁰⁴ One witness described him as 'the man who sold Transkei down the river'.¹⁰⁵

Other evidence before the commission related to the company ESL. Mr Richard Kurland, who formerly had an interest in ESL and its subsidiary, Transkei Tattersalls, testified that Mr Bloomberg and his father, Mr Abe Bloomberg (both former mayors of Cape Town), were the key figures behind ESL which had been set up specifically to pursue gambling ventures in the Transkei; that a Mr Walter Reif provided a front for them for an off-shore company registered in Lichtenstein; that Mr D Bloomberg's correspondence with ESL was a subterfuge, as letters on ESL letterheads emanated from Mr Bloomberg's own offices; and that Tattersalls profits did not all go through the books.¹⁰⁶ ESL was a vehicle for transmitting monies abroad and it was, therefore, a matter of concern to the central government, he said.¹⁰⁷ Mr D Bloomberg submitted documents to the commission in May countering Mr Kurland's evidence. They included allegations that Mr Kurland had been convicted in Australia of dishonestly obtaining financial advantage in a transaction involving a trust account cheque.

A director of the Transkei Development Corporation (TDC), Mr Patrick Goss, testified in May about the involvement of Chief George in irregular dealings. These included the TDC being told to hand over

shares and a petrol company to a company in which Chief George was a shareholder. This sort of directive, he said, was 'almost the order of the day'.¹⁰⁸

Report on gambling rights

Mr Alexander handed his report on the granting of gambling rights to the Transkei Military Council on 4 July 1988. It referred to a 'grotesque pattern of corruption in high places'. The Transkei administration decided in August to accept all his recommendations. The report was handed to the attorney general who was empowered to start prosecutions and help the police with their investigations.

The report recommended further investigation into some personalities involved in the gambling probe, including Mr Kerzner; Mr David Bloomberg; and an East London businessman, Mr Chris van Rensburg, who was the director of Jalc Holdings and its subsidiary Temba Construction.¹⁰⁹ It recommended that Chief George should be extradited from Austria to face charges, Mr Alexander believing that a case of corruption had been established against him. There was no need for any further investigation of Ms Sigcau, or for any further evidence against two former cabinet ministers in Chief George's administration, Mr Tsepo Letlaka and Mr Mtutuzeli Lujabe, the report said. (Gen Holomisa said in August, however, that while he agreed that Ms Sigcau had 'in a way' been 'cleared' by the commission, she would be further investigated. He said that the commission had based its findings on evidence that had been available to it, and his administration would be looking further into the matter.)¹¹⁰

Mr Alexander found that the R2m received by Chief George had not come from Mrs Lexie or her associates, so it followed that either Mr Kerzner or Mr Bloomberg had provided the money. Neither had returned to complete their evidence and 'I do not believe they are to be treated differently from any other person who will be the subject of further investigations,' Mr Alexander said. Mr Alexander said that the evidence of the two men had 'attracted a large number of questions which at the moment remain unanswered'. They could not remain 'in the air', he said. 'I believe further that the R2m which Chief George received came from one of the two gentlemen.'

Mr Alexander said that Chief Kaiser had been an extremely bad witness and that he was not satisfied that he had been told the truth by him. 'I am left with a grave suspicion that the monies he received were for favours improperly rendered by him,' Mr Alexander said.¹¹¹

The Alexander report recommended that there be further investigation into the validity of the exclusive rights to operate a casino in Umtata, the validity of the exclusive gaming rights of the Wild Coast Sun, and the rate of levies payable to the government on its gaming revenues. The commission recommended that any implementation of the recommendations should take into account the commercial expertise of Transun and the huge capital expenditure on the projects incurred.¹¹²

Mr Alexander said in his report that all recipients of gifts and money acquired corruptly ought to be made to 'disgorge their ill-gotten gains' and that the Transkei's law should be altered as it made no provision for an order that an accused convicted of corruption offences be required to forfeit the benefits received. He also recommended that a code of conduct requiring the disclosure of gifts or benefits received in one's official capacity be incorporated as a regulation under the Public Service Commission Act of 1978, or by making it a condition of employment.¹¹³

Those whose evidence he recommended be referred to the attorney general for his decision included: Mrs Lexie Cesa; Mr John Trickey, the former head of the commercial branch of the South African Police (SAP) in Durban who, the commission heard, had helped Mrs Ceza find financiers for her proposed casino; Mr Gouws; Chiefs Kaiser and George Matanzima; Mr Kerzner; Mr Bloomberg; Mr Sihele; Mr Chris van Rensburg; Mr Mbotoli (one of the Transgames vendors and a director of Jalc/Temba); Mr Liston Ntshongwana (Chief George's former adviser); Mr Monty Ntloko (a former managing director of the TDC); and Dr A Pupuma (a relative of the Matanzimas who had allegedly benefited from the sale of the Wild Coast rights).

The Alexander commission found that the role of Mr Chris van Rensburg had been 'ubiquitous' and his close relationship with Chief George had become apparent. He had had a material interest in the deal being negotiated between Mr Bloomberg and Mr Kerzner. This was because he had a beneficial interest in ESL's percentage, he was the spokesman for Mr Mbotoli (who had been one of the vendors of Transgames) and he had held a power of attorney for his brother, Fred, who was also one of the Transgames vendors.

Mr Alexander suggested that in the case of the South African residents mentioned and Chief George the Transkei should enlist the help of the central government to investigate the matter further and to institute prosecutions arising from the commission.¹¹⁴

Mr Alexander disbelieved Chief George's evidence to the commission. He had said that he had received the R2m from an anonymous white benefactor to enable him to buy the Ugie farm. He had then used money he kept in Mr Gouws' account to give gifts of R50 000 to various people.¹¹⁵

The report also recommended that the role of ESL should be investigated.

Van Reenen report on housing contracts

Details of Mr Justice Tom van Reenen's report on alleged irregularities in the awarding of housing contracts were also revealed in July.¹¹⁶

The Van Reenen report focused on housing contracts in Butterworth and Umtata worth R68m awarded irregularly to Jalc Holdings and its subsidiary, Temba Construction. Mr Chris van Rensburg was the director of both.¹¹⁷

The report described how Jalc and Temba had used the Matanzima brothers first to approve their deals and then later to block opposition to them by issuing directives that they had no right to issue. The

companies had built housing in Butterworth, eZibeleni and Umtata. On the directives of the Matanzimas, no tenders had been called for, despite advice to the contrary by officials. The contract price on one of the housing projects had increased from the original total of R17m to R54m and that on another from R9,1m to R14,7m. The housing projects had been implemented despite evidence that such housing was not in demand and that they were being built on unstable ground.¹¹⁸ (Mr Van Rensburg said of the escalating price that the scope of the contracts had been increased.)¹¹⁹ Judge Van Reenen said that Temba had drafted the documents which had emanated from the prime minister's office, confirming that the directives given by the Matanzima brothers were inspired and drafted by the companies. They would not allow tenders to be called when other departments attempted to obtain quotations from other firms. The Van Reenen report said that Jalc had built houses on clay or 'heaving soil' in eZibeleni resulting in serious cracking but Jalc had been determined not to change the site, despite being aware of its poor quality. Nor had the houses been built to specification, the report said. The splitting of the projects between Umtata and eZibeleni was a subterfuge, the judge said, 'so that Temba/Jalc could get the Umtata work which would otherwise have gone out to open tender'. The minister of finance, Mr Sydney Qaba, had inadvertently signed one of these contracts with no authority to do so, the report said. Temba had done work in addition to that specified in a contract and when the Department of Works and Energy had refused to pay for it, the Matanzima brothers had issued directives that Temba be paid. There had been no money for this so they had reduced the number of houses.

The Van Reenen report also described how the Transkei had been persuaded to buy 1 884 tractors from Austria resulting in an exchange loss of up to R30m. Of these tractors, 224 had not been accounted for and some had been sold at bargain prices to the Matanzimas and their friends.¹²⁰

The Van Reenen report indicated that central government officials may have been aware of some aspects of the irregular housing deals.¹²¹

Action taken as a result of the commissions' recommendations

Trials

The SAP commercial branch in Port Elizabeth was in July already investigating aspects of the R2m paid to Chief George and the SAP searched Jalc's Johannesburg offices. The Transkei's attorney general, Mr Chris Nel, said that if any charges were brought against South Africans they could either be extradited to the Transkei or tried in a South African court if a substantial part of the alleged offences had occurred in South Africa. He said that he would consult closely with South African attorneys general. Mr Frank Kahn, the deputy attorney general of the Cape, was seconded to the investigation.¹²²

On 5 September a Port Elizabeth magistrate granted the Transkei an order for the extradition of Chief George Matanzima, who had in the meantime returned to South Africa from Austria, and he was flown to

the Transkei.¹²³ His trial was joined with that of Mr Sidney Qaba, a former minister of finance, and they appeared together in the Transkei Supreme Court on 5 December. Altogether they faced nine counts of corruption, and alternative charges of bribery involving thousands of rands in the awards of building contracts for housing schemes in Butterworth and Umtata between 1985 and 1987. Three of the charges related to amounts (R1,25m) received by Chief George from Koen's Executive Contractors in exchange for the procurement of a R30m housing contract in Umtata. In the fourth, he and his former aide, Mr Liston Ntshongwana, were alleged to have received a 10% share in the company and R80 000 as a loan on future dividends. (Mr Ntshongwana was serving an effective jail sentence of three years and eight months after having been convicted in February 1988 on two counts of corruption and two of theft involving R23 157.)¹²⁴ The other five counts related to Mr Qaba only, involving the acceptance of a total of R143 000, also from Koen's Executive Contractors, for the Umtata deal.¹²⁵ They pleaded not guilty. The trial did not deal with the R2m allegedly paid to Chief George for gambling rights as this payment had been made in the eastern Cape and therefore fell within central government jurisdiction. Chief George Matanzima's estate was provisionally sequestered in January 1988 and finally attached on 9 June following applications by various creditors, including various Transkei administration bodies, with joint claims of almost R4m.¹²⁶

In August a former director of the Transkei Industries Board, Mr Bongani Soldati, and a Transkei businessman, Mr K Magidigidi, appeared in the Transkei Supreme Court on 63 counts of fraud and theft alleged to have cost the Transkei administration well over R2m. According to the indictment Mr Magidigidi had claimed and received decentralisation incentives for a company that did not exist and his saw mills had received unauthorised and irregular payments in incentive benefits as a result of misrepresentation.¹²⁷

The New Nation reported in September that 64 civil servants from ten Transkei government departments had recently been charged with either fraud, theft or corruption. These included Chief George, Messrs Soldati and Magidigidi, Mr Qaba, seven soldiers attached to the Department of Defence charged with stealing nearly R1m from the Treasury, post office clerks, officials from the Department of Transport charged with stealing government cars, 13 clerks from the Department of Justice charged with stealing R132 000 in pension money, five Umtata policemen charged with stealing a vehicle and dagga dealing, and four Department of Health officials charged with fraud.¹²⁸

Other action taken

In August the chairman of the Transkei Military Council, Major General Bantu Holomisa, said that his administration would uphold the Gambling Act of 1979, which does not provide for the granting of exclusive rights. A special committee which had been appointed to examine evidence placed before the Alexander inquiry would investigate this issue.¹²⁹

The Transkei decided to set up a contracts board and other legal machinery to prevent further abuse. Gen Holomisa said in July that his administration had passed a decree to recover state properties that had been acquired in an irregular manner and a decree providing for the appointment of an ombudsman. 'It is too costly and time-consuming to carry on with a commission of inquiry, but we will continue to investigate. I am sure more things will be unearthed,' he said.¹³⁰

Other allegations of corruption in the Transkei

Mr W Z Yako, the Transkei's auditor general, said in an interview in July that he estimated that about R200m had been stolen or misappropriated between 'independence' in 1976 and March 1986. This excluded the vast sums of unauthorised spending. For example in 1985/86 alone he found R58,5m of unauthorised expenditure by Transkei government departments. There had been a complete disregard for treasury instructions and Tender Board regulations over a number of years, he said.¹³¹ The figure of R200m included overpaid salaries (R40,6m) and unjustified expense claims (R12m was paid out in expense claims in that period).¹³²

Gen Holomisa told a public meeting at the South African Institute of Race Relations in July that Major General Ron Reid-Daly, the former head of the Transkei's white military advisers, and his advisers, owed the Transkei R4,7m in unpaid taxes. Their tax-free salary deal that had been signed by Chief George Matanzima had never been ratified by the cabinet, he said, and from the time of its inception the contract had been under query by the Department of Audit and the Treasury.¹³³ Gen Reid-Daly denied the allegations.¹³⁴

In September the Transkei administration dissolved the Mount Frere Town Council because of alleged maladministration and its having led the municipality into numerous bad debts. Residents of Mount Frere had submitted a petition to the Department of Local Government and Land Tenure complaining about the council. In addition the department said that it had been inundated with complaints from residents concerning the council which denied them their right to form a ratepayers' association.¹³⁵

Harms Commission

In August the central government appointed a commission chaired by Mr Justice Louis Harms called the Commission of Inquiry into Certain Alleged Across-Border Irregularities. It was to inquire into and report on alleged cross-border irregularities involving the Transkei and the Ciskei which had been uncovered by the Transkei commissions but which could not be cleared up because of jurisdictional and other limitations. It would report on the involvement of people, organisations, or institutions in alleged irregularities stemming from the reports of the Transkei commissions and the involvement of those concerned in irregular transactions with Transkeian or Ciskeian interests; investigate whether or not the involvement constituted offences under South African law or detrimentally affected South African interests, and, if so,

what steps should be taken to prevent a repetition of these circumstances; and any other matter the commission felt should be investigated.¹³⁶

Counsel for Messrs Kerzner and Bloomberg tried unsuccessfully to argue that the Harms commission should not hear evidence in connection with the question of who paid the R2m to Chief George Matanzima on the grounds that bribery of a foreign official was not a situation covered by South African law.¹³⁷

The Harms commission began its hearings in Cape Town in September. It had already subpoenaed 171 witnesses, including Mr Kerzner; Messrs David and Abe Bloomberg; Sun International's chairman, Mr Ian Heron; its managing director, Mr Ken Rosevear; Mr Chris van Rensburg and Mr Gouws.¹³⁸

On 17 January 1989 Mr Kerzner admitted in an affidavit that he had paid R2m for the personal benefit of Chief George Matanzima to ensure exclusive casino rights in the Transkei. He said that he accepted joint responsibility with Mr Bloomberg for paying the money into an account for the ultimate benefit of Chief George Matanzima. 'Under undue pressure from the then prime minister George Matanzima, R2m of the funds available were...paid into the account of Mr G J Gouws for the ultimate benefit of Prime Minister G Matanzima. I accept responsibility for this jointly with Mr Bloomberg.' Sun International said in a statement that Chief George had 'managed to extort (if not legally, then certainly commercially) an undue payment to himself'. Sun International subsidiaries had held the rights already and 'the payment to Matanzima may properly be regarded as having been made not for the improper obtaining of a benefit but rather owing to undue pressure to protect rights which both Wild Coast Suns and Transgames already held and to ensure that sound commercial policy was not overridden by the private ambitions of Matanzima'. Sun International and other companies expressed their unanimous support and confidence for Mr Kerzner following his admission.¹³⁹ Mr David Bloomberg submitted an identical affidavit.

Mr Kerzner subsequently resigned from the boards of Sun International and associated companies.

The Harms commission also investigated the business activities of the National Party MP for East London, Mr Peet de Pontes, and his former business partner, Mr Vito Roberto Palazzolo, an Italian national convicted of drug smuggling who was serving a prison sentence in Switzerland. Mr De Pontes had been his attorney previously. Evidence was given to the commission that Mr De Pontes had abused his political powers and contacts to secure Mr Palazzolo permanent residence in the Ciskei in March 1987 and to enable him to enter South Africa illegally. There was also evidence that the Ciskei's ambassador plenipotentiary, Mr Douw Steyn, had visited Mr Palazzolo in a Swiss prison in September 1986.

Mr De Pontes had allegedly organised a letter from the Ciskei president, Chief Lennox Sebe, offering Mr Palazzolo permanent residence

and citizenship in the Ciskei, despite knowing that the central government's minister of home affairs, Mr Stoffel Botha, had refused a visa application from Mr Palazzolo. He and Mr De Pontes became business partners after his arrival in South Africa in a company called Papillon International.¹⁴⁰

The commission received submissions that Papillon had been created as a vehicle to siphon off funds provided by Mr Palazzolo into various ventures proposed by Mr De Pontes and some of his associates. These included a bank in the Ciskei, for which the rights had been granted orally by Chief Sebe.¹⁴¹

Mr Steyn told the commission in November that corruption and financial mismanagement in the Ciskei enabled millions of rands to be siphoned off by foreigners who saw the territory as open to easy pickings. There was a general perception, not without cause, that Ciskeian officials were receptive to bribery, and he had brought the conditions to the attention of the central government on numerous occasions without response. He had been dismissed in March 1988. He said that Mr Palazzolo had offered to invest \$2m in the Ciskei in exchange for citizenship there and because of deteriorating conditions in the Ciskei, 'we had to clutch at straws'. He said that the money had never materialised. He said that Mr De Pontes had helped redraft the necessary legislation for Chief Sebe that enabled Mr Palazzolo to obtain citizenship only two weeks after arriving in the homeland.¹⁴² Evidence to the commission was that Mr De Pontes had received large sums of money from Mr Palazzolo in return for Ciskei citizenship.

In January 1989 an interim report issued by the Harms commission said that Mr De Pontes had abused his political powers and contacts to help Mr Palazzolo enter South Africa illegally. Judge Harms said that the behaviour of the Ciskei president and officials had damaged the relationship between South Africa and the Ciskei. He found that the deal giving Mr Palazzolo refuge had led to inter-state tension between the Ciskei and South Africa. He recommended that his report be referred to the attorney general for consideration and with a view to instituting criminal proceedings ranging from fraud to corruption against Mr De Pontes; the Ciskei's former ambassador plenipotentiary, Mr Douw Steyn; and others.¹⁴³ He found that there was an intimate relationship between Mr De Pontes and the Ciskei and that he had used his position as an MP for financial gain.¹⁴⁴

The Harms commission also heard evidence about corrupt deals in the Transkei. In October a former managing director of the Transkei Development Corporation (TDC), Mr Sonny Tarr, testified to the Harms commission that the central government's Department of Foreign Affairs had ignored desperate calls for help by the TDC's senior management to bring an end to pressure on them to become party to corrupt deals in the Transkei. He believed that he had been fired (in 1984) for refusing to accede to these demands. He told of instructions to the TDC to sell properties at 'unbelievably low' prices to Transkeians with government connections. Chief George had instructed the TDC to

sell its 25% shareholding in the Wild Coast Sun, worth between R12m and R15m for R50 000 to a Transkeian company in which Chief George apparently had interests, he alleged. Mr Tarr and 13 others in the TDC's top management team were fired by the cabinet in September 1984. He also testified about a deal where the TDC lost R6,3m after Chief George ordered it to sell its share in a brewery for R650 000, its book value.¹⁴⁵ He said that it was clear that South African embassy officials in Umtata knew what was going on.¹⁴⁶

In November 1988 the state president, Mr P W Botha, broadened the terms of reference of the Harms commission to include possible irregularities or illegalities relating to the activities of Eurobank, Eurotrust (Ciskei), First Ciskei Bank, Eurobank Investment and Eurobond.¹⁴⁷

The controlling shareholder of Eurotrust (Ciskei), a Ciskei-registered company, was Mr Albert Vermaas, who appeared on fraud and other charges in November. According to Eurobank documents before the commission all deposits received by the bank were transferred immediately to Eurotrust. Eurobank was registered as a bank in terms of the Ciskeian Banks Act on 15 June 1988 and was, therefore, not subject to supervision by the South African Reserve Bank but had solicited deposits in South Africa. It offered returns far in excess of those of secure financial institutions in South Africa.¹⁴⁸ Among some 600 investors who invested R150m with Eurobank were the Public Servants' Association, Iscor, the National Union of Mineworkers (NUM), Sentraoes, the Suid Afrikaanse Vrouefederasie, and various welfare organisations. The NUM had invested about R2m. A Ciskeian cabinet minister was one of the directors of Eurobank.¹⁴⁹ On 13 December a provisional liquidation order against Eurotrust (Ciskei) was granted in the Ciskei Supreme Court in Bisho. An application for the provisional liquidation of Eurobank was dismissed.¹⁵⁰

Other commissions of inquiry

KwaNdebele

On 28 November Mr Botha appointed the former Transvaal judge president, Mr Justice Wessel Groenewald Boshoff, as chairman of a commission of inquiry to look into, inter alia, allegations of mismanagement of funds in KwaNdebele (see *Political Developments* below).¹⁵¹

Lebowa

In May the Lebowa administration appointed a commission of inquiry into alleged widespread corruption in the homeland (see *Political Developments* below).

Development Bank of Southern Africa

The Development Bank of Southern Africa (DBSA) has provided loans and other assistance for development projects in the ten homelands since February 1984. Since 1986 the bank has also been involved in the financial stabilisation of the 'independent' homelands (see above).

During 1987/88 the total number of DBSA projects, in various phases of the project cycle, increased from 611 to 919. (This is the cumulative total of projects accepted by the bank since it started operations.) The projects had a total estimated investment value of R7,28bn of which the bank's loan contribution would be R5,89bn. Of the 919 projects, 461 were being prepared or appraised, 367 were being implemented, and the remaining 91 had been completed and were being evaluated. Of the 367 projects being implemented, 136 were approved during 1987/88. Of these 136, bulk infrastructure projects represented nearly 50% of funds allocated.

Region D (the Ciskei, Eastern Cape and part of the Transkei) has the largest share (26%) of the total investment value of all DBSA-funded projects. The 21% share of Region G (northern Transvaal and parts of Lebowa and Gazankulu) was the next largest.¹⁵²

During 1988/89 the Department of Finance allocated R405,7m to the DBSA (R30,2m for the purchase of shares, R4,5m compensation in respect of taxes and R371m as a contribution).¹⁵³

LAND

Land purchases and consolidation

By 31 December 1987 a total of 5 483 187ha had been bought in terms of the Development Trust and Land Act of 1936 at a cost of R1,27bn for the purposes of homeland consolidation. The following table shows the area of land bought in each province during 1987, and the total bought up to the end of 1987:¹⁵⁴

Land bought for homeland consolidation

	<i>Bought in 1987 Ha</i>	<i>Total area bought up to end of 1987 Ha</i>
Cape Province	3 397	1 574 202
Natal	1 882	505 895
Orange Free State	26 154	212 746
Transvaal	17 645	3 190 344
Total	49 078	5 483 187

The South African Development Trust (SADT) was holding 2,63m hectares of land bought in terms of the 1936 act as at 31 March 1988.

The following table shows the amount of land added to each homeland during 1987 and the size of each as at the end of 1987:¹⁵⁵

Sizes of homelands

	<i>Extent of land added in 1987 Ha</i>	<i>Size at 31 December 1987 Ha</i>
Bophuthatswana	17	4 187 813
Ciskei	46 827	793 827
Gazankulu	nil	764 656
KaNgwane	nil	438 221
KwaNdebele	55 369	290 632
KwaZulu	nil	3 189 796
Lebowa	nil	2 212 897
QwaQwa	10 690	72 690
Transkei	nil	4 287 000
Venda	nil	707 513
Total	112 903	16 945 045

The minister of constitutional development and planning, Mr Chris Heunis, said in June that the allocation of land for 'regional governments and states' was coming to an end. The Commission for Co-operation and Development, which had prepared consolidation plans over the years, would be used to give attention to the living conditions of communities outside the homelands.¹⁵⁶

Mr J Mentz, chairman of the Commission for Co-operation and Development, said in June that the commission had completed its tasks in the 'independent' homelands. The consolidation of Gazankulu, KwaNdebele, Lebowa and QwaQwa was almost finalised and in KwaZulu the situation was on the point of being finalised. KaNgwane, he said, they hoped to deal with within the next year.¹⁵⁷

Mr Albert Nothnagel MP (National Party) said in debate on the Group Areas Amendment Bill in August that a judicial commission should be appointed to investigate all aspects of possession, occupation and allocation of land in South Africa. Land allocation was the sole responsibility of the government and establishing a commission would remove the issue from the political arena. Its findings would enable the government to deal with the political injustices that history had bequeathed to it.¹⁵⁸

The managing director of the Small Business Development Corporation, Dr Ben Vosloo, said in June that the Black Land Act of 1913 and the Group Areas Act of 1966 should be repealed if black people were to have access to capital. Laws on black property rights had ensured an inadequate provision of land for new development while the traditional rural system of land tenure was not conducive to capital accumulation. Dr Vosloo said, 'No measure has caused more continued resentment among blacks, nor has done more to prevent blacks from gaining access to capital, than their denial of normal property rights in terms of the 1913 Land Act and subsequent legislation.'¹⁵⁹

During 1988 land was excised from the released area (land set aside for African occupation in terms of the Development Trust and Land Act)

by government proclamation in the eastern Cape district of Stutterheim, substituted with land in the East London and Cathcart districts (29 July); in the Natal districts of Utrecht (4 March) and Impendle (29 July); and in the Transvaal districts of Louis Trichardt and Groblersdal (29 July) and Letaba (29 July and 4 November).¹⁶⁰

Land in the following districts was declared as released areas for the purpose of acquisition by the SADT during 1988: in March, in the Cape Province districts of King William's Town and Vryburg, the Natal district of Pinetown, the Orange Free State districts of Dewetsdorp and Bloemfontein, and the Transvaal district of Nelspruit; in May, in the Natal district of Inanda and the Transvaal districts of Warmbad and Cullinan; and in June in the Transvaal district of Marico.¹⁶¹

Land was transferred to a number of homelands during 1988. Land in the Marico district was transferred to Bophuthatswana in terms of the Borders of Particular States Extension Act of 1980 on 31 March,¹⁶² to Gazankulu in June,¹⁶³ to KwaNdebele in February,¹⁶⁴ to KwaZulu in March and August,¹⁶⁵ to QwaQwa in August,¹⁶⁶ and to Venda (in terms of the 1980 act) in November.¹⁶⁷

Land ownership

On 9 March Proclamation R29 was gazetted, enabling Africans in towns on trust land to obtain full property rights. The proclamation, affecting an estimated million people, also provided for the substantial deregulation of businesses. The new regulation replaced Proclamation R293 of 1962 (see chapter on *Housing*).¹⁶⁸

Dr Viljoen said in May that while land transferred to the homelands for agricultural purposes was initially settled on a rental basis, it was sold to those farming it as rapidly as possible with proper provision for financing through loans so that farmers bore 'the full economic responsibility'. He added, 'On the other hand, it is not so easy to introduce individual property rights on tribal land.' He referred to 'an important breakthrough' made after a group of KaNgwane chiefs asked the department for advice on methods by which individual property rights could be introduced in respect of tribal agricultural land without undermining the authority of the chief and the community.¹⁶⁹ Dr Viljoen also said that during 1986, property rights to 4,2m hectares of land in the non-independent homelands had been transferred from the SADT to the administrations of those homelands. More had been transferred in 1987 and 800 000ha would be transferred in 1988.

Land disputes

Peelton

In August the eastern portion of Peelton (eastern Cape) was incorporated into the Ciskei. On 5 May Dr Viljoen, in response to a speech by Mr Peter Gastrow MP (National Democratic Movement) on behalf of Peelton residents opposing incorporation into the Ciskei, said, 'Historically the Peelton area has formed part of a tribal area for more than a

century. That area was divided in two at the time of the independence agreement. The smaller part falls outside Ciskei and it is the conviction of the government that that tribe should be properly united because...the separation of relatives by a boundary fence is unacceptable.' That was why legislation was being introduced to include the whole of Peelton in the Ciskei, where it belonged 'ethnically, traditionally and historically'.¹⁷⁰

The Peelton area is inhabited by members of the imiNqalase tribe. The incorporation of the western portion of the area had occurred when the Ciskei became independent in 1981. Both the Ciskei administration and the central government had erroneously believed that the whole of Peelton had been incorporated.

Mr Gastrow said he believed that the majority of people in Peelton wanted to live under central government jurisdiction and not that of the Ciskei, and wanted the border relocated so as to excise the incorporated section of the community from the Ciskei.¹⁷¹

Mr Gastrow said that the Borders of Particular States Extension Amendment Bill, providing for the incorporation of Peelton by proclamation, would involve a 'forced removal by legislation'. He said that there had been no consultation with the people of Peelton. The Peelton/imiNqalase Residents' Steering Committee called for the whole area to remain part of South Africa and said that the overwhelming majority of residents wanted the portion in the Ciskei to be excised. Their demand was supported by the Kei Road Farmers' Association.¹⁷²

In June Mr Gastrow said that he had handed to the government a petition signed by 2 000 Peelton residents who wished to retain their South African citizenship. Dr Viljoen said that South African citizens who became Ciskei residents would be allowed dual citizenship.¹⁷³

The eastern portion of Peelton was incorporated into the Ciskei in terms of the Borders of Particular States Extension Amendment Act on 12 August. Residents were not informed until two weeks later when they were summoned to a meeting addressed by a Ciskei magistrate who arrived with a large contingent of soldiers, police and Ciskei residents. A residents' meeting on 27 August, held to inform those unable to attend the previous meeting of the events of that meeting, was disrupted by the Ciskeian Police who allegedly assaulted old men and women and loaded them into vans.

On 30 August residents received an undertaking in the Ciskei Supreme Court in Bisho from the Ciskei administration that no unlawful arrest, detention, assault, or threatening of residents would occur. Residents claimed that they had been refused the use of the clinic and stock dipping tank in Peelton unless they could produce proof of paid-up membership of the ruling Ciskei National Independence Party.¹⁷⁴

In November Peelton residents accused the Ciskei of using claims of tax evasion as an excuse for harassing them. Fifty residents were arrested in late October in pre-dawn police raids and 43 of them appeared in court charged with failing to pay the Ciskei's annual development tax of R5. Some were fined R80 or sentenced to 30 days' imprisonment.¹⁷⁵

Botshabelo

Mr Gauta Lawrence Lefuo, a teacher in Botshabelo, successfully challenged the validity of the area's incorporation into QwaQwa in December 1987. On 26 August 1988 the Orange Free State Provincial Division of the Supreme Court in Bloemfontein found that the incorporation had been invalid. The proclamation had not been authorised by the statutory powers on which the state president had purported to rely when he issued it. Speaking for the court, Mr Justice J P Malherbe said that the incorporation did not accord with the intention of the legislature as expressed in the enabling provision of the National States Constitution Act of 1971, as it did not promote the political development of Botshabelo residents in their national context. Judge Malherbe said that there were clear differences between the Moutse and Botshabelo cases. While ethnic incompatibility had been a factor in the Moutse case, 70% of Botshabelo's residents were South Sotho for whom QwaQwa was the designated homeland. Thus the majority of the residents of the two areas belonged to the same population group. But that was where the similarities ended, the judge said. He said that the way of life and culture of the inhabitants of Botshabelo differed radically from that of the inhabitants of QwaQwa, which had no historic claim to Botshabelo.¹⁷⁶ The court took into account differences in political development, lifestyle, and culture. Botshabelo's population was essentially urban while that of QwaQwa remained tribally based. QwaQwa had progressed through the various constitutional stages attached to homeland status, whereas Botshabelo had been established as a town with little development of political structures, the judge said. They had undergone very different political processes. The incorporation would not in any way promote the political development of Botshabelo. Also, Botshabelo had 120 000 non-Sotho residents. Judge Malherbe said that Botshabelo had the cumstances for an unstable political climate and could become the political boiling pot of the future. He noted that although the state president had the power in terms of the 1971 act to alter the area of jurisdiction of a homeland legislative assembly and needed only to consult the relevant homeland authority, this did not mean that he could 'do anything under the sun'.

Also speaking for the court, Mr Justice A J Findlay spoke of the courts' responsibility to safeguard the rights of people without official representation. He said, 'I would assume that a far-reaching step such as the incorporation of Botshabelo would have been thoroughly investigated and planned... I would like to think this was so, since an important and drastic constitutional step was taken changing the rights, status and way of life of approximately 400 000 people who had no say in the matter whatsoever...this calls for the exercise by this court of the utmost vigilance and scrutiny since no other effective legitimate avenue may be available to safeguard the rights of those so affected.' The government gave notice that it intended to appeal against the judgement.¹⁷⁷

In March classes at seven high schools in Botshabelo were suspended following a fortnight of class boycotts. Pupils were protesting because

their complaints about their teachers being transferred to other schools had not been addressed by the Department of Education and Training.¹⁷⁸

Developments in particular homelands

Ciskei

In March the last members – 110 families – of the once large coloured community of Stockenström in the eastern Cape, established in 1829, began moving to Mossel Bay. The Stockenström Nederduitse Gereformeerde Sendingkerk had bought a farm on which its congregation could resettle. The community had once consisted of more than 7 000 people who had during the previous ten years moved from the area. Their land had been bought by the SADT and had been incorporated gradually into the Ciskei.¹⁷⁹

KaNgwane

Mr Heunis and the chief minister of KaNgwane, Mr Enos Mabuza, held discussions in February on the government's position on the incorporation of KaNgwane into Swaziland (see 1982 *Survey* pp375-379, 1983 *Survey* pp326-327 and 1984 *Survey* pp505-508 for details of these plans). Mr Heunis said in a statement afterwards that the government would not take steps to incorporate the homeland into Swaziland. Mr Mabuza had said that there had been uncertainty and speculation on the issue among the residents of the homeland, resulting in a negative influence on development. Mr Heunis confirmed the government's commitment to promoting the development of KaNgwane.¹⁸⁰

KwaNdebele

By April 1989 the commission chaired by Mr Justice F L H Rumpff investigating the constitutional future of the Moutse district (appointed after its incorporation into KwaNdebele was declared unlawful by the Appellate Division of the Supreme Court) had not yet reported (see 1987/88 *Survey* pp884-886 for details of the judgement and commission). Dr Viljoen said in June that altogether 928 families had been moved from Moutse and resettled at their own request as a result of the incorporation, at a cost of R2,2m.¹⁸¹

A report by the Select Committee on Foreign Affairs and Development Aid proposing the incorporation of the Rust de Winter district into KwaNdebele was accepted by the House of Assembly in February. The Progressive Federal Party (PFP) and the Conservative Party (CP) both opposed the incorporation. The CP described it as an autocratic move which walked all over the farmers there and said that there had been no proper consultation with the interested parties. The PFP said that it was another 'sordid' and costly example of government ideology which juggled with land and people. Dr Viljoen said that the land would not be incorporated until the government was satisfied that economic farming and planned development was assured.¹⁸²

KwaZulu consolidation proposals

On 30 June Mr Heunis announced consolidation proposals for KwaZulu. They had been approved by the cabinet, and, where necessary, decisions would be put before Parliament for final approval. KwaZulu would have a total of 477 000ha added to it, reducing its 26 separate areas to 19. The Makatini Flats (including the Ndumu Game Reserve), covering 215 000ha, made up a large proportion of the additional land. Mr Heunis said that the plans would entail no further forced removals, adding that the initial consolidation proposals had implied the resettlement of some 143 000 people. No white towns were included in the additional land. Decisions on land allocations in a further 18 areas were still being negotiated, he said, but it was expected that this would result in the addition of a total 500 000ha to KwaZulu.¹⁸³ The portions of the farms Klipfontein and Compensation in the Driefontein Block controlled by the SADT 'have not been added to KwaZulu at this stage', the statement said. The plans were to affect some 30 white farmers, but most of the land was already owned by the state or the SADT.

The Association for Rural Advancement (AFRA) commented that the government was 'still obsessively pursuing its blueprint for consolidating KwaZulu in terms of the old-style homelands policy despite massive opposition and the sheer impracticability of the plans'. AFRA also had worries concerning removals as no official reprieve had been given to a number of African-owned freehold areas ('black spots') where 160 000 people still lived under threat of forced removal. AFRA said, however, that it was heartened that a number of communities which had been threatened with removal had been officially reprieved and that the government had taken note of the strong objections made by those communities in their evidence to the Commission for Co-operation and Development in 1985 and 1986. AFRA estimated that 80 000 people, who had lived in uncertainty for many years, would benefit from the consolidation and would be 'relieved to hear that their homes are secure and that they can finally get down to developing their communities — something that the threat of consolidation has prevented'.¹⁸⁴

The Ndumu Game Reserve was given to KwaZulu on 1 April, resulting in KwaZulu's controlling Natal's entire border with Mozambique.¹⁸⁵

Mr Mentz said in June that members of his commission had been working solidly since September 1985, when its KwaZulu proposals had been announced, sifting through the evidence given. 'Literally hundreds and thousands of blacks came to give evidence and the commission had to accommodate them.' He said that the commission had worked hard to consolidate KwaZulu, but it was 'completely impossible'. The consolidation of KwaZulu had by far been the most difficult, Mr Mentz said. 'The geographic consolidation of KwaZulu is really something one can only dream about.' He said that the commission had visited the area 'to establish whether they could not satisfy all the wishes of the people'.¹⁸⁶

The commission met again in October to hear further evidence and representations from persons affected by KwaZulu consolidation proposals announced on 5 September.¹⁸⁷

SECURITY

Bophuthatswana coup d'état

On 10 February 1988 elements of Bophuthatswana's security forces staged a coup d'état and detained the homeland's president, Chief Lucas Mangope; several members of his cabinet including the minister of defence, Brigadier Hennie Riekert; the commissioner of police, Brigadier James Seleke; the chief of the army, General H C Turner; and 24 seconded South African officials. The prisoners were held at the Independence Stadium in Mmabatho and at the Molopo military base. The coup leaders said that they were taking over because the existing administration was corrupt and had rigged the 1987 elections. They also referred to the association between Chief Mangope and Bophuthatswana's trade representative in Israel, Mr Shabtai Kalmanovitz, who had been arrested in January 1988 in Israel on charges of spying for the Soviet Union. They alleged that Mr Kalmanovitz had received preferential economic rights and interests from Chief Mangope. He had allegedly been awarded two major building contracts in the homeland, one of which was the construction of the Independence Stadium, even though his tender was R5m more expensive than those of rival tenders. No tenders had been called for the other project. (Chief Mangope said that he had severed all ties with Mr Kalmanovitz in November 1987.)¹⁸⁸

The coup leaders announced that they were entrusting the administration of the homeland to Mr Rocky Malebane-Metsing's People's Progressive Party (PPP). Mr Malebane-Metsing swore himself in as president, after the homeland's chief justice refused to conduct the ceremony. He said that soldiers had fetched him and said that he should become the new president and that he had had little choice but to oblige.¹⁸⁹

The South African Defence Force (SADF), led by General Jannie Geldenhuys, chief of the SADF, intervened on the same day, releasing Chief Mangope and others from custody and restoring his administration to power. Mr Malebane-Metsing, in power for only 15 hours, fled the territory after the SADF intervention. The intervention followed a plea from nine cabinet ministers who had fled to the South African embassy and an emergency meeting of the State Security Council summoned by the state president, Mr P W Botha. The hostages being held at the stadium had also telephoned the South African embassy from the press box requesting assistance after overpowering their guards.¹⁹⁰ Five people died in the coup and counter-coup and one was injured.¹⁹¹

The central government's minister of foreign affairs, Mr Pik Botha, said that the SADF had intervened in the Bophuthatswana coup although not in the two Transkei coups because there were important differences. The legally elected head of state had not been deposed in the Transkei, there had been no violence and there had been no appeal for assistance from the ousted administrations in the Transkei. He said that the central government and Bophuthatswana had a mutual assist-

ance agreement.¹⁹² Mr Botha also said that the government was opposed to the seizure of power by violent means. Chief Mangope said to Mr P W Botha, 'You have shown yourself to be a very, very loyal friend to my young country.'¹⁹³ There was widespread comment, particularly from the anti-government English-language press, that the coup revealed the farce of so-called 'independence' for homelands.¹⁹⁴

The day after the coup, the African National Congress (ANC) denied allegations that it might have been involved, saying that it had no contact with politicians in Bophuthatswana, who, in any case, were 'very hostile' to it.¹⁹⁵ Mr Pik Botha said that the government was investigating a possible ANC link to the coup.¹⁹⁶ A senior member of the PPP, Mr Lawrence Mahila, told the press that the PPP had not been involved in planning the coup and that the ANC and United Democratic Front (UDF) had nothing to do with it either. He said that the coup was largely the result of dissatisfaction within army ranks.¹⁹⁷

Some students at the University of Bophuthatswana, who had been planning demonstrations on the day of the coup, danced in the streets when they heard news of it. When they heard news of the counter-coup, some plundered the university kitchen and damaged property.¹⁹⁸

By 23 February 423 people were being held in connection with the coup. Of these, 182 were members of the National Guard Unit and 57 were members of the Bophuthatswana Defence Force (BDF). Two were policemen. (The unit consisted of 600 men with six weeks' training and had been established in 1986 to ensure the protection of dignitaries and government buildings.) The coup leader, Warrant Officer Timothy Phiri, was a member of the force.¹⁹⁹

Hundreds of opponents of the Bophuthatswana administration went into hiding in the wake of what the Bophuthatswana security forces termed a 'clean-up operation'.²⁰⁰

The general secretary of the South African Council of Churches (SACC), the Rev Frank Chikane, said that he had received reports that action was being taken against a wide range of identifiable opponents of the administration and that many ordinary Batswana in the Bafokeng region, a PPP stronghold, had been harassed or detained. He alleged that the South African task force which had crushed the coup was responsible for these detentions.²⁰¹ Five of the PPP's MPs had been arrested. The head of the Bafokeng tribe, Chief Edward Molotlegi, and his wife were among those arrested, but were later released. The deputy commissioner of police, Brigadier James Sekame, was also arrested.²⁰² On 18 February Mr Mahila handed himself over to the Bophuthatswana police.²⁰³

The South African forces stayed in Bophuthatswana for 12 days.²⁰⁴ Brig Riekert said that the coup had been carried out by some 80 to 95 dissident soldiers. He said, 'I must admit, I am very ashamed. All I can say is, it was a very clever effort on their part... It was a surprise. It won't happen again.'²⁰⁵ On 19 April Brig Riekert resigned his position as minister of defence with immediate effect. Some commentators argued that the resignation was because the defence force had failed to take any decisive action during the coup. He had been minister of defence for nine years.²⁰⁶

On 1 March the Bophuthatswana administration offered a reward of R50 000 for information leading to Mr Malebane-Metsing's arrest.²⁰⁷ In late March Bophuthatswana appealed to the Zambian government to hand over Mr Malebane-Metsing, who was reported to be in Lusaka.²⁰⁸

By 1 March a total of 270 people were still being held in connection with the coup. Of these, 193 were members of the Bophuthatswana National Guard Unit, 57 were members of the BDF, two were policemen and 17 were civilians.²⁰⁹ The administration disbanded the guard unit. Charges against 165 PPP members arrested after the coup had been dropped.

Two separate trials arose from the coup attempt. In June 1995 people – 188 members of the Bophuthatswana National Guard Unit, high-ranking BDF members and Brig Sekame – were charged with high treason. Other charges included terrorism, subversion, murder and attempted murder. The attorney general submitted in the indictment that the coup had been planned by Mr Malebane-Metsing and WO Timothy Phiri.²¹⁰ A new courtroom for the trial was built specially to accommodate the large number of accused and expected crowds at Rooigrond near Mafikeng.²¹¹ In August their trial was postponed to 17 October. All pleaded not guilty. The charge sheet listed 348 witnesses to be called by the state.²¹² In October the director of the Centre for Applied Legal Studies at the University of the Witwatersrand, Professor John Dugard, appearing for the defence, argued before Mr Justice M W Friedman that as Bophuthatswana was not a state according to international requirements and public international law on statehood, the charge of treason constituted no offence. Judge Friedman reserved judgement until 6 February 1989 when he rejected this argument.²¹³

In a separate trial nine executive members of the PPP, including Mr Mahila, were charged with treason and various alternative charges under Bophuthatswana's Internal Security Act of 1979, including sedition and conspiracy, the state alleging that they were all involved in the abortive coup. One of them was granted bail but was redetained after his release.²¹⁴ The trial began in the Bophuthatswana High Court in Mmabatho on 21 November before Mr Justice E A T Smith.²¹⁵ The defence brought an application for an order calling on the state to furnish full particulars of allegations against the accused. Judgement was reserved.²¹⁶

In May 1988 Mr Malebane-Metsing had written to Chief Mangope demanding that he be allowed to return home unconditionally, that he release those on trial and withdraw treason charges against them, and that he answer allegations of corruption and maladministration.²¹⁷

In August the PPP was declared an unlawful organisation in terms of the Internal Security Act following the report of a special select committee appointed to investigate the PPP's involvement in the coup. The report recommended that it be dissolved and its MPs abandon their seats. The committee said that the PPP had failed to repudiate the coup or express its abhorrence of political change through unlawful and violent means.²¹⁸ The minister of justice, Mr S G Mothibe, said that the committee had found that Mr Malebane-Metsing had organised a hit

squad, trained in Zimbabwe (where he was now based) to rescue the PPP trialists. It was believed that some of the squad had already entered the homeland. The select committee also said that some members of the PPP visited him regularly in Zimbabwe to take orders.²¹⁹

Chief Mangope was reported to have taken action against a number of people identified as having celebrated news of the coup. These included seven students who were expelled from Bophuthatswana's Manpower Centre after Chief Mangope summoned all the students to the centre's hall and asked those who had celebrated to stand up. Those who owned up were reprieved but seven who did not and were identified from photographs were expelled.²²⁰

KwaZulu/Natal violence

During 1988 KwaZulu/Natal continued to be affected by serious conflict and political violence (see chapter on *Political Developments* for details). The death toll in violence in the Natal midlands and African townships around Pietermaritzburg increased from approximately 400 during 1987 to 655 in 1988, according to Ms Wendy Leeb of the Pietermaritzburg Centre for Adult Education. This figure excluded the toll for the New Year holiday weekend.²²¹ By February 1988 there were an estimated 60 000 refugees who had fled their homes to escape the violence. Many were being housed in Pietermaritzburg.²²² In February a caucus meeting of the KwaZulu Legislative Assembly resolved to call on the central government to give the KwaZulu Police jurisdiction over all the strife-torn areas in the Pietermaritzburg district. This would 'place the assembly in a position where it could legally sort out the problems being created by violence in that area', the caucus said.²²³

The townships surrounding Durban, many within KwaZulu, were also affected by political violence. Between January 1988 and the end of June, 79 people had died in Chesterville, Clermont, KwaMakhuta, KwaMashu, KwaNdengezi, Inanda-Newtown, Umlazi and other townships.²²⁴ During the last few months of 1988 serious conflict affected the eMolweni area near Hillcrest in Natal, partly as a result of tensions arising from the relocation there of people moved from the site of the Inanda Dam.

Upheavals in Venda

The death in Venda on 9 July of a schoolteacher, Mr Mkosi Mavhina, who was found hanging from a tree 20km from his home, resulted in class boycotts at Venda schools from mid-July. Although a post-mortem examination found that he had died from asphyxia caused by hanging, pupils alleged that he had died as a result of a ritual murder and that the Venda administration was responsible for his death. They demanded that his alleged killers be arrested. After his burial on 23 July they started a class boycott. Two weeks later, University of Venda students also began boycotting classes. On 16 August, thousands of workers responded to a stayaway call made by students protesting against alleged ritual killings in the homeland. Nearly all civil servants boycotted work and the majori-

ty of shops remained closed, as did offices, factories and businesses. All major bus and taxi firms suspended business. The stayaway lasted for five days. Students at the University of Venda had held a meeting alleging that there had been a police cover-up of ritual killings allegedly committed by senior officials. Pupils and students demanded the dismissal of Venda's minister of justice, Mr Alidzuli A Tshivhase, who they alleged was involved in ritual murder, and an assurance from the police that ritual killings would be stopped and investigated. They also demanded the establishment of a commission of inquiry.²²⁵

After an emergency cabinet meeting on 16 July, the president of Venda, Mr Frank Ravele, announced that the minister had been stripped of the justice portfolio until the forthcoming election and was to serve in the cabinet as minister without portfolio. He was also relieved of his portfolios of prisons, national assembly and public service commission.²²⁶ (He later resigned from the cabinet.) The following day Mr Ravele appointed a commission of inquiry into ritual killings. It was to be headed by the chief justice of Venda, Mr Justice H G le Roux. The commission was to inquire into the causes of the unrest, school boycotts and work stoppages with reference, *inter alia*, to the circumstances surrounding the investigation of so-called ritual murders committed during 1988. Mr Ravele appealed to pupils to return to school and people to return to work. He said that some people allegedly involved in ritual murders were already under arrest and were being prosecuted. He also said that he was hiring an independent criminal investigator to investigate the crimes. It was decided that the commission would hold its hearings *in camera*.²²⁷ Judge Le Roux said in October that those who wished to testify in public would be allowed to do so. While he would have preferred an open hearing, he said that the sensitivity of the subject matter and the fear of key witnesses that they would be victimised had led him to the conclusion that the commission could not afford the 'luxury' of public sittings.²²⁸ The commission was due to start hearing evidence on 17 October.

On 21 August the school and work boycotts appeared to have ended. The school boycott had lasted five weeks and the stayaway five days, although some schools boycotted for longer.²²⁹ The following day at least 18 students were arrested and others injured in clashes with the police in Tshakhuma when more than 1 000 students gathered to discuss the class boycotts and the stayaway.²³⁰ The students' boycott continued and they demanded the release of detained students and workers.²³¹ By late September there was still a total boycott at three Venda secondary schools.

Between 19 August and mid-October some 50 people were detained in Venda. During the unrest there were allegations of police assaults on numerous students, one of whom lost her eye as a result of an assault.²³²

A delegation of 12 clergymen met Venda Police representatives and handed them details of alleged police brutality and torture of those detained in the wake of the school boycotts and stayaway. The police said that anyone with complaints should report them to the nearest police station.²³³

The family of the dead schoolteacher applied successfully to have the body exhumed for a second post mortem.²³⁴

On 17 August, 27 people appeared in court on charges of incitement arising from the turmoil.²³⁵ On 6 September 72 people appeared in court on charges of incitement relating to the unrest. They included the secretary of the Zoutpansberg Advice Bureau, Mr T Mutobvu, and a member of the students' representative council of the University of Venda, Mr Mpho Tsedu.²³⁶

On 12 December 48 detainees were released. Most of them had been detained during the unrest and the release eased tensions in Venda.²³⁷

A fieldworker for the Northern Transvaal Council of Churches said in December that the Venda Defence Force was conducting a public relations exercise. In Tshakuma, where the class boycotts had started in July, the defence force had erected tents on the premises of the Tshiemuemu Secondary School and had been distributing food, showing religious videos, giving lectures and arranging sports tournaments.²³⁸

Defence and insurgency in the homelands

The minister of justice, Mr Kobie Coetsee, said during the no-confidence debate in Parliament in February that the leader of the African National Congress (ANC), Mr Oliver Tambo, had made a call on 8 January 1988 to 'activise' the masses in the homelands. He quoted the following excerpts from a statement which he said was made by Mr Tambo: 'The masses of our people within the bantustans must be activated to transform these into strong and reliable mass bases of the revolution. New possibilities exist for the people to act decisively to turn these enemy-created institutions against their creator, the Pretoria regime... The accomplishment of this task requires that the fighting masses of our people should join hands with those elements within the bantustan administrative system that are prepared to break with the apartheid regime and join the people in the struggle for a united, democratic and nonracial South Africa... Of central importance to the success of this process is the need to ensure that the masses of people are organised into their own mass formations as well as into underground units of our movement.'²³⁹

The chief of the South African Security Police, General Johan van der Merwe, said in August that 49% of all insurgents arrested and killed in South Africa during the previous 18 months had infiltrated South Africa through Botswana. He said that ANC elements in Botswana had attempted to influence Bophuthatswana citizens politically, with the aim of creating a new base area for political and military activities against South Africa.²⁴⁰

There were a number of incidents during 1988 in Bophuthatswana, the Ciskei, KwaZulu and the Transkei involving alleged guerrillas.

In June there was a grenade explosion and gunfire on the main road through Mmabatho in Bophuthatswana. The police said that the ammunition and hand grenade were of 'Communist' origin, and asked anyone

with information about the incident to supply it to them. No damage was caused and no one was injured.²⁴¹

In the Ciskei:

- a limpet mine was found on a school sports field next to the Mdantsane Police Station in February and safely detonated;²⁴²
- in April two Ciskei security policemen were killed and one injured in a shootout near Alice with suspected insurgents;²⁴³
- in June a Ciskei policeman was seriously injured when a limpet mine exploded at his Mdantsane home. Police later detonated a number of other limpet mines at the scene;²⁴⁴
- in the same month, a suspected guerrilla, Mr Baraga X Ngqondela, was shot dead in a shootout with the Ciskeian Police at Whittlesea and a Ciskei policeman seriously injured when the man threw a hand grenade. One suspected guerrilla was arrested;²⁴⁵
- in a shootout between Ciskei police and suspected guerrillas in Mdantsane in October, one of the latter died. Two women were subsequently detained;²⁴⁶
- the Mdantsane homes of two policemen were destroyed in separate petrol-bomb attacks in November. No one was injured;²⁴⁷ and
- two explosions on 19 December in Bisho, the Ciskei's capital, damaged the Pick 'n Pay shopping centre and a garage and injured one person.²⁴⁸

In KwaZulu in April a police sergeant was shot dead in Osizweni township (Newcastle) by a man armed with an AK-47 rifle.²⁴⁹

In the Transkei:

- the Transkei Police killed three men when they fired on the occupants of a car on 5 February outside Umtata. A fourth person was seriously injured and detained. The police said a few days later that they had found ammunition, a pistol and a hand grenade in the car and that one of the dead was 'a highly trained terrorist'.²⁵⁰ Lawyers acting for the families of the four men involved demanded an inquiry into the circumstances leading to the incident. One of those killed, Mr Zolile Sangoni, was the brother of a prominent Butterworth lawyer, Mr Themba Sangoni. The police claimed that they had opened fire when one of the men was about to set off a hand grenade. Eyewitnesses and the fourth man, however, said that the police had followed the vehicle, forced it to stop and immediately opened fire without any provocation. An inquest into the deaths of the three was due to start in October;²⁵¹
- four people were detained in the Transkei after a shootout between police and suspected insurgents in the Mount Fletcher area in late January. One man was believed to have been killed in the shootout;²⁵²
- there was a shootout between Transkei police and two alleged insurg-

ents at Mzamba in July. A man was arrested and a Mr Zingisa Xatula was killed. Mourners at his funeral said that the police had disrupted the funeral and searched the hearse, coffin and the corpse, threatened them with detention and thrown the coffin on the ground. A number of people were detained for questioning about slogans they had chanted during the funeral proceedings;²⁵³ and

- in September there were two bomb blasts in Umtata. The first was when police detonated a limpet mine found in a school bus. Two hours later a bomb exploded on a municipal truck collecting refuse in Umtata's Independence Stadium. Three workers on the truck sustained minor lacerations.²⁵⁴

A few days after the Bophuthatswana coup the president of the Ciskei, Chief Lennox Sebe, told a rally in Zwelitsha that he pledged his loyalty to his defence force and expected their loyalty in return. A few days later he promoted at least 25 Ciskei Defence Force (CDF) officers to ranks ranging between major and general. The administration also declared 19 February a public holiday in the Ciskei – Heroes' Day – to commemorate the CDF's repulsion of an attempted coup by elements of the Transkei Defence Force in 1987.²⁵⁵

The South African Defence Force (SADF) and the Transkei Defence Force held a combined week-long military exercise in the Elliot, Maclear and Ugie districts and neighbouring Transkei towns in November. The object of the operation was to test co-operation between the two defence forces.²⁵⁶

A R31m military base was being built at Vuwani in Venda. It was due for completion in November 1989.²⁵⁷

Police conduct in the homelands

Ciskei

In September six Ciskei policemen attached to the Mdantsane security police were arrested and charged with the murder of the Border co-director of the Institute for a Democratic Alternative for South Africa (IDASA) and former chairman of the Mdantsane Committee of Ten, Mr Eric Mntonga. They were also charged with defeating the ends of justice and contravening the Ciskei Police Act. All six pleaded not guilty to all charges.

The six accused were the head of the Ciskei security police, Major General Phakamile Ngcanga; the deputy head of the Ciskei Elite Unit, Major General Zandisile Ngwanya; Colonel Mabandla Mbejeni; Major Mpakisile Potwana and Warrant Officers Thamsanqa Hlulani and Khayaletu Ncandana. They were arrested after a letter from the executive director of IDASA, Dr Alex Boraine, to the president of the Ciskei, Chief Lennox Sebe, and others. It revealed information about the circumstances leading to the death which came from a 'highly placed source' in the Ciskei. Mr Mntonga's body had been found on a remote

road near King William's Town on 25 July 1987, a day after he had been detained at the Mdantsane Police Station in the Ciskei. An inquest had found that he had died of manual strangulation and head and abdominal injuries. He had been stabbed in the chest after he had died. The inquest, which had been held without the knowledge of his family, found his death to have been caused by unknown people. No oral evidence was led, and the findings were based on affidavits submitted by the Ciskeian Police.²⁵⁸

In the trial the state alleged that on 24 July Maj Potwana, WO Hlulani and WO Ncandana had unlawfully and intentionally killed Mr Mntonga and that Gen Ngwanya and Gen Ngcanga, knowing that their co-accused had killed Mr Mntonga, had assisted them in that they had wilfully suppressed and concealed information concerning the investigation into the death.²⁵⁹ It was alleged that Maj Potwana, WO Hlulani, WO Ncandana and Col Mbejeni had dumped the body.²⁶⁰

During a bail application in September, Gen Ngwanya pleaded his innocence and said that the wrong people had been arrested. An elaborate cover-up had been arranged and a police conspiracy had subsequently been launched to frame him, he alleged. He named 15 people who he said were 'the real killers', all of whom were free and one of whom was on the investigating team. He said that Mr Mntonga had died in custody after being tortured and suffocated.²⁶¹ When the interrogators had realised that he was dying and could not resuscitate him, they had phoned various senior officers, and an elaborate cover-up had begun.²⁶²

During the trial in November in the Ciskei Supreme Court in Bisho, various policemen gave evidence for the state. Warrant Officer Zamekile Bojana of the Elite Unit testified that on 24 July he had seen three of the accused, along with others, in the room in the Mdantsane Police Station in which Mr Mntonga was being interrogated. He said that Mr Mntonga had been lying on the floor with his hands tied together. His face had been swollen and he had appeared tired and was sweating.²⁶³ He told the court that Maj Potwana had given him a tube, which he used to suffocate Mr Mntonga while Maj Potwana was holding Mr Mntonga's stomach. He said that he had not been part of the interrogation team but had been forced by the major to suffocate Mr Mntonga. Each time he had removed the tube, Maj Potwana had replaced it, and when Mr Mntonga had passed out, Maj Potwana had fanned him to revive him. He said that he had not told anybody in the police about the death until he had been arrested.²⁶⁴

The commander of the Mdantsane security police, Colonel Louis Nhonhonho, warned as an accomplice, testified for the state. He said that initially the police had co-operated to cover up the circumstances surrounding the death. He said that nobody wanted to conduct investigations but wanted to cover up the case. He had been informed that Mr Mntonga had died after being interrogated by the security and elite police units. Col Mbejeni had informed him on the night of the death that they had disposed of the body. Gen Ngcanga had been informed of the death, he said, by Gen Ngwanya. Gen Ngcanga had told him to keep quiet about the death.²⁶⁵

The commander of the Mdantsane Anti-Terrorist Unit, Captain M Mfundisi, testified that WO Hlulani and others had dumped the body. He had ordered the arrest and interrogation of Mr Mntonga because he had believed that he had information about 'terrorists'. He had been shocked to hear of the detainee's death.²⁶⁶ He also testified that the idea of dumping the body had been mooted at a meeting of security policemen in the office of Col Nhonhonho in the late afternoon of 24 July.²⁶⁷

Another state witness, Captain M Hlela, testified that Ciskeian detainees were 'usually assaulted' during interrogation.²⁶⁸

Three bail applications made in the Zwelitsha Magistrate's Court on behalf of the policemen and a fourth in the Bisho Supreme Court were unsuccessful. However, a fifth application in December was successful. The six accused were released on bail ranging between R500 and R1 000. They had to report to the police twice a week and could not have any contact with any member of the Ciskei police. They were briefly detained in the Supreme Court cells after paying bail. In late December Gen Ngwanya and Gen Ngcanga were believed to have been detained.

In December the case was postponed to 1 February 1989.²⁶⁹

Two activists applied successfully in the Ciskei Supreme Court for an order allowing themselves, the deputy sheriff and their lawyers to search security police offices in Zwelitsha. They were former detainees, Mr Tando Dyantyi and Mr Boyce Soci, trade unionist and field worker for the Border Council of Churches respectively. Both alleged that they had been tortured in detention, wished to institute claims for damages against the Ciskei's minister of police and justice and the policemen concerned, and, therefore, wished to inspect police offices to look for objects used in their torture.²⁷⁰

The Ciskei Supreme Court granted an interim order restraining the Ciskeian Police from assaulting, detaining or harassing Peelton residents in August following an application by residents for such an order (see section on *Land* above).²⁷¹

KwaNdebele

In a paper delivered at a conference organised by Lawyers for Human Rights and the Centre for Human Rights Studies of the University of Pretoria in May, Mr Nick de Villiers of the Pretoria Legal Resources Centre said that the KwaNdebele administration viewed its opponents as a security threat and placed excessive reliance on the police to contain this perceived threat. 'The police are drawn into an overtly political role,' he said. His paper detailed what he alleged to be a high level of police misconduct following the appointment of Brigadier Hertzog Lerm as commissioner, and the detentions of respected members of the community for voicing opposition to 'independence'. 'His heavy-handed approach appears to have found favour with the executive,' he said. The police could rely on executive ratification for their excesses, he said. Brig Lerm had acted as private secretary to the chief minister since September 1987, 'an unusual position for the commissioner of police, to say the

least', Mr De Villiers commented. 'Not only does the tone of the police leadership permit assaults, it positively encourages them,' he said.²⁷²

The three executive members of the South African Youth Congress (SAYCO) released from detention in December 1987 following a Supreme Court order (see 1987/88 *Survey* p904) said that they intended to sue the KwaNdebele administration for assault. They said that they had been beaten with a pickhandle, punched and suffocated with a rubber tube by police attached to the Kwaggafontein Police Station. One of the three, Mr Joseph Nkuna, said that they had also been taken by members of the KwaNdebele police to a disused house in KwaMhlanga and tortured there. He said that he had sustained a broken rib as a result of one assault and two weeks later had been taken back to the house where a policeman told two others to hold his legs while he kicked Mr Nkuna in the genitals. While he urinated blood following this assault, he was teargassed, he said. The liaison officer for the KwaNdebele police, Lieutenant J A Joubert said that the allegations were false.²⁷³ Alleged torture at the Kwaggafontein Police Station, including details of assaults with pickhandles, was given much media coverage in 1987 based on the reports of three staff members of the *Sunday Star* who were detained there (see 1987/88 *Survey* p902). None of the policemen allegedly involved was suspended at the time, as, Brig Lerm said, they had not killed anybody.

A fieldworker for the Pretoria Council of Churches, Mr Michael Ncube, also detained in November 1987 by the KwaNdebele Police Force, also intended to sue for assault as a result of alleged suffocation and assaults with pickhandles at a house in KwaMhlanga.²⁷⁴

On 19 January the Transvaal Provincial Division of the Supreme Court in Pretoria ordered the KwaNdebele police to stop assaulting two emergency detainees — Mr F N Phatlane and Mr R J Makitla — and to improve conditions under which they were being held.²⁷⁵ Mr Phatlane described in an affidavit how he had been given electric shocks and assaulted, leaving him deaf in one ear. Mr Makitla said he had been assaulted and deprived of food. Both were moved to police stations outside KwaNdebele.²⁷⁶ In June it was reported that they and five others were claiming more than R400 000 in damages from both the central government and the KwaNdebele administration.²⁷⁷ Four other KwaNdebele residents were also suing the KwaNdebele administration for wrongful arrest and assault, according to a report in June.²⁷⁸

In March the Pretoria Supreme Court granted an urgent interdict restraining the KwaNdebele police from preventing busloads of Moutse residents from attending the appeal case against incorporation into KwaNdebele. Chief Gibson Mathebe, chairman of the Moutse Regional Authority, told the court that the KwaNdebele police had informed his councillor that only chiefs, councillors and headmen could attend the case and that only one bus would be allowed to depart from Moutse. They said that anyone else who tried to leave would be arrested.²⁷⁹

Mr Peter Soal MP (Progressive Federal Party) claimed in June that detainees in KwaNdebele were being released only once they had signed a document in support of 'independence'.²⁸⁰

Eleven Kwaggafontein (KwaNdebele) taxi-drivers alleged that on 26 November they had been assaulted by homeland police for two hours, then detained overnight, after an altercation with a cabinet minister who was running a rival taxi business in the area.²⁶¹

On 29 April 1988 the KwaNdebele administration passed an Indemnity Act indemnifying it retroactively against any legal action arising from the disturbances between 1 December 1985 and 11 June 1987. It followed a spate of court actions involving alleged assaults, tortures in detention and irregularities in police conduct during that period.²⁶²

KwaZulu

The KwaZulu Police were deployed in KwaMakhuta in October following reports of political violence there. Various residents alleged that the police had colluded with local Inkatha members in intimidating, assaulting, killing and harassing residents. Six people were allegedly killed and many injured after accusations by their assailants that they were United Democratic Front (UDF) members. Twenty residents appealed through a lawyer to the KwaZulu commissioner of police, Brigadier D Laas, for protection from the KwaZulu Police in the area. Many fled from the area and pupils were not attending school.²⁶³

In July the KwaZulu Police sent a docket to the attorney general for his decision on whether to prosecute in the case of assaults on a Nongoma man, allegedly by members of the KwaZulu Police.

Lebowa

Following the success of a case in the Appellate Division of the Supreme Court against the legality of Lebowa's Indemnity Act of 1986 (see 1987/88 *Survey* p907), the way was opened for 600 long-standing civil actions claiming damages of more than R4,5m from the Lebowa administration resulting from the period of widespread unrest in the homeland from mid-1985. One legal firm alone reinstated the claims of 44 people against Lebowa's minister of law and order for unlawful arrest, assault and malicious prosecution by the Lebowa Police.²⁶⁴

The chief minister of Lebowa, Mr M N Ramodike, said in December at a youth rally of the Lebowa People's Party that his administration had rejected a suggestion by the central government that it redraft the Indemnity Act to block payment of claims against the police. Mr Ramodike said that his administration had refused and said that 'we wanted to settle out of court with our children who were assaulted with sjamboks or shot. We do not condone killings and maiming of innocent people'.²⁶⁵

Transkei

A man detained in terms of the Transkei Public Security Act of 1977, Mr Sthembele Zokwe, was shot dead at his home in Nqamakwe on 12 January, by police from Butterworth. His lawyer, Mr M Ntsaluba, said that he had inspected the room in which Mr Zokwe had been shot and found 54 bullet holes. The police said that a murder docket had been opened and

that charges were being investigated against a number of security policemen.²⁸⁶ Onlookers said they had heard a burst of gunfire five minutes after Mr Zokwe had been escorted by police into his mother's house.²⁸⁷

Two policemen were due to appear in court to face murder and attempted murder charges arising out of the death of Mr Zokwe and assaults during a detention prior to the one during which he had died. However, the accused, Sergeant Aaron M Tyani and Sergeant P Gume ngu, escaped in late October from police custody shortly before they were to appear. They escaped from separate prisons on the same day after they had requested medical treatment. During a previous detention of Mr Zokwe in August 1987, the accused had allegedly shot him in the neck three times at a quarry outside Umtata and left him for dead. He had got himself to a hospital and survived. In January 1988, according to the state, he had again been arrested by the accused who had then shot him at his home. They had then blown up a hand grenade and placed another on his body and said that he had attempted to escape by throwing a grenade at them. The Transkei administration ordered a full investigation into the escape of the accused.

The Transkei's attorney general, Mr Chris Nel, decided not to prosecute two policemen implicated in the fatal shooting of an alleged African National Congress (ANC) guerrilla, Mr Ngwenduna Vanda, in December 1986. An inquest had established that they had been responsible for his death and that he had been fatally shot after he had been effectively disarmed. The inquest magistrate had referred the case to the attorney general to investigate possible criminal charges. Mr Nel said that he would not prosecute the two as they had been acting in self-defence or Mr Vanda had tried to resist arrest.²⁸⁸

The Rev Dowdeswell 'Madubula' Mahabane of the Methodist Church in Africa died in a police cell a few hours after being detained by the Transkei Police at Butterworth for questioning in connection with a murder investigation on 25 May. He had been stationed in Butterworth from 1982.²⁸⁹

In August an inquest into the death of a man, Mr Allen Markot, shot in Butterworth in police custody in January 1987, was reopened in the Butterworth Magistrate's Court. He had been arrested for drunken driving after an accident. The attorney general was to review the oral evidence and decide whether or not any prosecutions should be instituted.²⁹⁰

By October, three years after the death of Mr Batandwa Ndondo, his killers had not yet been tried. Mr Ndondo had been detained by police in September 1985. He had escaped from the car, been pursued by the police and cornered, and then shot repeatedly while pleading for his life (see 1985 *Survey* p294). One of the accused policemen, Mr Mbuso Shabalala, had jumped bail. As a result, charges against the other accused, Sergeant G L Dandala, were provisionally withdrawn and he continued in active service with the Transkei security police. The attorney general's office believed that it was up to the police first to apprehend the accused while the police believed that they had completed their role in presenting the accused before the court.²⁹¹

The Transkei-based Prisoners' Welfare Programme (PWP) listed details in May of 40 pending law suits in the Transkei arising out of the alleged activities of the Transkei security police. They concerned mainly allegations of torture, assault, malicious prosecution or wrongful detention or arrest. The total amount claimed was more than R2m.²⁹² (The PWP said in April that it hoped that the Transkei Military Council would accept the status of the organisation, pointing out that the chairman of the military council, Major General Bantu Holomisa, had spent a lengthy period in custody in the Transkei and should appreciate the need for the programme.²⁹³ The PWP, however, was subsequently banned by the Transkei authorities.)

In September the Transkei Supreme Court issued an interim interdict restraining the Transkei security police from assaulting and exerting unlawful pressures on a detainee, Mr Pambili Jizana. His aunt, Mrs Liziwe Mbalo, had brought an urgent application for the interdict. Mr Jizana had smuggled a letter to her attorneys in which he claimed that he had been assaulted and tortured during interrogation. The court also ordered that a magistrate visit Mr Jizana and that a district surgeon examine him and submit a report to the registrar of the Supreme Court.²⁹⁴

In November the Transkei Supreme Court issued an interim order calling on the Transkei police to show why they should not be restrained from assaulting a detainee, Mr Aga Khan Tiya. Mr Tiya's father, Bishop Hintsatiya, brought the application. He said that his son had been hospitalised during his detention with throat injuries and been seriously ill.²⁹⁵

In December the Transkei administration paid nearly R10 000 in damages to five women and a man for wrongful arrest in 1984 in connection with a murder investigation.²⁹⁶

Political trials in the homelands

Ciskei

In March three men were found guilty of terrorism in the Ciskei regional court in Mdantsane. Mr Xolile Matabese, described as an Umkhonto we Sizwe militant, was jailed for nine years on a charge of terrorism and three years for being a member of the African National Congress (ANC). Mr Mzwandile Mampunye, ex-chairman of the East London/Mdantsane Committee of Ten, was sentenced to two years' imprisonment for taking part in ANC activities, and Mr Xolane Ngundle was sentenced to six years' for terrorism and three years' (two concurrent) for the possession of a limpet mine.²⁹⁷ In November, however, the Appellate Division of the Ciskei Supreme Court set aside the convictions and sentences of both Mr Mampunye and Mr Ngundle and they were released. Mr Matabese's sentence was reduced by three years, Mr Justice WH Heath finding that he had not been a member of an unlawful organisation.²⁹⁸

In April 57 members of a vigilante group that operated in Zwelitsha (Ciskei) between October and November 1985 were convicted in the Zwelitsha regional court of various charges and jailed for an effective

eight years' each. They included an MP for Zwelitsha, Mr Kolisile William Matsheketa, who led the group. All accused were found guilty on one count of culpable homicide, 14 counts of malicious damage to property and 23 counts of assault with intent to do grievous bodily harm. They were acquitted on two counts of assault. They had been arrested after the death of a youth on 14 November 1985, to which the culpable homicide charge related (see 1985 *Survey* p291 for details of the group's activities). The trial had lasted a year and many Zwelitsha residents had given evidence. Evidence set before the court included that the group had been established on the personal instructions of Chief Lennox Sebe; that it had operated with government vehicles; that it had been accountable to a cabinet minister, Mr Ray Mali; that it had been given financial assistance by the ruling Ciskei National Independence Party; and that it had co-operated with the police. Among those assaulted by the group was the principal magistrate for Zwelitsha, Mr Bongani Tali.²⁹⁹

A University of Fort Hare student, Mr Sicelo Hela, was acquitted of terrorism and other related charges in September by the Zwelitsha magistrate's court after the court ruled that his statement to a Middle-drift magistrate was inadmissible as evidence against him. He said that he had made the statement after being assaulted by ten policemen at Alice Police Station and then taken on a helicopter ride by a Ciskeian brigadier and others who had threatened to 'throw him from the sky'.³⁰⁰

In November the Supreme Court of Ciskei in Bisho dismissed an appeal against conviction and sentence of the former United Democratic Front (UDF) border region general secretary, the Rev Arnold Stofile, and three other UDF members.³⁰¹ They had all been found guilty of terrorism and three of them had been convicted on charges of possessing arms. They had been sentenced to between eight and 11 years' imprisonment (see 1987/88 *Survey* p891).

The son of the Ciskei's minister of tourism and aviation, Mr Monwabiso Yako, was charged with terrorism in November. He was accused of harbouring alleged guerrillas in the Mdantsane area or alternatively, failing to report the presence of guerrillas to the police and possession of explosives. His case was transferred to the Zwelitsha regional court and postponed to February 1989.³⁰²

Mr Bonakele Jwabi and 15 other men were tried in the Bisho Supreme Court on a charge of attempted murder and five counts of murder relating to the abduction and burning to death of five men in Mdantsane on 1 February 1987. All pleaded not guilty. On 13 July Mr Justice W H Heath found all the accused guilty on the murder charges and all but one guilty of attempted murder.³⁰³ Defence for the accused had asked for the acquittal of all 16 on the grounds that they could not have been positively identified as lighting had not been adequate on the night of the killings. The defence also argued that the evidence of state witnesses was unreliable: some had contradicted themselves, one had an eyesight problem making identification difficult, and the main state witness had departed from a sworn statement he had made to the police. (The major state witness was Mr M Velle, who had been the victim of the attempted

murder. He had escaped after already being set alight with the five who had died.)³⁰⁴ Two of the accused claimed that they had not been in Mdantsane at the time of the murders.³⁰⁵ The case was postponed to 1 August to allow the defence time to prepare evidence in mitigation.

In an appeal judgement in November Mr Justice M A Diemont set aside the convictions and sentences of five men convicted in 1987 of the 'necklace' killing of an alleged Port Elizabeth vigilante in July 1986. He said that the state witnesses had not been reliable. One of the men, Mr Thembisile Baneti, had been sentenced to death while his four co-accused had been sentenced to jail terms ranging between 12 and 20 years' imprisonment.³⁰⁶

KwaZulu

Eleven men were charged in October in the Durban and Coast Local Division of the Supreme Court in Durban with the kidnapping of nine people and the murder of seven of them in KwaMashu in March 1987 (see 1987/88 *Survey* pp904-905). The state alleged that the 11 accused were members or supporters of Inkatha and that five of the accused were community police employed by Mr T M Shabalala. (He was suspended from the central committee of Inkatha in May.) One of the accused, Mr Emmanuel Khanyile, was their supervisor.³⁰⁷ The court reserved judgement until 2 May 1989.³⁰⁸

Transkei

The PWP said in April that 16 political trials were under way in the Transkei.³⁰⁹

The Transkei applied in April for the extradition from 'South Africa' of an alleged ANC member, Mr Mzwandile Vena, who was arrested in the Cape province in September 1987, as he was a Transkei citizen wanted in connection with charges of terrorism and sabotage for three bombings in Umtata on 25 and 26 June 1985 (see 1985 *Survey* pp293-294).³¹⁰ In terms of the extradition treaty between the Transkei and the central government, the state president of the Transkei signed an undertaking that Mr Vena would not be executed if found guilty of treason and terrorism. The extradition request was then granted.³¹¹ Mr Vena appealed unsuccessfully against the decision and appeared in an Umtata regional court in September to face charges of terrorism and sabotage. He was to stand trial together with Messrs N Mzimba, M Tukela and S Mbekela, all on charges of terrorism. They had allegedly harboured him and another guerrilla in 1985.³¹² Mr Mzimba escaped while under police guard in the Umtata General Hospital and in October was still being sought by the police.³¹³

In June 1987, 20 accused in a terrorism trial escaped from custody when their case was struck off the roll (see 1987/88 *Survey* p910). Two of the eight whom police managed to redetain, Mr Ndibulele Ndzamela and Mr Phumzile Mayaphi, were charged on 30 May 1988. They were charged with two counts of murder and one of terrorism in the Transkei

Supreme Court in connection with a bomb blast at the Wild Coast Sun at Mzamba in April 1986 in which two people died and three were injured.³¹⁴ Charges against another of the redetained men, Mr Leonard M Mdingi, were withdrawn in mid-May.³¹⁵

Five people were charged in the Umtata regional court in September with being members of an unlawful organisation. They were alleged to have promoted the Pan-Africanist Congress and assisted guerrillas. The accused were Messrs L Kantolo, S Simuku, S Mpendulo, M Swaartbooi, N Zamela and Ms N Lusizi.³¹⁶

On 5 December Mr Mhleli Madaka and Dr Warren Zolile Nombe were acquitted in the Umtata regional court of charges relating to terrorism and the ANC on the grounds of insufficient evidence against them. Dr Nombe was alleged to have been found in unlawful possession of firearms and to have harboured people he had reason to believe were terrorists. Mr Madaka was alleged to have undergone military training in Angola and East Germany.³¹⁷

On the same day, in a separate trial, Mr Lungisa Livingstone Matutu was acquitted in the Umtata regional court on terrorism-related charges of having been a member of Umkhonto we Sizwe and of having received military training in various countries, on the grounds of insufficient evidence.³¹⁸ During his trial, Mr Matutu claimed that he had been arrested in Bophuthatswana, handed over to 'South Africa' and then to the Transkei. He alleged that he had been severely beaten and tortured at various police stations. He was suing the minister of the Transkei police for R50 000 damages as a result.³¹⁹ Mr Matutu was the son of the Transkei's minister of finance.

Mr Mfanelo Matshaya and Mr Pumlani Kubukeli were due to appear in the Supreme Court on charges of terrorism on a date still to be fixed.³²⁰

Venda

Of the 19 people detained in Venda between May and August 1987 in terms of section 29 of Venda's Maintenance of Law and Order Act of 1985, six were eventually brought to trial. Eight were released and five redetained as state witnesses under section 31 of the same act.³²¹ In October the six accused, who were alleged to be ANC members, appeared in the Venda Supreme Court charged with treason and offences including terrorism; possession of arms, ammunition, explosives and illegal publications; and harbouring guerrillas.³²² The six were Messrs Peter Nthuseni Ravhambelani, Mashudu Masindi, Tenda Modzimu Ratshitanga, Tshililo Christopher Vhubani, Charles Tshitangano and Frederick Dau.³²³

Co-operation between the South African Police and homeland police

A number of people detained by homeland police claimed that they had been handed over to the South African Police (SAP) by them without any extradition proceedings. (The central government has extradition

agreements with all four 'independent' homelands.) For example, a Bophuthatswana citizen who was allegedly an African National Congress (ANC) member, Mr T Maape, was handed to the SAP by the Bophuthatswana Police after they arrested him in November 1987.³²⁴

In December Mr Acting Justice P B Hodes criticised the SAP for knowingly allowing the Transkei Police to cross the common border to deliver a suspect. The action was 'disquieting' and unacceptable in a civilised country, he said. He was referring to the fact that one of the murder accused in a trial he was presiding over, Mr M Mkungwana, had been delivered across the border to the SAP by the Transkei Police, who, therefore, acted as agents for the SAP.³²⁵ Commenting, the commissioner of the Transkei Police, Brigadier Leonard Kawe, said that the two police forces were interdependent and that if they failed to co-operate, criminals would overcome them by taking advantage of the common borders between the two states, which were not guarded properly.³²⁶

Prison conditions

Five Transkei prisoners in Umtata's Wellington Prison, including political prisoners, filed an application in July for an order for the improvement of prison conditions and declaring illegal the gross overcrowding of cells; their deprivation of exercise; lack of clothing; and inadequate, defective lavatory facilities. They also sought an order declaring the disciplinary activities conducted by prison staff illegal. One said that two prisoners had died in January after assaults by warders and 'prefect' prisoners. The five said that for five months they had been locked in their overcrowded cells for 24 hours a day without exercise, fresh air or sunshine. They also sought a declaration that they were entitled to receive radios, reading material and games and that certain prisoners be allowed special diets. The hearing was set for 1 September.³²⁷

In August one of the five, Mr James Kati, was released, a year before his sentence would have expired. He had been jailed in 1982 on charges of terrorism. His sentence had been reduced from 13 to seven years on appeal. The prison conditions case had been postponed apparently because of the delay in the filing of replying affidavits by the respondents.³²⁸

The 1987 annual report of Bophuthatswana's commissioner of prisons, Major General C S S Delport, said that the average daily number of prisoners in Bophuthatswana's prisons was 2 677. Official fixed prison accommodation, however, was only 1 771. The commissioner recommended that the judiciary recommend punishment other than imprisonment, which should be reserved for those who posed a threat to society. The daily average of prisoners had increased from 645 in 1978 to 2 677 in 1987.³²⁹

Bannings, deportations and restrictions

A restriction order imposed on the former Transkei state president, Chief Kaiser Matanzima, by the former prime minister, Ms Stella Sigcau,

in November 1987 confining him to his Qamata Great Place, was set aside by Mr Justice J Mitchell in January. The respondents (Ms Sigcau in her capacity as former minister of police, the Transkei administration and the commissioner of police) did not file opposing affidavits because of the change of government and a change of attitude in the matter, according to counsel for the state.³³⁰

Proclamation no 4, published by the Transkei administration on 3 June, withdrew the proclamation (no 9 of 26 May 1978) declaring the Methodist Church of Southern Africa to be an undesirable organisation in terms of the Undesirable Organisations Act of 1978.³³¹ Chief Kaiser Matanzima had banned the church in 1978 after what he considered to be a slight on the Transkei's 'independence' had been published in a Methodist newspaper. The Methodist Church of Transkei (later called the United Methodist Church of Southern Africa) had then been brought into existence by legislation.³³² The Transkei administration also withdrew deportation orders on nine people.³³³

In September the Transkei Publications Committee withdrew the declaration of August 1981 that the book *Render Unto Kaiser*, by Mr Barry Streek and Mr R Wicksteed, was undesirable.³³⁴

One of the former Transkei military advisers deported from the Transkei in April 1987, Mr Peter McNellish, was sentenced in January in the Umtata magistrate's court to six months' imprisonment for contravening his deportation order. He had been arrested at Port St Johns on Christmas Day in 1987 (see 1987/88 *Survey* p932).³³⁵

Capital punishment in the homelands

The Transkei-based Prisoners' Welfare Programme (PWP) said that between 1977, when the Transkei built its own gallows, and September 1987, 155 people had been sentenced to death in the homeland and of these, 86 had been hanged. Condemned prisoners spent an average of a year on death row. Thirty were still on death row, one had escaped and the rest had had their sentences commuted.³³⁶

Other developments

KwaNdebele

The royal family in KwaNdebele continued to be harassed by the security forces. Prince James Mahlangu was detained in January. On 8 February he appeared in court on charges of illegally convening a meeting at Kameelrivier on 13 January.³³⁷ On 2 May he was again detained for a few days after he had launched an urgent application in the Transvaal Provincial Division of the Supreme Court in Pretoria for the dismissal of what he alleged was the 'self-imposed' executive committee of the Ndzundza Tribal Authority.³³⁸ He was detained in connection with an illegal gathering at Wolwekraal on 16 April. It was his seventh detention. He had never been convicted of any offence.³³⁹

On 5 February the paramount chief in KwaNdebele, Chief David

Mabhoko, was restricted to his kraal shortly before he was due to address thousands of KwaNdebele residents at Rosenegal.³⁴⁰ He and his family were restricted from leaving KwaNdebele without prior permission of the police and from taking part in any media interviews.³⁴¹

Other prominent KwaNdebele residents were also detained. In February KwaNdebele's senior magistrate, Mr M J Mahlangu, was detained after being accused of supporting 'people's courts', an allegation he referred to as 'outrageous and vicious lies without any semblance of reality...'. A former school circuit inspector, Mr Elias A Matjju, was also detained, and accused by the police of 'non-participation' in 'independence'. A former MP and businessman, Mr Charlie Skosana, was also in detention. All of them were challenging their detentions in court.³⁴²

Brigadier Hertzog Lerm, commissioner of the KwaNdebele Police Force for two-and-a-half years, was transferred from KwaNdebele to the Port Natal division of the South African Police (SAP) as from 1 July. Towards the end of his term in the homeland he had also acted as private secretary to the chief minister, Mr George Mahlangu.³⁴³ He was replaced by the newly promoted Brigadier Miro Jerry Thubane, who said that he wanted to expand the permanent police force from the existing 800 members to 1 200 members.³⁴⁴ In mid-July Mr Solly Mahlangu, the former speaker of the KwaNdebele Legislative Assembly, appealed to the central government to replace Brig Thubane with Brigadier Jack Olivier, who had occupied the post for three days from 1 July.³⁴⁵

KwaNdebele released 16 detainees in July who had spent between a year and 18 months in detention.³⁴⁶ The KwaNdebele Police Force detained a number of people on the eve of nominations of election candidates for the December election in the territory. They included a candidate.³⁴⁷

KwaZulu

City Press reported that the KwaZulu administration had introduced a screening procedure for their prospective employees in late 1987. They were required to state to which political organisation they belonged, whether they sympathised with any organisation whose ideology was considered to be subversive from the state's point of view and to state their views on Communism. The deputy commissioner of the KwaZulu Police, Brigadier S Mathe, said that it had been introduced on the instructions of the KwaZulu cabinet.³⁴⁸

A KwaZulu MP, Mr Msinga Mlaba, was shot dead at his Camperdown home in March.

A KwaZulu chief, Chief M Mntungwa, was arrested by the SAP during a roadblock when the police found banned literature in the car. The chief had the literature in his possession because the chief minister of KwaZulu, Chief Mangosuthu Buthelezi, had distributed it among MPs. The KwaZulu Legislative Assembly was told that the chief and his driver had been 'severely beaten up'. Chief Buthelezi said that he would take the matter up at the highest level.³⁴⁹

POLITICAL DEVELOPMENTS

Bophuthatswana

Coup d'état

The unsuccessful coup d'état in Bophuthatswana in February is discussed in the section on *Security* above.

Cabinet resignations

In April the minister of defence, Brigadier Hennie Riekert, resigned (see section on *Security* above). In August the minister of internal affairs, Mr B L Motsatsi resigned from the cabinet. On 8 December Bophuthatswana's minister of health and social welfare, Mr L G Holele, resigned from the cabinet.³⁵⁰

Winterveld shootings

In July the Bophuthatswana administration announced that it would not publish the findings of the one-man commission of inquiry chaired by Mr Justice E A T Smith into the shootings at Winterveld on 26 March 1986 (see 1986 *Survey* Part 2 pp643-646 and p523). The homeland's minister of foreign affairs, Mr Solomon Rathebe said, 'The government has now studied the report and is satisfied that its recommendations have either already been implemented as a matter of course or have, by and large, been overtaken by events. In particular, the central figure in this matter, Brigadier M A Molohe, was assassinated by unknown persons for unknown motives. Most of the recommendations are more of a technical than a substantive nature. It is not unusual for the findings and recommendations of a commission of inquiry not to be published.'³⁵¹

Court cases involving business contracts

In February a Johannesburg businessman, Mr Bentley Beira, lost his claim for R399m in damages from the Bophuthatswana administration for allegedly reneging on an agreement signed in 1983 granting him sole rights to start an airline and insurance company in the homeland. The Supreme Court of Bophuthatswana held him responsible for costs. Mr Beira had previously threatened to disclose what he alleged were details of government corruption to substantiate his claim.³⁵²

In July the Bophuthatswana administration successfully applied in the Supreme Court of Bophuthatswana for the cancellation of its \$4m contract with an Israeli construction company, Degem Systems, the right to attach Degem's assets in the homeland and the right to recover the \$4m paid in a series of unconditional promissory notes. It complained about poor workmanship and overpricing. Degem said that their high prices had been to cover illicit payments to homeland officials. The minister of manpower at the time the contract had been signed, Mr Rowan Cronje, claimed that he had been offered a bribe of 3% of the

contract price which he had turned down. The minister of finance, Mr Leslie Young, said in an affidavit that Degem had offered bribes in order to secure the contract and 'there is reason to believe that some of such bribes were accepted. The entire contract is tainted with fraud and the government is therefore entitled to declare same null and void'.³⁵³

Kalmanovitz affair

Bophuthatswana's former trade representative in Israel, Mr Shabtai Kalmanovitz, was arrested in Israel in December 1987 on suspicion of spying for the Soviet Union. He had been detained in Britain in May and subsequently extradited to the United States to face charges of fraud which were later dropped. He owned a company, Liat Finance Trade and Construction, which a London newsletter *Africa Confidential* claimed had been working closely with one of the world's major sanctions busters, Marc Rich and Co. Liat had offices in Bophuthatswana, Johannesburg, Israel and Sierra Leone. The Bophuthatswana administration said that it had terminated its relations with Mr Kalmanovitz in November 1987. *Africa Confidential* said that he had been referred to in the homeland commonly as 'the white president' because of the extent of his influence. Liat was awarded large housing contracts without tenders, on the request of the Department of Works. The department had applied to the Tender Board for the two contracts to be awarded without calling for tenders. They were for 997 and 1 000 houses respectively, in 1985.³⁵⁴

Tribal disputes

The New Nation reported in September that a popular Taung chief, Chief Samuel Morwagabusi, had been deposed by the president of Bophuthatswana, Chief Lucas Mangope. He had become a chief in 1986 but had been told by Chief Mangope that a new chief had been appointed in his place. The ruling family in the tribe had objected saying that it was their and the tribe's right to appoint the chief. The deposed chief had then applied successfully in the Supreme Court of Bophuthatswana for his reinstatement. Chief Justice Sutej had declared Chief Mangope's alternative appointment null and void. However, Chief Mangope had allegedly ignored the ruling and installed another chief, Chief Steven Molale, and ordered that Chief Morwagabusi be charged with undermining the authority of the president.³⁵⁵

On 9 November the Bafokeng tribe brought an application in the Supreme Court of Bophuthatswana in Mmabatho for an order terminating an agreement ceding some of their tribal land and exclusive mineral rights to Impala Platinum for mining operations. Chief Mangope had entered into the cession agreement on behalf of the tribe and this had affected the tribe adversely, it was claimed.³⁵⁶ The tribe claimed that Impala had repudiated the contract by refusing them access to documents containing information about the mine's operations. Most of the Impala mine—the second biggest platinum mine in the world—is situated on Bafokeng land. Chief Mangope was cited along with the

company and the Bophuthatswana administration as a respondent in his capacity as the registered owner of the land and trustee on behalf of the Bafokeng. The chief of the tribe, Chief Edward Molotlegi, and his wife were among those detained in the wake of the February coup (see section on *Security* above). The Bafokeng area was the stronghold of the People's Progressive Party. After his detention and release Chief Molotlegi fled from the homeland.³⁵⁷ The court heard that the Bophuthatswana administration had refused to accept an offer by a third party, Bafokeng Minerals, to exploit land adjoining the mine, and that one of its directors was Chief Molotlegi. Counsel for the respondents said that allegations made by the tribe that Chief Mangope and his administration had colluded with Impala to the detriment of the tribe were highly irresponsible, if not libellous.³⁵⁸

Cry Freedom

The film, *Cry Freedom*, based on the life and death of the Black Consciousness Movement leader, Mr Steven Biko, was banned by the Bophuthatswana (and South African) authorities. (It was, however, shown in the Transkei.)³⁵⁹

Ciskei

Relations with the Transkei

Relations between the two Xhosa homelands, the Ciskei and the Transkei, have been strained since the Transkei's 'independence' in 1976, when it claimed that the Ciskei was part of its territory and wanted it annexed.

In March the chairman of the Transkei Military Council, Major General Bantu Holomisa, said that his administration 'would like to see a complete restoration of cultural, traditional and customary ties between the Xhosas on both sides of the Kei River'. He appealed to Paramount Chief X Sigcau of the Gcalekas to help restore these links between 'the two houses of Phalo' who were 'separated by the whites'. 'We were separated by the whites for the purposes of divide and rule and we cannot entrust to them our aspirations of being reunited as one nation, and as such we should not allow them to mediate on our behalf,' he said. 'The petty bickering between these two great houses should come to an end as it is not in the interests of both the Transkei and Ciskei.'³⁶⁰

Relations between the Ciskei and the Transkei deteriorated in July, however, when the Ciskei administration demanded that the Transkei return Mr Charles Sebe, Mr Namba Sebe and Mr Lent Maqoma, all former senior members of the Ciskei administration in exile in the Transkei. It warned of 'drastic measures' unless they were extradited. The Ciskei said that while the three took refuge in the Transkei, its relations with the Transkei would remain in 'a cold war state'. Gen Holomisa reiterated an earlier statement (made soon after assuming power) that his administration's aim was to further good relations with

the Ciskei. The Transkei offered to negotiate and said that the Ciskei should approach it through diplomatic channels, but the Ciskei refused.³⁶¹ The Transkei said that the three were political refugees who had been given political asylum and were entitled to protection 'under the Geneva Convention regulating the granting of asylum to political refugees'. The statement from the Transkei Military Council added, 'Transkei asked the South African government to restore the position to what it was before Ciskei's Mdantsane was created, so that Transkeians working in East London should not be compelled to live in Ciskei's townships like Mdantsane and Zwelitsha. This had not been heeded by the South Africans and thus any problems confronting Transkeians in the Ciskei were as much a creation of the policies of South Africa as they were a problem of Ciskei's insensitivity towards the problems besetting the black man in southern Africa.' The Ciskei set up roadblocks to prevent Transkeians and cars with Transkei registration plates from entering the Ciskei. Within the Ciskei, they were prevented from entering Mdantsane, the major township in the homeland, by police roadblocks.³⁶² Three daughters of the Transkei's ambassador to South Africa were escorted by Ciskei security forces from Alice (Ciskei) to the nearest border. The Transkei called on the Ciskei to 'exercise restraint in its actions and come to the negotiating table'. At the same time, the Ciskei administration invited Ms Stella Sigcau, the Transkei prime minister deposed by Gen Holomisa, to attend the formal closing of the Ciskei National Assembly, an invitation she accepted. The central government began mediating in the dispute that month but had not succeeded in its efforts by September.³⁶³

In August it was reported that Mr Namba Sebe's son, Mr Koli Sebe, and Mr Toni Sebe, who had both been sent to the Transkei as part of a Ciskei/Transkei prisoner exchange, had been allowed to return to the Ciskei.³⁶⁴

Youth centres

The Ciskei's minister of youth affairs, sport and recreation, the Rev V G Ntshinga, said in June that the youth constituted a vital sector of the Ciskei nation and would have to prepare for positive and fruitful participation in the homeland's national development plan. He said that his department was planning youth centres which would 'diminish the misery faced by early school leavers'. They would be given informal training equipping them for employment. His department would attempt to provide employment for early school leavers who passed through the centres and develop in the youth 'a positive attitude towards self-sufficiency, self-image, life and their role as citizens of Ciskei' and inculcate a sense of patriotism and nationalism.³⁶⁵

Ciskei airline

The Ciskei's privately owned airline, Ciskei International Airways (CIA), was granted traffic rights to operate between Bisho, the home-

land's capital, and Jan Smuts Airport (Johannesburg) in June.³⁶⁶ CIA had been launched in January. The Ciskei had a R25m airport in Bisho which was considered by many to be unnecessary because East London, half an hour's drive away, had an adequate airport. The Ciskei's Department of Tourism and Aviation hoped to recover the costs of running the airport from charges made to CIA.³⁶⁷ In August the Ciskei administration decided to close down CIA, and Mr M Ntshinga, the Ciskei's director-general of aviation and tourism, who was a director of CIA, was dismissed because CIA failed to start scheduled flights.³⁶⁸ In December the minister of tourism and aviation, Mr L M Yako, was dismissed from the cabinet.³⁶⁹

Action against senior Ciskei officials

On 9 March the Ciskei administration relieved Mr Douw Steyn, the ambassador plenipotentiary of the Ciskei, of his duties, along with the technical and financial directors of the foreign desk, Messrs Ralph McLintock and Frank Corbett respectively, on the grounds of the Ciskei's 'financial position'.³⁷⁰

In September six senior officials of the Ciskei People's Development Bank (CPDB) were dismissed. It was alleged that the dismissals had followed a complaint to the Ciskei's president, Chief Lennox Sebe, by a Taiwanese businesswoman, Mrs Eugenia Chang, that they were biased against foreigners. They were fired days after a report had revealed that her Ciskei company, China Garments, had run up losses of R9,3m, of which R6,2m was being subsidised through industrial incentives. Loans from First National Bank to the company, guaranteed by the CPDB, were about to be recalled, the report said. The CPDB had been forced through political pressure to buy shares in China Garments at grossly inflated prices, the report added.³⁷¹ The managing director of the bank, Mr Gideon Grey Mbau, said that the allegations of bias were unfounded and that the bank had recently retrenched 90 African members of staff and there had been no media outcry as there had been with the 'departure of a few whites'.³⁷² The Ciskei administration said that the six had been asked to leave because of a 'reshuffle in management structure'. One of the six men dismissed, the general manager (development) of the bank, Mr Barry Poulosom, rejected allegations of bias. 'However, I wish to stress that we made it our policy from the beginning not to assist anyone we suspected of corruption or if we considered the project had no chance of success — whether the company concerned was foreign or local,' Mr Poulosom said. He added that in the previous year, all white secretaries in the industrial development section of the bank had been replaced by Ciskei residents and that the only people equipped to train seven Ciskeians recently transferred to be trained in industrial development had now been dismissed. He said that it was a tragedy that none of the dismissed men had been given an opportunity to speak for themselves before they were dismissed.³⁷³

In November the Ciskei administration announced that it had fired Mr Mbau because it was dissatisfied with the way in which he was running the bank.³⁷⁴

In December the managing director of the Ciskei Broadcasting Corporation, Mr Dambile Tuswa, was arrested on allegations of fraud involving between R164 000 and 184 000. His case was postponed to January 1989 and he was released on bail of R7 000. He was not dismissed from his position.³⁷⁵

The Ciskei's director of tourism, Mr E N Gqabaza, was convicted on charges of stealing R19 157 and was to be sentenced in January 1989.³⁷⁶

In December the minister of posts and telecommunications, Mr Lindile Williams, was removed from the cabinet to the Ciskei Small Business Development Corporation. He was replaced by the minister of defence, Chief DM Mavuso. An MP for Zwelitsha, Mr M M Gebe, was appointed deputy minister of defence, and the Department of Defence was placed under Chief Sebe's overall control.³⁷⁷

Allegations of corruption and overspending in the Ciskei

Opening a new R37m complex for the Ciskei administration in Bisho in August, the minister of development aid, Dr Gerrit Viljoen, said that he hoped the buildings would 'house an administration that distinguishes itself for efficient and cost-effective government always promoting the interests and welfare of the people. I am sure these buildings will also be a symbol of clean administration, of honesty and integrity, and of accountability for the public funds entrusted to its departments. In a state with vast development needs but also with careful and responsible planning and priorities these buildings must be a bulwark against corruption and the squandering of resources'.³⁷⁸

There were a number of allegations of overspending and of corruption in the Ciskei during 1988. The press reported that the Ciskei cabinet and president had voted themselves salary increases of 40% bringing their remuneration to a par with central government ministers. The salary of Chief Sebe was increased to R184 973 a year and that of cabinet ministers to a maximum of R129 730 a year with an additional R12 000 tax-free allowance. The maximum for deputy ministers increased to almost R100 000 a year. Salaries of civil servants increased by 15% from January 1989 in addition to a 17% increase in April 1988. The Ciskei's deputy director general of foreign affairs and information, Mr Headman Somtunzi, said that the 40% adjustment had been necessary to remove discrepancies which existed in the salary structures. For example, some directors general were being paid more than cabinet ministers.³⁷⁹

The *Sunday Times* alleged in October that all telephones in the Ciskei National Assembly were bugged, that all used government vehicles were sold to one dealer at a third of the book value and that more than 40 civil servants had taken up loans from the Ciskei Agricultural Bank although the bank's constitution specifically precluded officials from borrowing. Smallholdings were also leased by the Ciskei administration to approved people for nominal sums—a flat rate of R2 for each hectare annually. The newspaper also alleged that farms bought by top officials had been refurbished and repaired at public expense. The director general of agri-

culture, Mr Bonile Jack, had allegedly bought three farms for R12 500 and had his property fenced and cleared and a generator installed at the administration's expense. Mr Somtunzi told the newspaper that farms sold were upgraded at public expense as they had been allowed to deteriorate after being purchased by the South African Development Trust (SADT). A total of 30 SADT farms had been sold in the Ciskei since 'independence' in 1981. Mr Somtunzi said that Chief Sebe had taken a decision in executive council in 1988 allowing any official to apply for official loans.³⁶⁰

The *Sunday Times* said in December that Chief Sebe had acquired 'farms, properties and businesses worth millions of rands since independence in 1981'. 'President Sebe and members of his family have displayed great business acumen since independence, acquiring shares in hotels and bottlestores, in addition to extensive property holdings.' His son-in-law, Mr Dumisani Tabata, had bought six farms in the Stockenström district for only R15 000 and co-owned a hotel in Whittlesea with Chief Sebe's brother-in-law, Chief Simon Hebe. Ten members of the Ciskei cabinet owned property at Hamburg, and for the 13 sites, most with residences, had paid a total of R48 548.³⁶¹ In response to this report Mr Somtunzi said that reports had given the impression that Chief Sebe owned 'everything'. He said that it was government policy to sell farms and that it was better to sell a farm for R15 000 and make it productive than to try to sell it for R1m and have it lie idle because no one could afford it. He said he wished people could understand such things. 'We sell to those who can afford to buy irrespective of what they do,' he said. He listed 315 Ciskei businesses and 236 farms and said that only 33 of these had been purchased while the remainder were leased.³⁶²

In November the former ambassador plenipotentiary of the Ciskei, Mr Douw Steyn, testified before the Harms commission investigating across-border irregularities (see section on *Financing the Homelands* above) that South Africans had siphoned off large amounts of money for their own ends by exploiting corruption in the Ciskei. He alleged that poor management and 'endemic corruption' were at the root of the problem. Commenting on how a convicted Italian drug smuggler, Mr Roberto Vito Palazzolo, had acquired permanent residence and citizenship in the Ciskei on the basis of a promise that he would invest R2m, he said that the Ciskei was 'clutching at straws'. Mr Justice Louis Harms commented that the root of corruption appeared to lie in the absolute powers of the president. He said that he got the impression that the president would grant rights and 'then only will statutory procedure follow'.³⁶³

In December an inquiry into the Ciskei's agricultural parastatal, Ulimocor, was completed. A report and recommendations were due to be presented to the Ciskei cabinet once the findings had been prepared. Mr Somtunzi said that the inquiry had been appointed into the activities and 'shortcomings' of Ulimocor because it had showed a deficit.³⁶⁴

In December the Ciskei administration said that it planned to take legal action against the *Sunday Times* in connection with a number of

reports about Chief Sebe including reports on the 40% pay increase and the report on the wealth he had allegedly accumulated. It said that a number of its reports were incorrect.³⁶⁵

Gazankulu

Speaking after the opening of the Gazankulu Legislative Assembly by the minister of national education, Mr F W de Klerk, in March, the chief minister of Gazankulu, Professor Hudson Ntsanwisi, said that the government's slow progress with reform made it difficult for him to maintain his qualified support for the proposed national council while at the same time preserve his credibility.³⁶⁶

Professor Ntsanwisi was installed as chief of the Majeje tribal area in March at Lulekani. While he had no hereditary claim to the chieftainship, Gazankulu's 26 chiefs and a unanimous vote in the Gazankulu Legislative Assembly had appointed him to the position in recognition of his service to the homeland. The position was made hereditary (see also 1986 *Survey* Part 2 p615 for details of the legislation facilitating this appointment).³⁶⁷

In October the chief minister of Lebowa, Mr M N Ramodike, withdrew a R20 000 defamation claim he had brought against Professor Ntsanwisi. He had claimed the damages following a television interview with Professor Ntsanwisi in February 1985 in which Mr Ramodike claimed that several defamatory statements about him had been made by Professor Ntsanwisi. The interview had dealt with clashes between Gazankulu and Lebowa residents over a border fence in the Tzaneen area. Mr Ramodike, who had been minister of economic affairs at the time, said that Professor Ntsanwisi had implied that he had been directly involved in the cutting of the border fence which had sparked off disturbances in the areas of Naphuno and Ritavi at the time. In a short statement Professor Ntsanwisi said that he had never intended to imply that Mr Ramodike had been involved personally in the cutting of the fence.³⁶⁸

A doctor working for the International Committee of the Red Cross in Gazankulu, Dr J C Mulli, predicted that within five years Mozambican refugees in Gazankulu would be totally integrated with the local population. Settlements near the Kruger Park in the Mhala district (Gazankulu) housing the refugees were growing into substantial towns and small businesses and vegetable gardens had been started by a number of the refugees. Children were being absorbed into local schools, whereas initially they had not gone to school. The Roman Catholic Church in the Mhala district was feeding 18 500 refugees every month.³⁶⁹ The main problem was unemployment as seeking jobs outside the homeland carried the risk of repatriation to Mozambique.³⁶⁹

KaNgwane

An election for 57 members of the KaNgwane Legislative Assembly was held on 24 September. It was the homeland's first general election. Of

the 84 members in the assembly, 57 are elected, 23 are designated by the regional authorities and four are nominated by the chief minister.³⁹¹ The homeland's chief minister, Mr Enos Mabuza, urged people to use the election not only to elect members to the legislative assembly but also to prepare for the day when they would vote in national elections together with all other South Africans.³⁹² A statement from Mr Mabuza's office said that he was campaigning on the basis that he was 'using the homeland system to gain as much as possible for the people of KaNgwane, while working to dismantle the system to gain them full South African citizenship at the same time'. The statement said that organisers of the Inyandza National Movement, led by Mr Mabuza, believed that much of the opposition to Inyandza's campaign was being generated by 'pro-Pretoria agents to topple Mr Mabuza and install a more pliable chief minister'.³⁹³

On 21 September Inyandza brought an urgent application in the Transvaal Provincial Division of the Supreme Court for the registration of the Insika National Party (INP) and the nominations of its candidates to be declared null and void. The national chairman of Inyandza, Mr M C Zitha, said that the INP had applied for registration as a political party on 8 August, but he had received information about alleged irregularities in the collection of signatures by the INP in support of its application. Furthermore, the national executive had not been duly elected, he claimed. Mr Zitha said in papers before the court that Inyandza was a democratic party which believed in a multiparty political system. It had no interest in stifling democracy, but the INP had been 'registered under false pretences...and should be declared invalid', he said. Inyandza, however, reached an agreement with the INP in terms of which it would not continue with its argument about the urgency of the application and it would reconsider its position after the elections.³⁹⁴ After the elections Inyandza decided not to pursue the application as it would be too expensive.³⁹⁵

In the elections Inyandza won 52 of the 57 seats (42 of them unopposed). The INP won four seats and an independent won one seat, unopposed.³⁹⁶ The percentage poll in the 14 contested constituencies ranged from 25% to 81% of registered voters. In six constituencies the percentage poll was between 30% and 40% of registered voters, and in a further six between 40% and 61%.³⁹⁷

Mr Mabuza brought four new people into his cabinet following the elections and dropped two former cabinet members. A new portfolio of minister to the cabinet was created, filled by Mr Zitha, who also became deputy president of Inyandza. Three positions of deputy minister were introduced. The former minister of police, Chief M M Khumalo, was made deputy minister of justice and police and was to report to Mr Zitha.³⁹⁸

Mr Mabuza visited England in March and held discussions with the British prime minister, Mrs Margaret Thatcher. He also met the secretary of state for foreign affairs, Sir Geoffrey Howe, and his deputy, Mrs Lynda Chalker. They spoke about developments in South Africa with special reference to the restrictions placed on many political organisa-

tions (see chapter on *Political Organisations* and 1987/88 *Survey* pp773–774).³⁹⁸ In September the British ambassador, Mr Robin Renwick, visited KaNgwane and said that his government held Mr Mabuza ‘in the highest regard’ and believed that he was doing great work not only for his people but that he had a ‘very important role to play beyond KaNgwane’s borders’ – in national politics. Mr Renwick visited several projects being financed by his government, particularly programmes to integrate into KaNgwane its Mozambican refugees, estimated to number 50 000. KaNgwane was allowing refugees to settle in local villages rather than being housed in makeshift camps. At the ceremony addressed by Mr Renwick, a representative of KaNgwane’s refugees, Mr David Zimbili, said, ‘The troubles in Mozambique made our world so unhappy we had to run away from our land. Here we found the police going from door to door looking for us. But Mabuza gave us a home, and we thank him for being so brave. He says we are all Africans.’⁴⁰⁰

Mr Mabuza delivered the keynote address to the annual conference of the National African Federated Chamber of Commerce and Industry (NAFCOC) in August. He said that the conference theme, ‘Black Unity Action: An Economic Empowerment’, was a timely one.

Writing in *Sun*, the magazine of the Southern Sun Hotel group, Mr Mabuza said that ‘the economics of capitalism are viewed as closely allied to the politics of separation and domination’. The trade unions were in the forefront of the struggle for control of the country’s wealth and ‘provide the most viable vehicle for black workers to express their political and community-based aspirations’. It would ‘be highly appropriate’, he said, for the unions’ negotiating processes to be extended to the political arena to ‘work towards some compromise to accommodate black aspirations and white fears’.⁴⁰¹

In August the minister of constitutional development and planning, Mr Chris Heunis, visited KaNgwane and discussed constitutional and consolidation matters with Mr Mabuza and his cabinet. He also had discussions with community leaders and visited an agricultural project.⁴⁰² Mr Mabuza said that ‘fundamental prerequisites’ for creating the right climate for negotiation were the repeal of the Population Registration Act of 1950, the lifting of the state of emergency and the release of a jailed African National Congress (ANC) leader, Mr Nelson Mandela. He said that the government’s proposed national council, ‘however flawed’, was an attempt to bring Africans into the first tier of government. This represented a shift in thinking. However, the manner in which the agenda was unilaterally drafted and presented to the homelands’ chief ministers without inviting their submissions before an agenda was drawn up was ‘unacceptable’, he said.⁴⁰³

In 1987, at the launch of the South African Youth Congress, a resolution condemning Inyandza was taken along with denunciations of all other homeland leaders. During 1988, however, the Lowveld Youth Organisation, an affiliate of the congress, agreed to, and engaged in, informal meetings with Mr Mabuza. According to a source close to the youth organisation, the decision was given impetus by the ANC’s

announcement favouring co-operation with 'progressive' elements within the homelands as part of the need for a broad front of groups fighting apartheid.⁴⁰⁴

KwaNdebele

'Independence' issue

Fifteen KwaNdebele traditional leaders, all members of the Congress of Traditional Leaders of South Africa, said in February 1988 that they had fled from the homeland because they had been summoned to a meeting with the KwaNdebele cabinet and warned that they would be removed from their positions as heads of their villages if they continued to oppose 'independence'. They had also been threatened with detention by the homeland's police. Headmen were also told to use 'every means possible' to collect R500 000 before July for the repair of schools and other official property destroyed or damaged in the unrest of 1986 and 1987.

In April the chief minister of KwaNdebele, Mr Majozi Mahlangu, said that his administration intended to gain 'independence' as soon as possible.⁴⁰⁵

The minister of constitutional development and planning, Mr Chris Heunis, opened the KwaNdebele Legislative Assembly in April and said that 'independence' would grant the citizens of KwaNdebele a status equivalent to that of any other country in the world. He said that 'independence' would place it in a position to negotiate with any other country at the highest level for financial and technical assistance. He said that 'independence' would not remove the reality of interdependence in South Africa and there would always be a certain degree of inter-dependence between South Africa and the other 'independent' homelands.⁴⁰⁶

Tribal taxes court case

In July 1988 scores of KwaNdebele women in the Weltevrede area whose husbands were in arrears with their annual tribal taxes were ordered to produce receipts to show that their husbands had paid the tax. When they failed to do so, they were allegedly taken to the tribal offices, kept for several hours and then warned to make the payments, failing which they would be imprisoned for three months. The money demanded varied from one woman to another.⁴⁰⁷ Mr Simon Ngendu Mahlangu, the chairman of the Ndzundza Tribal Authority under whose jurisdiction the women fell, said that problems had started in 1986 when some residents had stopped paying their levies and 'we resolved to make house-to-house visits to search for those who failed to pay and find out why they did not pay'. On 1 August hundreds of KwaNdebele women fled their homes to seek legal assistance to stop the tribal authority from assaulting or arresting them, as the deadline for payment had expired. Mr Mahlangu said that people would be given enough time to settle the arrears. Women questioned how they could be charged up to R257 since the KwaNdebele Levying of Taxes by Traditional Authorities Act of 1983,

in terms of which the levy was demanded, stipulated only R20 a year. Mr Mahlangu said that the amount was an 'estimate' and that some people had been in the area since 1920 and had not paid any levies.⁴⁰⁸

On 3 August Prince James Mahlangu and Mr Fanie Fanyana Mtshweni brought an urgent application in the Transvaal Provincial Division of the Supreme Court in Pretoria for an order restraining the KwaNdebele administration from threatening or punishing local residents who refused to pay a tribal levy in the homeland. The court granted the order and also issued an order restraining the KwaNdebele police from collecting or receiving taxes in terms of a proclamation issued in terms of the act, which was declared null and void; from arresting and detaining people for the purpose of demanding or collecting such taxes; and from threatening or causing harm and threatening punishment to any person who refused to pay the taxes.⁴⁰⁹

Supreme Court case challenging the legality of the Ndzundza Tribal Authority

On 27 April 1988 an application by Prince James Mahlangu for the dismissal of the members of the executive committee of the Ndzundza Tribal Authority, was postponed sine die in the Pretoria Supreme Court. In his application Prince James referred to the administration's allegedly unlawful intervention in the affairs of the Ndzundza Tribal Authority, the most powerful of the four such authorities in the homeland. It had dismissed him as chairman, and withdrawn the speaker of the legislative assembly, Mr Solly Mahlangu, as its nominee to the legislative assembly. It had then allegedly intervened to 'hijack' the tribal authority by ridding it of opponents and appointing supporters of the administration to replace them.⁴¹⁰

The respondents were the executive members of the tribal authority, including Mr Majozi Mahlangu. In June the matter was referred for evidence by the judge because of the disputes in the facts before the court.⁴¹¹

In October the Ndebele paramount chief, King David Mahlangu, told a press conference that he had dismissed 31 members of the tribal authority and appointed to it 43 members and delegated Prince James as its chairman. Prince James was in hiding on the Reef but said that he would not have problems operating from outside KwaNdebele as he had strong links with the area and a following there. Paramount Chief Mahlangu said that he had the right to decide how the tribe should be run and that the tribal authority's attempts to extract tribal levies from women in the Weltevrede area (see above) had not been in terms of his instructions.⁴¹²

On 1 December the KwaNdebele administration appointed a commission of inquiry to 'investigate the question of whether it is still in the interests of the Ndzundza tribe to recognise the Ingwenyama D M Mabhoko Mahlangu in terms of the KwaNdebele Traditional Authorities Act of 1984'. It was to be chaired by Mr Justice W G Boshoff and have Professor D J van der Post and Mr J Lambrecht as members.⁴¹³

The Ndzundza Tribal Authority had the power to designate 23 of the MPs in the KwaNdebele Legislative Assembly. Before the December elections (see below) two lists of names were submitted, one from the Paramount Chief Mahlangu faction, the other from the tribal authority executive he ousted in October. Paramount Chief Mahlangu and Prince James Mahlangu brought an urgent application in the Pretoria Supreme Court for the determination of the rightful leaders of the authority. They said it was urgent because the composition of the new legislative assembly would determine who was elected as chief minister and the cabinet appointed after the elections. Mr Justice D J Curlewis said, however, that he could not see the urgency and referred the matter for oral hearing at a date to be determined.⁴¹⁴

Elections

In terms of section 3 of the Constitutional Laws Second Amendment Act of 1988 (see section on *Legislation* above) the state president determined that the KwaNdebele Legislative Assembly be dissolved on 7 December 1988, and in terms of section 4, that an election for 16 members of the assembly should start on 8 December.⁴¹⁵

KwaNdebele duly held an election on 8 December to elect 16 candidates to the 93-member assembly. The remaining MPs were all designated by the tribal authorities (73) and the chief minister (four). A total of 54 candidates stood for election, none unopposed. All stood as independents as KwaNdebele had no political parties.⁴¹⁶

During the months preceding the election, opposition leaders, such as Prince James Mahlangu, held mass meetings and rallies outside the homeland at Vosloorus and Mamelodi attended by hundreds of KwaNdebele inhabitants.⁴¹⁷ At the end of October a rally was held in KwaNdebele at Siyabuswa addressed by Mr Solly Mahlangu, who stood as the opposition candidate in the Siyabuswa constituency. It was attended by thousands of people. The leader of the group of women who brought the successful court case seeking the vote for women (see 1987/88 *Survey* pp923-924), Mrs Paulina Machika, urged women at the rally to exercise their right to vote for the people who would serve the interests of KwaNdebele and reunite their nation. The homeland administration was severely criticised at the rally.⁴¹⁸ On the same weekend Paramount Chief Mahlangu addressed a meeting in Witbank. Mr Solly Mahlangu said that several people had been brutally assaulted by the KwaNdebele police on their return from the meeting. He said that one of them, Mr John Mthimunye, had died during the assault in the Kwagqafontein Police Station's charge office.⁴¹⁹ The police confirmed that they were investigating a murder case.

Addressing a poorly attended rally at KwaMhlanga Stadium on 4 December, Mr Majosi Mahlangu accused Princes James and Cornelius Mahlangu and their supporters of trying to take over the administration of KwaNdebele and of 'misleading and misinforming the Ndebele nation'. He said that 'after the elections we will round up all the radicals and put them behind bars because they belong there'. He accused the

police of failing to arrest radicals, apparently because they sympathised with them.⁴²⁰

In October the KwaNdebele administration gazetted an order prohibiting public discussion defaming the public image of the KwaNdebele Police Force or justifying, commending or defending any campaign, project, programme, action or policy of violence or resistance against, or subversion of, the authority of the administration or any tribal authorities.⁴²¹

During the three-day elections, which started on 8 December, opponents of the administration and of 'independence' plans for KwaNdebele won all 16 seats. A total of 85 357 residents cast their votes and opposition candidates won 79 983 of them. Mr Majosi Mahlangu lost his KwaMhlanga seat with 1 938 votes to the 6 130 votes cast for his opponent, a political unknown, Mr Siphoh Mahlangu.⁴²² (In the 1984 election 30 688 men had voted.)

Just before the designation by tribal authorities of 73 members of the legislative assembly on 30 September, the KwaNdebele administration approved the creation of a new tribal authority, called the Sokhulumu Tribal Authority. In late December, following Mr Majosi Mahlangu's defeat, it designated him as an MP as a substitute for a member who had resigned shortly after his designation. The following day, residents asked Paramount Chief Mahlangu to explain the establishment, without his blessing, of a new tribal authority within the Ndzundza tribe.⁴²³

Of the former cabinet, five members were designated into the legislative assembly by various tribal authorities. The minister of information and citizen liaison, Mr F K Mahlangu, and the minister of internal affairs, Mr Stephen Skosana, were neither nominated nor designated. Mr Majosi Mahlangu was not designated and was the only member of the former cabinet who stood for election.⁴²⁴

Commission of inquiry

On 28 November 1988 the state president appointed Mr Justice W G Boshoff as chairman and sole member of a commission of inquiry into the 1986 unrest and alleged mismanagement in KwaNdebele. It was to inquire into and report on:

- the factors which gave rise to the unrest which occurred in KwaNdebele during 1986;
- any mismanagement which might have occurred in the KwaNdebele Government Service, the KwaNdebele National Development Corporation or the KwaNdebele Utility Company, with special reference to malpractices or irregularities including non-compliance with financial instructions, irregular or improper favouring of individuals, abuse by anyone of their authority or position to influence decision making in KwaNdebele, and any losses sustained as a result of any misappropriation of funds;
- whether any cases of mismanagement resulted in loss or misuse of

funds from the KwaNdebele Revenue Fund or the South African Housing Trust; and

- steps to be taken to end or prevent a recurrence of mismanagement of funds.⁴²⁵

The appointment of the commission followed a request from the KwaNdebele cabinet on 11 November. A conference with the theme, 'KwaNdebele – The Future?' organised by Lawyers for Human Rights, and held on 16 May, had taken a resolution asking for a judicial commission of inquiry to be appointed to investigate the activities of the KwaNdebele Police Force and the Mbokotho vigilantes.

KwaNdebele Indemnity Act of 1988

On 29 April 1988 the KwaNdebele Legislative Assembly passed an Indemnity Act (see section on *Legislation* above).

Legislation dealing with KwaNdebele and Moutse

The Constitutional Laws Second Amendment Act of 1988 and the Moutse (Validation of Actions) Bill of 1988 dealing with KwaNdebele and Moutse respectively were both controversial. The latter was not passed during 1988 (see section on *Legislation* above for details).

Townships in KwaNdebele

Ekangala (Bronkhorstspuit) was incorporated into KwaNdebele on 2 December 1987 (see 1987/88 *Survey* pp886-887). In April 1988 the KwaNdebele administration took control of schools and education facilities there as part of the gradual transfer of government responsibilities in Ekangala to the KwaNdebele administration.⁴²⁶ The Ekangala Town Council, consisting of the nine former members of the Ekangala Executive Committee, was launched in July.⁴²⁷

By August Ekangala residents owed the Ekangala Town Council R5m in rent. They had started a rent boycott in 1986 in protest against high rents and incorporation into KwaNdebele. Most families owed approximately R4 000 each. The council decided to add the arrears to the selling price of the houses before selling them to their occupiers. The mayor of Ekangala, Mr D Malatsi, said that the council had no wish to act against those in arrears.⁴²⁸

Vaalbank was renamed Libangeni in July and a town council was established for the township.⁴²⁹

KwaZulu

Salary parity in the civil service

In December 1988 the chief minister of KwaZulu, Chief Mangosuthu Buthelezi, addressed an end-of-year function for the departments of the chief minister and of police and directed his comments to some civil servants who had threatened strike action unless parity between black

and white salaries in the civil service was introduced. Chief Buthelezi said that they had been campaigning to 'vilify' him and discredit his administration. He said that his administration had fought for parity and had decided to introduce it but that the central government's Department of Development Aid had been responsible for the documentation to facilitate implementing the decision, and this had taken a long time. It had been produced eventually and his officials were busy implementing the salary increases. He said that he was 'dealing with civil servants who have been used and abused by United Democratic Front and Congress of South African Trade Unions elements who want confrontation with me at any cost'. Salary increases would be backdated to March 1988. He said that 'if the kind of thing that has been going on about parity continues, and if similar hoo-ha's are made on other pretexts, then I will have to think very carefully about how I approach benefits of civil servants in the future'.⁴³⁰

According to press reports 5 000 civil servants belonging to the clerical division of the KwaZulu Public Servant Staff Association had threatened to strike unless the adjustments were implemented. Three people had been suspended from the staff association for making statements to the press in the name of the association calling on civil servants to strike.⁴³¹ The chairman of the clerical division, Mr J N Sokhela, sent a written apology to Chief Buthelezi about the press statements. His actions against the dissatisfied civil servants led to friction within the association.

Transfer of facilities

In April the central government officially handed over social amenity projects in Umlazi worth R20m to the KwaZulu administration. These included the Umlazi Stadium, tennis courts and a sports hall for indoor games. The mayor of Umlazi, Mr Reuben Mfeka, said, 'Life in the township is unbearable without these amenities and we are particularly grateful to the South African government in remembering her allies'.⁴³²

KwaZulu town councils

Following the October municipal elections some Umlazi town councillors sent a delegation with a petition to the KwaZulu administration in Ulundi listing a number of grievances. They asked that Mr Winnington Sabelo, a member of the KwaZulu Legislative Assembly, should stop interfering with council matters; that Mr S Ngubane, a councillor appointed by the KwaZulu administration, should not stand for mayoral election; and that the township manager and secretary should not involve themselves in the mayoral election. In November the former mayor of Umlazi, Mr R Mfeka, and six councillors walked out of a meeting after Mr Patrick Zulu was elected mayor. Some councillors seemed to be opposed to the re-election of Mr Mfeka because he was appointed as a councillor by the KwaZulu administration.

Mr M Shangase was elected mayor of KwaMashu and Mr W Jwara as his deputy after the elections.⁴³³

Administrative matters

From 1 October the Durban Corporation took over electricity connections in KwaZulu-administered townships around Durban. Residents expressed the hope that they would finally get their electricity connected after years of waiting. The KwaZulu administration had not had the funds available for cables, therefore making connections for individuals expensive.⁴³⁴

Amatikulu Nature Reserve

The KwaZulu Bureau of Natural Resources proclaimed 1 476ha in the AmaCimbini Tribal Area as a nature reserve. Negotiations with the AmaCimbini Tribal Authority resulted in an agreement which allowed local residents to gather natural resources such as firewood, allowed controlled numbers of cattle to graze only on the north bank of the Amatikulu River, promised 25% of the revenue that would accrue from tourism and game sales to the tribal authority and enabled a tribal representative to sit on the management committee of the reserve.⁴³⁵

Tribal conflict and criminal matters

KwaZulu's minister of justice, Mr J Mthethwa, said in May that 'faction fighting' (excluding political violence) was on the decrease throughout KwaZulu. He said that during 1987 only 21 'faction fights' had been reported compared with 17 in 1986 and 47 in 1985. Whereas many lives had been lost during 1985/86 and many people had been forced to flee their homes, 1987 had been a year of 'reconciliation and re-establishment of lost homes'. He said that KwaZulu had had 2 017 reported murders in 1987 in which 312 people had been convicted. Mr Mthethwa said that dagga and stock theft offences were increasing.⁴³⁶

Restrictions on organisations

The KwaZulu administration and Inkatha condemned the central government's action in effectively banning 18 extra-parliamentary organisations in February 1988 (see chapter on *Political Organisations* and 1987/88 *Survey* pp773-774). The caucus of the KwaZulu Legislative Assembly said that it was 'appalled' by the restrictions and remained 'convinced that the South African government is trapped in a situation of its own making and is attempting to ensure law and order, which the majority of the people of this country want, by taking high-handed unilateral action, which the majority of the people of South Africa reject'. The caucus said that if blacks were free to choose the leaders and parties of their choice, there would be no need for a state of emergency. Unless there was this freedom and the freedom of leaders and parties to freely campaign among the people, the government would be in the position of having to dictate who could be supported and who could campaign for support. The caucus said that combating the upward spiral of violence by restrictions and harsh legislation would only raise the stakes for those involved in violent conflict and increase their will to be violent. The

government should de-escalate violence by introducing the kind of reforms that blacks would support.⁴³⁷

Relations with the new Transkei administration

On 19 October Chief Buthelezi and the chairman of the Transkei Military Council, Major General Bantu Holomisa, met for talks. Chief Buthelezi told Gen Holomisa that he knew he had come to power to clean up what had been developing into a totally unacceptable, corrupt state of affairs, and this was beneficial to the whole of black South Africa. He expressed reservations about coups, however. Chief Buthelezi told Gen Holomisa that he had deeply regretted Chief Kaiser Matanzima's acceptance of 'independence' for the Transkei. Gen Holomisa said that the Transkei would look to Chief Buthelezi for 'advice and wise inputs' in solving problems, given his political experience. They discussed clashes between Zulus and Mpondos, which both leaders rejected. They said afterwards that the two administrations hoped the spirit of good neighbourliness they wanted to create between them would be reinforced by people from the two areas who lived and worked alongside each other. They said that the discussions had been 'friendly and constructive and paved the way to more consultations on topical issues in future'.⁴³⁸ Relations between the KwaZulu administration and the Matanzima administration had been cool and the political organisation led by Chief Buthelezi, Inkatha, had been banned in the Transkei.

Civil action against a KwaZulu MP

A member of the KwaZulu Legislative Assembly, Mr Jamile Mlotshwa, was ordered by the Durban and Coast Local Division of the Supreme Court in March to pay damages of R15 364 to a Clermont woman, Miss T Shabalala, who said that he had told people under his control to attack her and to kill her fiance, which they had done.⁴³⁹ The order was granted in a default judgement because Mr Jamile did not defend the action. The judgement was set aside in April, however, when Mr Jamile denied having received a summons and denied any knowledge of the assault on Miss Shabalala.⁴⁴⁰ In December the case came before the Supreme Court again and the hearing was adjourned to May 1989.⁴⁴¹

Lebowa

In February the chief minister of Lebowa, Mr M N Ramodike, asked the Lebowa Department of Law and Order and the South African Police (Commercial Branch) to investigate and report on the general administration of funds in Lebowa. All departments were to give specific information about the use of government vehicles, the allocations of contracts, the use of public funds for agricultural and other projects and the use of unauthorised funds.⁴⁴² Mr Ramodike said that a R250 000 house built in the veld on the outskirts of GaMothiba Village (Pieters-

burg) was built with government funds. The chief in the area, Chief L C Mthiba, had been dropped from the cabinet in 1987 by Mr Ramodike when he became chief minister.⁴⁴³

On 27 May the minister of development aid, Dr Gerrit Viljoen, announced that following allegations about the misappropriation of funds in the Lebowa Government Service, Mr Ramodike had requested that a commission of inquiry into the matter be appointed. The state president had agreed and Mr Leendert Decker had been appointed as the chairman and only member of the Commission of Inquiry into the Alleged Misappropriation of Funds of the Lebowa Government Service.⁴⁴⁴ Lebowa MPs alleged to the press that sums of money of up to R138m had gone missing from government coffers.⁴⁴⁵

In February Mr Ramodike reshuffled his cabinet. The minister of law and order, Mr M J Duba, was made minister of public works, replacing Mr L Mamabolo, who became minister of agriculture.⁴⁴⁶ On 17 July Mr Duba brought an urgent application in the Transvaal Provincial Division of the Supreme Court in Pretoria for an order setting aside the appointment in June of a select committee to investigate alleged irregularities during his term of office as minister of law and order. He said that the appointment was unlawful in terms of the rules of the legislative assembly. Lebowa's minister of home affairs, Mr D M Mokgalabone, said in documents that the motion for the appointment of the select committee had been adopted unanimously by all members of the assembly who were present, including Mr Duba. Mr Duba also applied for a court order to have all further operations and activities of the Lebowa Legislative Assembly suspended until four vacant posts had been filled. (These were in Nebo, Sekhukhuneland (two) and Thabomooop.) Mr Justice H P van Dyk postponed the case indefinitely in terms of an agreement between all parties involved.⁴⁴⁷

On 19 July Mr Duba was dismissed from the cabinet 'for reasons deemed sound and cogent'.⁴⁴⁸ He was replaced by Mr R R Mphahlele.⁴⁴⁹

Transkei

Major General Bantu Holomisa, the 32-year-old head of the Transkei Defence Force (TDF), became chairman of the Transkei Military Council and of the council of ministers after deposing the former prime minister, Ms Stella Sigcau, in a coup d'état in December 1987 (see 1987/88 *Survey* pp936-937). On 2 January Gen Holomisa lifted martial law and reinstated part of the constitution. Legislative and executive authority remained under the direct control of the military government. Political activity remained outlawed.⁴⁵⁰

During January the military council published a decree dissolving the civilian government and establishing itself as the legal government, precluding any court of law from pronouncing upon the validity of any decree issued by the council and indemnifying those who staged the coup from criminal or civil proceedings.⁴⁵¹ The composition of the administration remained largely unchanged with only those ministers 'tainted'

by corruption replaced and the remaining eight reshuffled. Gen Holomisa also named eight other ministers.

Gen Holomisa said that no arrests or detentions had been made and Ms Sigcau could return at any time.⁴⁵² No ministers or members of the old administration would be restricted in any way. He said that he had no political leanings and would support any political party as long as it was voted into power by the electorate.⁴⁵³ 'I still say I will support whatever government takes over as long as it is favoured by the people of Transkei,' he said.⁴⁵⁴

Gen Holomisa said that no one would be allowed to propagate any political ideology during the period of military government. While it guaranteed freedom of worship, it would not tolerate 'liberation theology'. He pledged to continue his war on bribery and corruption.⁴⁵⁵

Ms Sigcau repeatedly insisted that she had been made a scapegoat and that the coup was a puzzle to her. She vowed to clear her name in regard to corruption allegations against her (see section on *Financing the Homelands* above).⁴⁵⁶

On 21 January the central government officially recognised the new military administration unconditionally. Gen Holomisa said that his administration would honour agreements with the central government and he assured investors that their interests would not be prejudiced in any way by the change of administration.⁴⁵⁷ In a statement the state president, Mr P W Botha, said that the government was of the opinion that the position in the Transkei had stabilised and that the new administration was in effective control of all functions of government. Chief Tutor Ndumase, the Transkei's state president, had assured him of the Transkei's commitment to efficient government and the eradication of corruption in the public sector, Mr Botha said.⁴⁵⁸

Gen Holomisa, generally regarded as an honest broker, frequently stressed that his period in office was temporary and would last until corruption had been eliminated, after which elections would be called and a civilian administration installed. In January he said, 'The sooner this administrative exercise can be completed, the sooner I can return to the barracks where I belong.'⁴⁵⁹ He said, 'I wish to make it clear that my government will give consideration to the handing-over of power to a lawfully elected government once the objectives which it has set for itself have been achieved.' He said that the Transkei's status and future 'depends on the voters'. He said that South Africa needed everyone 'from the African National Congress (ANC) to the conservatives to sit together and come to a sound conclusion' and 'the sooner the better'.⁴⁶⁰ He said that only those cleared by the courts of corruption allegations would be able to contest an election.⁴⁶¹ Asked during an address he gave at the South African Institute of Race Relations in July how long the military council intended ruling, he said, 'The military council will rule until it has achieved its objectives.' He appealed during his address to all South African citizens to invest in the Transkei and to refrain from actions which would further harm the homeland's image.⁴⁶²

Following the coup, Gen Holomisa toured the rural areas of the

Transkei making speeches and seeking a mandate for the military council. He said in June that when he had toured villages, the nation had mandated him not to call elections until it had eliminated corruption. He said that TDF officers were to be posted to regional authority offices in all nine regions of the Transkei to keep rural citizens informed of the administration's policies. He said that there was a need to decentralise services in order to reach isolated citizens who might have been neglected by previous administrations. Members of the army would act as information officers, working with existing administrative structures.⁴⁶³

On 2 February he stated a new policy of 'economic liberalism'. This would involve, inter alia, establishing a rent board to control the 'upward spiralling of rentals' being levied by 'unscrupulous landlords', reviewing and increasing housing development schemes, and winning the confidence of investors who had become victims of the irregularities of the previous administration. In March he indicated that all Transkei officials were to be subjected to an austerity campaign, that the Transkei judiciary would be prosecuting all those implicated by the commissions of inquiry (see *Financing the Homelands* above) and that military leaders would try to get a mandate from chiefs to ensure that agricultural production was increased. The council had also ordered that running water be installed in some rural settlements to combat disease and reduce the number of people needing hospitals, which, Gen Holomisa said, were in a 'pathetic state'. A sports campaign aimed at the youth was to be launched.⁴⁶⁴ Gen Holomisa said in April that a major priority of his administration was to upgrade recreational facilities, in particular sports facilities, for the youth.⁴⁶⁵

Military council and the Transkei Development Corporation

The marketing consultant of the Transkei Development Corporation (TDC), Mr Arthur O'Connor, said in February that the military council's plan to double minimum wage rates from 60c to R1,20 an hour, and its apparent sympathy for the labour movement, posed 'dangers'. He believed that the homeland's 'relatively cheap' labour costs were a major incentive to overseas industrialists and the low-wage strategy was a 'proven success'.⁴⁶⁶ Gen Holomisa told the *Financial Mail* that 'Transkeians hope to develop their own indigenous union movement, which won't be an offshoot of the South African movement... It wouldn't by any means have to be a political union movement like in South Africa—we don't have apartheid or the international focus here.'⁴⁶⁷ In August the military council announced that it was to review minimum wages and that the Wage Board, which had sat last in September 1985, would sit twice a year.⁴⁶⁸

Following the installation of the military administration there was reportedly an upsurge in strike action including strikes by 300 Holiday Inns workers, 2 000 tea plantation workers, Umtata Post Office employees, all nurses at the Umtata Hospital and 100 bus drivers. Most strikes were very short and poor wages were cited as the main grievance. There was no reported use of force and in at least one case the military adminis-

tration sent one of the five members of the military council to negotiate with the workers. In August, however, the military administration warned that all strikes, work stoppages and boycotts were banned. Gen Holomisa said that the homeland was in a difficult position. He believed that the strikers had genuine problems but that the homeland did not have the money to increase wages. 'The grievances are genuine but the action of striking will be condemned,' he said.⁴⁶⁹

Military council and investors

Gen Holomisa believed it was 'ridiculous' to expect investors to put large sums of money into the Transkei while being there on a temporary work permit. 'We would like to see financiers come and buy land, insurance companies coming and owning land, and industrialists coming and buying land', he said in May.⁴⁷⁰ In June the administration announced that business licences would in future be granted to non-Transkeians and that foreign investors could also buy property in urban areas. It scrapped controversial protectionist laws.⁴⁷¹ Decree 15 amended the Acquisition of Immovable Property Act of 1977 and Decree 17 amended the Licences Control Act of 1987. The effect of Decree 15 was to alter the prohibition on the acquisition of fixed property in the Transkei by non-citizens, and to allow banks, insurance companies, businesses, building societies and industries to acquire freehold title. This was to encourage them to put their funds safely in fixed property. The Licences Control Amendment Act would still offer protection to local small businessmen but Decree 17 would amend it to provide greater flexibility in granting business licences. Certain businesses could be exempted from citizenship provisions in applying for certificates of registration.⁴⁷²

Gen Holomisa said in July that investment in the Transkei would be conditional only upon Transkei citizens having at least a 5% shareholding and the land being developed to the benefit and upliftment of the Transkei.⁴⁷³ The shares would be bought by the TDC and sold to Transkeians.⁴⁷⁴

The TDC planned to launch a public investment company in September called Intrashare. It would make 10m shares owned by itself in five Transkei companies available to Transkei citizens or Transkei-based companies at R1 each in a share offer starting on 30 September. The companies were Holiday Inns (Transkei), Ohlssons Breweries (Transkei), Singisi Forestry Products, Sunkei Speakers and Transun. The TDC said that other successful companies could be added later to the initial portfolio.⁴⁷⁵ Shareholders of Intrashare would then have a stake in all five companies. The TDC statement said that the concept was strongly supported by the military administration since it gave Transkei citizens the opportunity to take part in the benefits of business ownership, rather than having businesses owned by a 'favoured few'. It would also serve as a means to 'mobilise the savings of the Transkei public towards business development', the statement said.⁴⁷⁶

In September the Transkei's minister of foreign affairs and information, Brigadier Roy Keswa, said that since the coup there had been a

substantial increase in inquiries from industrialists from all over the world wanting to invest in the Transkei.

Opening a Siemens factory in Umtata in September, the Transkei's minister of posts and telecommunications, Mr G K Nota, encouraged international firms forced to disinvest from South Africa to invest in the Transkei.⁴⁷⁷

In October, speaking after a visit to Taiwan, Gen Holomisa said that Taiwanese aid in key development aspects had been promised to the Transkei. He said that he had been warmly welcomed and that Taiwan had 'concentrated its energies on economic development and nation building rather than on unproductive internal strife and useless bickering and power mongering'.⁴⁷⁸

In December it was reported that the Transkei was to seek investment by large South African retail chains, which previously had been kept out of the homeland by the Matanzima administration. The Transkei was also considering declaring a free trade zone along the coast which would be free of bureaucratic regulation and create high short-term growth. In addition, it was considering establishing an export processing zone where raw materials could be imported free of duties, processed, and exported free of duties. This would involve reopening and upgrading Port St Johns as a harbour.⁴⁷⁹

Gen Holomisa spoke on various occasions to South African audiences in an attempt to encourage investment. He explained amendments to legislation and said, 'Our duty is to make Transkei a safe haven for honest investors.' However the Transkei's 'economic liberalism' was not intended as a pass which would allow 'freebooters to violate the market'.⁴⁸⁰

Rents

Gen Holomisa announced in March that the military administration was to set up a rent board to stop exorbitant rentals being charged in the Transkei.⁴⁸¹ In January Gen Holomisa had promised an inquiry into high rents demanded by property owners in Umtata, the Transkei capital. He said that it was 'disheartening that privileged Transkeians exploit their fellow homeless countrymen. This is one form of corruption that a commission of inquiry has to look into'. He said that action taken against property owners would be in accordance with the concept of 'one man, one property'.⁴⁸²

Rural reform

Gen Holomisa believed that the necessity to find employment on the mines would diminish as his administration upgraded the rural areas. The land tenure system would be reformed to assist this.⁴⁸³ He said in June that an investigation into the occupation of farms transferred to the Transkei by the central government had uncovered a number of irregularities. Since the allocation of farms dating back to 1982, it had been found that most occupants had never even started to pay rentals for them.

Gen Holomisa's comments on central government

In April Gen Holomisa said that he hoped that with the relaxation of the Group Areas Act of 1966 and upgraded housing, Transkei migrant labourers would be able to live with their families in a more dignified manner. He said that his administration was forming a national advisory council including prominent businessmen and churchmen which would help it decide its proposals for a national convention on the constitutional future of South Africa. If there was sufficient progress towards political and racial equality in South Africa, the Transkei would 'consider a closer, federal relationship with her', he said. He referred to the ten homeland leaders as 'national leaders just as much as the ANC and Pan-Africanist Congress (PAC)'.⁴⁸⁴ He said in May that he would favour talks between the central government, 'independent' homeland administrations and the ANC and PAC.⁴⁸⁵ In June Gen Holomisa attacked sanctions saying that the Transkei was also 'feeling the pinch' but he blamed the continuation of apartheid policy for the situation in which they had come about. He said that his administration's attempts to improve the Transkei's economy 'depend largely on the efforts taken by the South African government to abolish racist legislation like the Group Areas Act and the Population Registration Act'.⁴⁸⁶

Asked by the *Financial Mail* in October whether he was committed to the homeland system, Gen Holomisa said, 'At the moment we are still committed to it. The task assigned to us by the military is to clean up the administration and recover as much as we can of the money owed to the state. Civilians will decide in the future whether they want to join a federation or a confederation. But my advice to them is that it would be suicidal under the present set-up while there is still apartheid. If apartheid goes, then they can talk business.'⁴⁸⁷

In November Gen Holomisa said that the Transkei expected to be involved in any constitutional settlement in South Africa and could even consider rejoining it as an integral part. The Transkei, however, would under no circumstances consider becoming part of South Africa again under its present political dispensation. He said that after 'independence' the Transkei had not been internationally recognised and it had been disadvantaged because there had been no programme to up-grade infrastructure. 'They just dumped us,' he said. 'These are areas which have to be addressed. We have to ask whether Verwoerd's policy has worked. And, if not, what we can do about it?'⁴⁸⁸

National Advisory Council

On 13 July the Transkei's new National Advisory Council held its inaugural session. It was comprised of people from various organisations and corporations in the homeland. Its advisory role would encompass the final editing and screening of national policies and strategies and development programmes. In his inaugural speech Gen Holomisa said that it was necessary to involve as many people as possible in shaping the Transkei's future through representative forums although the ideal was

still that the homeland should return to civilian rule as soon as possible under which the national assembly could play its rightful role. 'We need constantly to question whether our decisions are improving the standard of living of the poorest segments of our population.' He said that education, health, nutrition, housing and social welfare facilities had to be expanded and improved as a great development challenge faced the Transkei, where 80% of the rural population (90% of the Transkei's population) lived below the household subsistence level and one out of every seven children died before the age of five. An estimated one out of three of the economically active male labour force was unemployed, Gen Holomisa said.⁴⁸⁹ Fewer than 20% of Transkei households had access to potable water and two hours a day were devoted by households to water collection.⁴⁹⁰ The former state president, Chief Kaiser Matanzima, walked out of the inaugural session after his motion of no-confidence in the military administration was rejected. His nephew, Chief Zondwa Mtirara, the acting paramount chief of the Tembus and chief of the TDF until replaced by Gen Holomisa, and three others also walked out. An academic, Mr A T Sigcau, was appointed as chairman of the council.⁴⁹¹

Police misconduct

Referring to police misconduct Gen Holomisa said in February that he did not want to give harsh decisions only when they concerned corruption. He said that the shooting of Mr S Zokwe by the police (see section on *Security* above) was 'embarrassing' and that a murder docket had been opened. His administration was also looking at the case of Mr Batandwa Ndondo, killed by police in 1985 (see section on *Security* above and 1985 *Survey* p294).⁴⁹²

Court challenge regarding coup d'état

In May Chief Kaiser Matanzima and Gen Mtirara brought an urgent application in the Transkei Supreme Court to have the military council's first decree nullified. The decree had legalised the coup, dissolved the national assembly and installed the new administration. The applicants argued that the decree had no legal standing and that Gen Holomisa, supported by the state president, had unlawfully taken over the administration, threatening the civil liberties and rights of Transkei citizens. The respondents, Gen Holomisa and the state president, Chief Tutor Ndamase, argued that the decree specifically excluded the courts from overturning the decree, and that the Supreme Court had already recognised the military administration as the de facto government in a ruling in an earlier case (Chief Matanzima's successful application to have his banishment order set aside – see section on *Security* above). The respondents also produced a letter allegedly from Chief Matanzima, congratulating the military council and asking for pardon for his and his brother's involvement in corruption. Mr Justice C Beck ruled that the application was not urgent and referred it to a full bench of the Supreme Court and awarded the respondents costs.⁴⁹³

The application was heard again in September in the Transkei Supreme Court, which ruled on 3 October that the military administration was lawful and ordered the two applicants to pay costs. Gen Holomisa warned Chief Matanzima not to make the people under his paramountcy pay for his failed court action. He commented that the military council had not introduced martial law as was the case with other military governments. 'We trusted our judiciary and supported it. We permitted justice to take its normal course and the applicants have lost the case.'⁴⁹⁴

Extradition of Chief George Matanzima

On 4 May the Umtata chief magistrate signed a warrant for the arrest of a former prime minister of the Transkei, Chief George Matanzima, in relation to corruption charges.⁴⁹⁵ He fled the territory and was seen two weeks later in Port Elizabeth.⁴⁹⁶ The South African Police (SAP) said that they could not act against Chief Matanzima until the Transkei formally set extradition proceedings in motion.⁴⁹⁷ Late in May Chief George took refuge in Austria.⁴⁹⁸ The military administration warned Austria that it would cut off all negotiations to repay a debt unless it took steps to return Chief Matanzima.⁴⁹⁹ His estate was sequestered on 9 June to settle debts amounting to nearly R4m. The debtors included various Transkei administration departments and the Bank of Transkei.⁵⁰⁰ In September he returned to South Africa via Mauritius and was then extradited to the Transkei to face trial (see section on *Financing the Homelands* above).

Tembu paramountcy dispute

Gen Mtirara successfully brought an application in the Transkei Supreme Court in April for an interdict restraining the Dalindyebo Regional Authority and the military council from holding a meeting on 2 May to discuss a dispute over the succession to the paramountcy of the Tembus. The two contenders were Gen Mtirara and Mr Buyelekaya Dalindyebo, the son of the late paramount chief, Chief Sabata Dalindyebo. Chief Sabata had been deposed by the Transkei administration while Chief Kaiser Matanzima was state president and he had died in exile in Lusaka (Zambia). Chief Matanzima had replaced him with Chief Bambilanga Mtirara, who had died in 1987, leading to the succession dispute. Gen Mtirara was his son. Chief Kaiser Matanzima, who supported Gen Mtirara, asked Gen Holomisa to keep the military administration out of the dispute, but Gen Holomisa said in a statement that his administration's patience was beginning to be exhausted. Chief Kaiser Matanzima's administration's removal of Chief Sabata from the paramountcy, despite the regional authority's resolution not to do so, had caused the dispute among the Dalindyebo Tembus in the first place, and all the 'disastrous consequences that followed', Gen Holomisa said.⁵⁰¹ On 11 May the regional authority was interdicted by the Supreme Court in Umtata from designating anyone as paramount chief.⁵⁰²

In August Gen Mtirara was apparently installed as paramount chief in a ceremony at a secret venue. The minister of police, the Rev Benjamin

Dlamini, gazetted an order banning all meetings in the area of the Tembu Great Place, aimed at preventing any gatherings for the installation. Gen Mtirara contested the ban in court unsuccessfully. Mr Dalindyebo launched an application for the review of Chief Sabata Dalindyebo's deposition and the designation of both Mtiraras respectively as his successors.⁵⁰³

Democratic Progressive Party and ANC

A six-person delegation of the Democratic Progressive Party (DPP), a Transkei opposition party which favours the abolition of the homeland system, met the ANC during a week-long visit to Lusaka in December 1987/January 1988. It was the first Transkei political party to hold formal talks with the ANC. The ANC delegation was led by the ANC's secretary general, Mr Alfred Nzo, and included the commander of Umkhonto we Sizwe, Mr Joe Modise; the chief of staff and second in command of the ANC's armed wing, Mr Chris Hani; and the political commissar of Umkhonto, Mr Steve Tshwete. The talks were joined later by the ANC's president, Mr Oliver Tambo. Chief Twentymen Sigcau, acting leader of the DPP and Ms Sigcau's brother, said that he believed that the ANC was not a terrorist organisation. His party believed in a non-violent transition to a post-apartheid South Africa with the involvement of all progressive organisations playing active roles.⁵⁰⁴ The DPP was unable to launch the youth league it had planned because of the suspension of political activity in the Transkei.⁵⁰⁵ Asked to comment in October on his views on contact with the ANC, Gen Holomisa said, 'I've got no objection.'⁵⁰⁶ He said, however, that it would not be wise to lift the Transkei's ban on the ANC. 'We have an agreement with our neighbour, South Africa, that we will not use each other's territory as a springboard to attack the other. We uphold that agreement.'⁵⁰⁷

Ezibeleni Town Council

In May residents of eZibeleni asked that their town council be dissolved and for it to be run by the military administration. They said at a meeting addressed by Colonel G T Madikiza of the TDF that some councillors were corrupt and took bribes from friends in return for the allocation of new houses. Col Madikiza asked for a meeting with the town council to discuss the grievances.⁵⁰⁸

Venda

Disturbances in Venda

There were upheavals in Venda between July and August including class boycotts and a work stayaway (see section on *Security* above).

Change of president

The state president of Venda, Chief Patrick Mphephu, died in April of multiple organ failure.⁵⁰⁹ There was some speculation that he had been poisoned, but the South African Police said that extensive forensic tests

had proved that this was unfounded.⁵¹⁰ Chief Mphephu was buried outside Venda at Songozwi (Louis Trichardt) at the traditional burial ground of Venda chiefs. His funeral at the Independence Stadium in Thohoyandou was attended by an estimated 15 000 people, including the minister of foreign affairs, Mr Pik Botha.⁵¹¹

On 10 May the Venda National Assembly elected a new state president, Mr Frank Ravele, a cousin of Chief Mphephu. He had been in the Venda cabinet since 1973 and his most recent position had been as minister of finance, commerce, industry and tourism. He promised a corruption-free administration and financial discipline. He said that Venda would continue to strive for world recognition.⁵¹² In September he stated his opposition to sanctions and disinvestment as they would harm Venda.⁵¹³

During the disturbances in Venda in August a cabinet minister, Mr A A Tshivhase, was stripped of his portfolios, including justice and prisons, after scholars and students alleged that he was linked to various ritual murders in the homeland. (They said there had been up to 21 ritual murders in 1988. Venda's commissioner of police, Major General Robert Mulaudzi, said that there had been 21 murders but that only four of these had been ritual murders. He said that in 1987 there had been 85 ritual murders in Venda.)⁵¹⁴ Mr Tshivhase was to serve in the cabinet as minister without portfolio. He later resigned from the cabinet.⁵¹⁵ The minister of internal affairs, Chief J R Rambuda, took charge of the departments of justice and prison services. Other ministers took over Mr Tshivhase's other portfolios.⁵¹⁶

Chieftainship disputes

Chief Kennedy Tshivhase lost, with costs, an application in the Venda Supreme Court in September for an order preventing the permanent installation of an acting chief, Mr John Shavhani Tshivhase, in his place. Chief Kennedy had been installed as a chief in 1970, but had been a minor and Mr J S Tshivhase had acted as chief in his minority. The judgement ended a dispute which had started in 1986 after Chief Kennedy had asked Mr J S Tshivhase to vacate the chieftainship so that he could assume it (see 1986 *Survey* Part 2 p702). Chief Patrick Mphephu, however, had declared Mr J S Tshivhase as permanent chief. Through the courts, Chief Kennedy had prevented his installation. During the September 1988 application Mr J S Tshivhase had argued that while he agreed that he had been only acting chief in Chief Kennedy's place, it had recently come to light that certain customary formalities had not been properly observed when Chief Kennedy's mother had married, and that Chief Kennedy was therefore not the rightful heir to the chieftainship.⁵¹⁷ Chief Kennedy lodged an appeal against the ruling.⁵¹⁸

Administrative matters

Venda's deputy director general of transport, Mr M Tshikororo, was charged with rape in February and released on bail. He was not suspended from his position because the rape charge was not related to his

job, according to Venda's director general for information. He said that if the alleged crime had been linked to his job, then the official would have been suspended immediately.⁵¹⁹

Elections

General elections were held in Venda on 14 and 15 September. They were the first elections since Venda became a one-party administration in 1987 (see 1987/88 *Survey* p864).⁵²⁰ The Venda National Party (VNP) is the only political party allowed in Venda. Nominations were held on 12 July. The VNP had allegedly planned to restrict nominations to people who had been members of the VNP for at least five years. This would have disqualified automatically all former opposition party members who became VNP members only after Venda became a one-party homeland. In June, however, this idea was dropped.⁵²¹ On 12 July 21 former opposition party members, who had in the meantime become VNP members, were told that they did not have a certificate signed by the VNP leadership authorising their candidacy and that they were not allowed to stand. The former deputy leader of the banned Venda Independent Party, Mr Gilbert Ligege, was among the 21 disqualified candidates. Their opponents, including Mr Ravele, therefore stood for election unopposed. Six of the disqualified candidates brought an application in the Venda Supreme Court calling for the annulment of the nominations on the grounds that their being barred had been illegal.

In September, however, they withdrew the application because the Republic of Venda Constitution Act of 1979 and the Electoral Act of 1979 were amended retroactively to 1986 so that every contestant in the election would be required to have a certificate from the leadership of the VNP approving his candidacy.⁵²² The 21 candidates planned to contest in court the amendment to the homeland's constitution.⁵²³

On 20 October Mr Ravele was re-elected president of Venda and he and 93 members of the national assembly were sworn in. Chief Calvin Mphephu was sworn in on the same day as paramount chief of the Venda tribe, to replace the late state president who had been the paramount chief. In terms of another amendment to the Republic of Venda Constitution Act in September, the paramount chief would no longer be a member of the Venda National Assembly. The amendment was for the purposes of 'depoliticising' this position.⁵²⁴ (The Venda tribe has two main clans, the Mphephu and the Tshivhase. Although the latter is larger, Venda legislation provides that the Mphephu clan's ruler is automatically the paramount chief of the whole tribe.)⁵²⁵

Mr Ravele included in the cabinet Chief Patrick Mphephu's widow, Mrs Doris Mphephu, as deputy minister of health. He himself took over the portfolios of police and defence.

Corruption allegations

It was reported that the minister of transport, public works and telecommunications, Mr George Ramabulana, and the rector of the University of Venda, Professor P W du Plessis, had bought a farm for

R400 000 near Louis Trichardt in 1987. The report of the committee on the sessional accounts of the national assembly said that they had persuaded the Mphephu local council to raise a government loan to buy it, but had then used the money to buy the farm for themselves and that the Mphephu council had not been mentioned in either the deed of sale or transfer. The council had continued to repay the loan to the administration. Their claim that Chief Patrick Mphephu's mother had been buried on the farm was found by the committee not to be genuine. The committee recommended that they be 'disciplined' and made to repay the total loan to the government.⁵²⁶

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 254 *The Citizen* 30 September
 255 *The Weekly Mail* 19 February
 256 *Daily Dispatch* 18 November
 257 *Sowetan* 14 December
 258 *The Weekly Mail* 16 September
 259 *City Press* 23 September
 260 *Daily Dispatch* 15 October
 261 *The Weekly Mail* 30 September
 262 *The New Nation* 29 September
 263 *Sunday Times* 27 November
 264 *Daily Dispatch* 1 December
 265 Ibid 1 December
 266 *The Star, Daily Dispatch* 2 December
 267 *Daily Dispatch* 2 December
 268 *The New Nation* 8 December
 269 *Daily Dispatch* 9 December
 270 *City Press* 10 July
 271 *South* 24 November
 272 *The Star* 19 May
 273 *City Press* 3 January
 274 *The Weekly Mail* 15 January
 275 *The Star* 20 January
 276 Ibid 20 January
 277 *The New Nation* 24 June
 278 *Sunday Times* 19 June
 279 Ibid 6 March
 280 *Cape Times* 14 June
 281 *The New Nation* 15 December
 282 *The Star* 3 May
 283 *The New Nation* 13 October
 284 *Sowetan* 2 June, *The Star* 1 June
 285 *Sowetan* 9 December
 286 *The Star* 13 January, *The New Nation* 21 January
 287 *The New Nation* 14 January
 288 *City Press* 24 April
 289 *The Star* 3 June
 290 *The Citizen* 11 August
 291 *The New Nation* 6 October, *The Weekly Mail* 4 March
 292 *The Weekly Mail* 5 May, 22 July
 293 *City Press* 17 April
 294 *The Star* 26 September
 295 *South* 10 November
 296 *Daily Dispatch* 17 December
 297 *The Star* 31 March
 298 *Daily Dispatch* 17 November
 299 *The Weekly Mail* 15 April
 300 *Cape Times* 14 September
 301 *The New Nation* 1 December
 302 Ibid 1 December
 303 *Daily Dispatch* 14 July
 304 Ibid 12 July
 305 Ibid 30 June
 306 *City Press* 27 November
 307 *Sowetan* 1 November
 308 *The Citizen* 22 December
 309 *The Weekly Mail* 5 May
 310 *City Press* 17 April
 311 *Sowetan* 18 May
 312 *City Press* 4 September
 313 *Daily Dispatch* 8 October
 314 *The Citizen* 31 May
 315 *Daily Dispatch* 1 June
 316 Ibid 23 September
 317 Ibid 6 December
 318 Ibid 6 December
 319 *City Press* 16 October
 320 *Daily Dispatch* 8 October
 321 *Sowetan* 26 May, 19 July, *Sowetan* 1 August
 322 *City Press* 23 October
 323 Ibid 23 October
 324 *The New Nation* 21 July
 325 *The Star* 5 December
 326 *Daily Dispatch* 6 December
 327 Ibid 2 July
 328 *The Weekly Mail* 19 August, *The New Nation* 18 August
 329 *The Star* 8 August
 330 *City Press* 17 January
 331 *Transkei Government Gazette* vol 13 no 32, 3 June
 332 *Daily Dispatch* 26 March
 333 *Sunday Times* 27 March
 334 *Transkei Government Gazette* vol 13 no 46, Government Notice no 111, 9 September
 335 *The Citizen* 8 January
 336 *The Weekly Mail* 5 May
 337 *The Star* 9 February, *The Weekly Mail* 22 January
 338 *The Star* 3 May
 339 Ibid 19 May
 340 *The New Nation* 11 February
 341 Ibid
 342 *The Weekly Mail* 19 February
 343 *The Star* 31 May
 344 *Ikhwezi* August
 345 *Sowetan* 14 July
 346 Ibid 14 July
 347 *City Press* 9 October

- 348 Ibid 14 February
 349 Ibid 22 May
 350 *Business Day* 9 December
 351 *The Star* 15 July
 352 *Business Day* 16 February
 353 *Sunday Tribune* 14 August
 354 *Business Day* 15 January, *The Star* 12 January
 355 *The New Nation* 22 September
 356 *Business Day* 10 November, *The Citizen* 25 March
 357 *Sunday Times* 27 March
 358 *Business Day* 9 November
 359 *The Citizen* 6 August
 360 *Daily Dispatch* 23 March
 361 Ibid 25 August
 362 *The Weekly Mail* 15 July
 363 *Daily Dispatch* 11, 12 July; *The Citizen* 11 July
 364 *City Press* 31 July
 365 *Daily Dispatch* 28 June
 366 *Business Day* 8 June
 367 *Financial Mail* 29 January
 368 *City Press* 14 August
 369 *The Star* 31 December
 370 *Daily Dispatch* 10 March
 371 *Sunday Times* 18 September
 372 *Daily Dispatch* 20 September
 373 Ibid 19 September
 374 *The Citizen* 3 November
 375 *Daily Dispatch* 20 December
 376 *Business Day* 9 December
 377 *The Star* 31 December
 378 Ibid 8 August
 379 *Daily Dispatch* 10 December
 380 *Sunday Times* 23 October
 381 Ibid 4 December
 382 *Daily Dispatch* 7 December
 383 *The Star* 4 November
 384 *The Citizen* 6 December
 385 Ibid 29 December
 386 *The Star* 28 March
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 388 *The Citizen* 25 October
 389 *The Star* 2 February
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 399 *The Citizen* 4 March
 400 *The Weekly Mail* 16 September
 401 *The Star* 30 March
 402 *Informa* November
 403 *The Natal Witness* 2 August
 404 *The Weekly Mail* 3 June
 405 *The Star* 7 April
 406 *The Citizen* 9 April
 407 *The Star* 27 July
 408 Ibid 2 August
 409 *Sowetan* 4 August
 410 *The Star* 28 May
 411 Ibid 17 June
 412 *City Press* 23 October
 413 *The Star* 2 December
 414 Ibid 5 December
 415 *Government Gazette* no 11502, Proclamation R154, 15 September
 416 *The Citizen* 8 October
 417 *The Star* 20 September, *The Weekly Mail* 23 September
 418 *The Star* 1 November
 419 *Sowetan* 3 November
 420 *The Star* 5 December
 421 Ibid 17 November
 422 Ibid 14 December, 15 December
 423 Ibid 29 December
 424 Ibid 13 October
 425 *Government Gazette* no 11608, 28 November
 426 *Ikhwezi* June
 427 *The Star* 1 August
 428 Ibid 22 August
 429 *Ikhwezi* August
 430 Address by Chief Buthelezi, End of Year Function, 2 December
 431 *The Natal Mercury* 8 December
 432 *Sowetan* 25 April
 433 *City Press* 13 November
 434 Ibid 30 September
 435 *Umxaxi* vol 1
 436 *The Natal Mercury* 10 May

- 437 *Clarion Call* vol 2
- 438 *The Citizen* 20 October, *The Natal Mercury* 20 October
- 439 *Business Day* 29 March
- 440 *Sowetan* 2 May
- 441 *The Star* 14 December
- 442 *Sunday Times* 7 February
- 443 *Ibid* 24 January, 7 February
- 444 *Statement by Dr Viljoen on the appointment of a commission of inquiry in Lebowa, 27 May*
- 445 *Sowetan* 27 May
- 446 *Sunday Times* 7 February
- 447 *The Citizen* 16 July
- 448 *The Star* 19 July
- 449 *Ibid* 20 July
- 450 *Africa Institute Bulletin* vol 18 no 2
- 451 *Daily Dispatch* 7 January
- 452 *Business Day* 4 January
- 453 *Cape Times* 8 January
- 454 *The Citizen* 8 January
- 455 *Ibid* 7 January
- 456 *Business Day* 6 January
- 457 *The Citizen* 22 January
- 458 *The Star* 21 January
- 459 *City Press* 3 January
- 460 *The Weekly Mail* 15 January
- 461 *Sowetan* 5 February
- 462 *The Citizen* 23 July
- 463 *The Star* 9 January
- 464 *Sunday Star* 6 March
- 465 *Financial Mail* 22 April
- 466 *Ibid* 26 February
- 467 *Ibid* 22 April
- 468 *Daily Dispatch* 3 August
- 469 *The Weekly Mail* 19 August
- 470 *Daily Dispatch* 13 May
- 471 *Eastern Province Herald* 17 June
- 472 *Business Day* 17 June, *Daily Dispatch* 19 July
- 473 *The Star* 25 July
- 474 *Business Day* 27 September
- 475 *Ibid* 6 September
- 476 *The Citizen* 7 September
- 477 *Daily Dispatch* 13 September
- 478 *The Citizen* 7 October
- 479 *The Star* 7 December
- 480 *Sunday Star* 6 November
- 481 *The Weekly Mail* 4 March
- 482 *City Press* 10 January
- 483 *Financial Mail* 22 April
- 484 *Ibid* 22 April
- 485 *City Press* 8 May
- 486 *Business Day* 17 June
- 487 *Financial Mail* 7 October
- 488 *The Star* 16 November
- 489 *Daily Dispatch* 14 July
- 490 *The Citizen* 14 July
- 491 *Daily Dispatch* 15 July
- 492 *Sowetan* 8 February
- 493 *The Weekly Mail* 27 May
- 494 *The Citizen* 7 October
- 495 *Sunday Times* 8 May
- 496 *Eastern Province Herald* 17 May
- 497 *Daily Dispatch* 18 May
- 498 *Business Day* 27 May
- 499 *Eastern Province Herald* 17 June
- 500 *The Star* 10 June
- 501 *Daily Dispatch* 29 April
- 502 *Ibid* 12 May
- 503 *Sunday Tribune* 14 August
- 504 *Daily Dispatch* 5 January
- 505 *The Natal Witness* 11 January
- 506 *Financial Mail* 7 October
- 507 *Ibid*
- 508 *Daily Dispatch* 12 May
- 509 *The Star* 19 April
- 510 *Ibid* 10 May
- 511 *Ibid* 25 April, *Sunday Tribune* 24 April, *Sowetan* 26 April
- 512 *Sunday Times* 15 May
- 513 *The Citizen* 30 September, *The Natal Mercury* 11 May
- 514 *Financial Mail* 19 August
- 515 *The Star* 17 August
- 516 *The Citizen* 17 August
- 517 *Sowetan* 26 September, 27 October
- 518 *Ibid* 27 October
- 519 *Ibid* 16 February
- 520 *Sunday Times* 19 June
- 521 *Sowetan* 28 June
- 522 *Ibid* 13 September
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- 525 *Ibid* 27 October
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POPULATION AND SETTLEMENT

POPULATION AND RACE CLASSIFICATION

According to the government's Central Statistical Service (CSS), the estimated South African population (excluding the 'independent' homelands) at the end of June 1988 was as follows:¹

Population (excluding TBVC): 1988*

	<i>Numbers</i>	<i>Proportion</i>
African	20 613 000	69,6%
Asian	928 000	3,1%
Coloured	3 127 000	10,6%
White	4 949 000	16,7%
Total	29 617 000	100,0%

a Transkei, Bophuthatswana, Venda, Ciskei

The estimated African population of the ten homelands for June 1988 is given below. The figures (except for Venda) were calculated from the 1985 census figures, using an average yearly growth rate of 2,8%. The figure for Venda was provided by the office of the state president of Venda in November 1988.

African population of the homelands: 1988

'Independent' homelands

Bophuthatswana	1 870 152
Ciskei	821 500
Transkei	3 168 012
Venda	502 776
Sub-total	6 372 440

Non-independent homelands

Gazankulu	539 059
KaNgwane	424 995
KwaNdebele	255 853
KwaZulu	4 061 228
Lebowa	1 991 447
QwaQwa	196 551
Sub-total	7 469 133
Total	13 830 417

The total South African population (including all ten homelands) may thus be estimated at:

Total population of South Africa: 1988

	<i>Numbers</i>	<i>Proportion</i>
African	26 974 284 ^a	74,9%
Asian	928 000	2,6%
Coloured	3 127 000	8,7%
White	4 949 000	13,8%
Total	35 978 284	100,0%

- a This figure includes a small number of coloured, Indian and white people who live in the TBVC areas. It is composed of the CSS June 1988 population figure for Africans (excluding TBVC) and the estimated TBVC figure.

Revised figures for the number of births in 1986 in South Africa (excluding the TBVC homelands), as provided by the minister of home affairs, Mr Stoffel Botha, are given below.² The CSS provided the preliminary figures for births in 1987, with the exception of Africans, for whom figures were not available.³

Births in 1986 and 1987

	<i>1986</i>	<i>1987</i>
African	769 000	N/A
Coloured	81 825	83 349
Indian	19 560	20 285
White	72 955	70 428
Total	943 340	

N/A - not available

Mr Botha gave the infant mortality rate in 1986 per 1 000 for the various population groups as follows: Africans, 80; coloured people, 31,6; Indians, 13,6; and whites, 7,0. He said that the main causes of infant deaths, ie the deaths of children under one year of age, were low birth weight and disorders relating to premature birth.⁴

Population growth

The annual report for 1987 of the Department of National Health and Population Development stated that the South African population was growing at an average rate of 2,3% per year. A breakdown by race for this figure was 2,8% for Africans; 1,92% for coloured people; 1,85% for Indians; and 0,83% for whites. The South African population (excluding the 'independent' homelands) was expected to rise to 47m in the year 2000, 85m in 2020 and 140m in 2050. South Africa's economic resources

could support at most 80m people. Thus the need to control population growth was urgent, if worsening poverty, unemployment and starvation were to be avoided.⁵

The report pointed out that in order for the South African population to stabilise at 80m, the total fertility rate (TFR), ie the average number of children per woman, needed to be reduced to 2,1 by the year 2010. The TFR in 1987 was 3,2 for coloured women, 2,6 for Indians and 2,0 for whites. The TFR for Africans varied dramatically according to area: it was 2,8 in urban areas, 4,2 in 'semi-rural' areas, 5,7 in rural areas (which included the non-independent homelands) and 6,3 in the TBVC homelands. The government's Population Development Programme (PDP) therefore needed to focus on Africans in rural areas and in the homelands.⁶

Speaking at a conference in Johannesburg in October, the minister of national health and population development, Dr Willie van Niekerk, outlined the PDP. It was based on the premise that a balance between population growth, natural resources and the socio-economic capacity of the country could be brought about only by improving the standard of living of all people. An improved quality of life had been shown worldwide to lead directly to a decline in the birth rate, he said. Dr Van Niekerk believed that an improvement in the level of income, education and occupational status led people to have fewer children and to spread the births of their children. Thus social and economic development programmes for the African population were essential. One component of such development was family planning — see *Family Planning* below.⁷

Dr Van Niekerk also maintained that the provision of electricity in African townships in the Pretoria/Witwatersrand/Vereeniging area had played an important role in reducing the birth rate there. Before 1980, when electricity was introduced, the birth rate was 4,1 per woman, but by the end of 1987 it had been reduced to 2,7.⁸

In April, the former vice rector of the Rand Afrikaans University, Professor J P de Lange, argued that the status of women, especially African women, had a direct bearing on fertility rates. 'The development of her skills, employability and entrepreneurial qualities has a direct influence on her status, on her decision regarding the number of children she wants and thus on quality of life,' he said. He therefore suggested that the upliftment of African women was crucial for effective population control.⁹

Family planning

The Department of National Health and Population Development budgeted R97m for family planning in the 1988/89 financial year, compared to R60m in 1986/87 and R80m in 1987/88.¹⁰

The chief executive officer of the Family Planning Association of South Africa, Ms Lou-Anne Freeman, provided the following figures regarding family planning in South Africa (excluding the 'independent' homelands):¹¹

- between 1974 and 1987, the number of women protected by contraceptives had grown by 226%;
- in the same period the number of family planning 'service points' had grown from 2 360 to 57 240; and
- contraceptive usage was 44% for Africans, 73% for coloured people, 78% for Indians and 84% for whites.

Ms Freeman said that family planning took the form of personal counselling aimed at women in their fertile years, young people (with a view to preventing premarital births and postponing the birth of the first child), and men (with a view to involving them in decisions involving fertility); as well as non-personal counselling, which involved the production and distribution of educational films, pamphlets and posters.¹²

For further details see the chapter on *Health and Welfare*.

Race classification

In 1987, 918 people, of whom 722 were successful, applied to be reclassified from one race group to another. The total of applications made for reclassification, and applications granted in 1987, were as follows:¹³

Race reclassification: 1987

	<i>Applications made</i>	<i>Applications granted</i>
African to coloured	382	269
African to Griqua	7	6
African to Indian	2	2
African to other Asian	3	3
Chinese to coloured	2	2
Chinese to white	10	10
Coloured to African	8	8
Coloured to Chinese	4	4
Coloured to Indian	35	33
Coloured to Malay	13	12
Coloured to white	313	244
Griqua to coloured	2	2
Indian to African	2	2
Indian to coloured	61	58
Indian to Malay	9	9
Malay to coloured	15	15
Malay to Indian	23	22
Malay to white	17	12
White to coloured	5	4
White to Chinese	1	1
White to Malay	4	4
Total	918	722

In February, during a debate in the House of Representatives, Mr Peter Hendrickse MP (Labour Party) attacked the Population Registration Act of 1950. Introducing a motion which sought to repeal section 5 of the act, which required the racial classification of people, Mr Hendrickse referred to the National Party's 'almost pathological obsession regarding race and the purity of race'. He warned that South Africans could no longer turn their backs on the hurt, degradation and suffering brought about by the act. Speaking in the same debate, Mr Ishmail Essop MP (LP) pointed to the absurdity of the act in that he had been classified Malay, two of his brothers coloured and one white, while two sisters had been classified coloured and a third sister Indian. The minister of home affairs, Mr Stoffel Botha, said in reply that he had listened 'with care and understanding' to the debate, but that he had to disagree. He considered the provisions for race classification to be 'purely practical measures'.¹⁴

In the same month it was reported that a growing number of mixed-parentage babies put up for adoption had to be reclassified racially before they could be placed with a suitable family. In terms of the Child Care Act of 1983 a child may be adopted or fostered only by an adult of the same race. The Johannesburg Child Welfare Society said that when an infant had only one white parent, reclassification included an interview at the Department of Home Affairs to check the child's physical appearance.¹⁵

Mr Hermanus Kriel MP (NP) said in Parliament in September that the government should reconsider racial classification. He suggested that provision should be made for people who did not want to be allocated to a particular race category. Such people should be able to apply for classification as members of an 'open group'. They would be accommodated on a common voters' roll, and be permitted to live in free settlement areas, as provided in the amendments to the Group Areas Act (see chapter on *Housing*). In October both the minister of constitutional development and planning, Mr Chris Heunis, and the minister of information, broadcasting services and the film industry, Mr Stoffel van der Merwe, expressed their views that the definition of race groups needed to be made more flexible. A small minority of NP MPs were said to believe that the creation of an 'open group' would be the first step towards the abandonment of the concept of race groups. However, the majority in the party were said still to be committed to the 'group' concept.¹⁶

'Mixed marriages'

Although the Prohibition of Mixed Marriages Act of 1949 was repealed in June 1985, thus legalising marriages between whites and blacks, 'mixed couples' continued to encounter problems because of the Group Areas Act of 1966 (see *Group Areas Act Enforcement* below).

In June the Central Statistical Service reported that 1 393 marriages between people of different races had taken place in 1987. This constituted 2,1% of all marriages in that year.¹⁷

Citizenship

The minister of home affairs, Mr Stoffel Botha, said in reply to a question in Parliament in March 1988 that approximately 423 600 whites living in South Africa had not taken out South African citizenship, and that they were citizens of the following countries:¹⁸

*Whites with foreign citizenship living
in South Africa: 1988*

<i>Origin</i>	<i>Number of citizens</i>
Zimbabwe	33 750
Other African countries	18 540
Greece	7 720
Italy	12 970
Netherlands	17 410
Portugal	42 510
United Kingdom	115 560
West Germany	24 960
Other European countries	128 810
United States	4 880
Other American countries	3 920
Australia	4 300
Other countries in Oceania	1 480
Asia	5 950
Unknown	840
Total	423 600

Deportations

The minister of home affairs, Mr Stoffel Botha, said in Parliament in March that during 1987, 37 491 people (whose race was not specified) had been deported to other countries, in terms of the Admission of Persons to the Republic Regulation Act of 1972. The table overleaf, *Deportations during 1987*, gives the breakdown according to the country to which people were deported in terms of (a) sections 43 and 45 of the act (ie for criminal offences or because the minister of home affairs deemed deportation to be 'in the public interest'), and (b) section 16 of the act (which prevented the entry of 'prohibited persons').¹⁹

In reply to a question in Parliament from Mrs Helen Suzman MP (Progressive Federal Party), Mr Botha said that in 1987, 129 African workers were granted exemption from repatriation on the grounds of 'long service' in employment in South Africa. This figure comprised five people from Botswana, 32 from Lesotho, 49 from Mozambique, 16 from Swaziland, and 27 from Zimbabwe.²⁰

The minister of law and order, Mr Adriaan Vlok, said in Parliament in March that 3 456 people had been arrested by police in 1987 for

contravening the Aliens Act of 1937. During the same period 32 employers were convicted under the Aliens Act and the Admission of Persons to the Republic Regulation Act for illegally employing aliens. The penalties imposed had ranged from fines of R150 to R2 000, to two years' imprisonment suspended for five years.²¹

In the same month Mr Vlok said that as at 10 February 2 658 persons were being held at police stations in South Africa on suspicion of being illegal immigrants. During 1987 a total of 12 164 people (mostly Mozambicans) had been detained at police stations in the Nelspruit district (eastern Transvaal) on suspicion of being illegal immigrants. Of this number 706 had been in possession of South African identity documents.²²

Deportations during 1987

<i>Destination</i>	<i>Sections 43 and 45</i>	<i>Section 16</i>
Botswana	2	2 669
Gambia	—	1
Germany	2	—
Lesotho	33	3 308
Malawi	—	99
Mozambique	10	26 870
Portugal	2	—
Swaziland	3	1 349
Tanzania	—	1
United Kingdom	9	—
Zaire	—	1
Zambia	—	1
Zimbabwe	7	3 124
Total	68	37 423

In October it was reported that the greater Durban area had become a haven for illegal immigrants. The police public relations officer for Port Natal, Lieutenant Bala Naidoo, admitted that the police were faced with a 'king-size' problem. A special police task force was established in Durban to deal with the issue. Lt Naidoo believed that it was relatively easy for illegal immigrants to get jobs as they were regarded by some employers as eager, industrious and willing to work for low wages. The largest number were refugees from Mozambique, but it was claimed that some were Asians who had left Sri Lanka and Pakistan by stowing away on ships. The total number of illegal immigrants in the Durban area was believed to be close to 100 000.²³

In November 1988 a spokesman for the Department of Home Affairs said that so far that year more than 28 000 people had been repatriated. Approximately 20 000 people had been repatriated to Mozambique, and 2 000 people to Lesotho and Zimbabwe. Repatriations to Botswana, Ghana, Malawi, Swaziland and Tanzania had also taken place.²⁴

Immigration and emigration

The Central Statistical Service (CSS) provided the following statistics for the number of people immigrating to, and emigrating from, South Africa, and the net gain or loss for the period 1960 to 1987:²⁸

Immigration and emigration: 1960-1987

	<i>Year immigrants</i>	<i>Number of emigrants</i>	<i>Number of Net gain/loss</i>
1960 ^a	9 805	12 705	- 2 900
1961 ^a	16 373	15 046	1 327
1962	20 972	9 162	11 810
1963	38 013	7 272	30 741
1964	40 896	8 293	32 603
1965	38 337	9 479	28 858
1966	48 051	10 289	37 762
1967	38 937	11 289	27 648
1968	40 548	10 945	29 603
1969	41 446	9 313	32 133
1970	41 523	9 278	32 245
1971	35 845	8 407	27 438
1972	32 776	7 884	24 892
1973	24 016	6 401	17 615
1974	35 910	7 428	28 482
1975	50 464	10 255	40 209
1976	46 239	15 641	30 598
1977 ^b	24 822	26 000	- 1 178
1978 ^b	18 669	20 686	- 2 017
1979	18 680	15 694	2 986
1980	29 365	11 363	18 002
1981	41 542	8 791	32 751
1982	45 784	6 832	38 952
1983	30 483	8 247	22 236
1984	28 793	8 550	20 243
1985	17 284	11 401	5 883
1986 ^c	6 994	13 711	- 6 717
1987 ^c	7 953	11 174	- 3 221

a In March 1960 police shot dead 69 Africans at Sharpeville (southern Transvaal).

b Between June 1976 and August 1977 violence which began in Soweto and spread throughout South Africa resulted in the deaths of over 700 people.

c Disturbances in 1984 and 1985 led to the imposition of successive states of emergency, the first of which was declared in July 1985.

The CSS said that the number of emigrants from South Africa in the first half of 1988 was lower than during the same period in 1987 (4 452 compared to 6 466), and the number of immigrants was substantially higher (5 646 compared to 2 423). This meant a net gain of 594 people in the first six months of 1988, compared to a net loss of 3 289 people in the corresponding period in 1987.²⁶

A Market Research Africa survey conducted in August 1987 found that more than 160 000 urban white South African adults saw themselves emigrating to other countries within the next five years. Of the total number of potential emigrants, 25 000 people saw themselves living in other African countries, while 139 000 believed that they would emigrate to other continents. The survey found that the possibility of emigration was related to home language, household income and age. Those most likely to leave the country were English-speaking whites in the age group 16 to 24 years who were earning a higher income. The proportion of people in the various provinces wishing to leave varied from 2% of the respondents in the Orange Free State to 11% of the respondents in Natal.²⁷

The National Manpower Commission (NMC) warned in August that the exodus of skilled manpower through emigration was threatening South Africa's economic growth. The traditional pattern of immigration, which had been relied on to fill between 25% and 40% of new jobs in high-level and middle-level management, had 'collapsed'. Although the number of emigrants had dropped, a higher proportion of their numbers were professional people, and few of the immigrants in recent years were professionals (see chapter on *Labour*). The managing director of PE Corporate Services, Mr Martin Wescott, said that 'one of the worst tragedies' had been the loss of new university graduates, who were potentially the next generation of managers and professionals. The NMC predicted that the shortage in South Africa of people with university degrees or diplomas would rise to 228 000 by the year 2000. By that year the shortage of managers and entrepreneurs would increase to 103 000 and 442 000 professional and technical posts would be unfilled, if present trends continued. (These figures included estimates for the training of black managerial staff, based on present trends.)²⁸

URBANISATION

Statistics

In February the minister of the budget and welfare in the House of Assembly, Dr Dawie de Villiers, provided the latest Human Sciences Research Council (HSRC) estimates for the urban African population (excluding the 'independent' homelands). According to the HSRC, the urban African population was 7,6m in 1980. It would rise to 15,5m in 1990, and to 26,2m in the year 2000. Dr De Villiers said that the HSRC believed that some 60% of the increase in the urban African population

in recent years had been owing to natural population increase rather than a result of migration.²⁹

In October a senior planner for the Urban Foundation, Mr Mike Morkel, provided the following figures for the African population of the major metropolitan areas in 1987, the projected population in the year 2000 and the absolute growth rate for each area for the period 1987 to 2000:³⁰

*African population of major metropolitan areas:
1987 and 2000*

<i>Metropolitan area</i>	<i>1987</i>	<i>2000</i>	<i>Absolute growth rate</i>
Bloemfontein	200 000	333 015	4,0%
Cape Town	422 400	857 738	5,6%
Durban	2 558 171	4 102 545	3,7%
East London	308 431	507 178	3,9%
Kimberley	89 135	144 748	3,8%
Orange Free State Goldfields	115 131	219 268	5,1%
Pietermaritzburg	300 000	481 111	3,7%
Port Elizabeth/Uitenhage	512 051	977 833	4,4%
Pretoria/Witwatersrand/ Vereeniging	4 851 933	7 978 419	3,9%
Total	9 076 602	15 599 855	4,1%

Legislation

Slums Bill

The Slums Bill, which sought to amend the Slums Act of 1979, was introduced in Parliament in June 1988, and two further drafts were published in September. The final draft sought to give local authorities greater powers to control slums and in particular to act against property owners who were allegedly responsible for 'slum' conditions. The bill would empower local authorities to investigate and serve notice on the owner of premises where any nuisance ('slum' conditions) existed, and direct him to remedy such a nuisance within 60 days. Any owner who failed to remove a nuisance after being given notice to do so, would be guilty of an offence and on conviction liable to a fine of R4 000 or one year's imprisonment. The bill would also provide a mechanism whereby the local authority could remove the nuisance if the property owner failed to do so, recover the costs of such action from the owner, and, failing recovery of costs, take possession of the property and sell it in redemption of costs.³¹

The bill also sought to allow local authorities to limit the number of people on any premises and to set health standards for buildings. Furthermore, if, in the opinion of the minister of public works and land affairs, a local authority failed to exercise functions assigned to it, the minister would be empowered to act in the stead of the local authority.³²

The bill was criticised by a number of organisations, including the Transvaal Rural Action Committee (TRAC), which said that it failed to acknowledge the importance of 'slums' in providing affordable accommodation. TRAC said, 'households presently housed in "slum" conditions frequently have little option but to accept that which is considered to be substandard based on First World criteria. Needless to say, given affordable alternatives, no family is likely to choose to live in such circumstances.' It pointed out that in countries such as Kenya, the Philippines and Colombia the authorities had tried to 'improve and upgrade so-called slums as opposed to the old policies of slum clearance and demolition'. TRAC suggested that it was 'shortsighted' in view of the housing shortage to pass legislation which would enable the destruction of valuable housing stock.³³

At the end of 1988 the bill, which evoked criticism from several quarters, was still under consideration by a parliamentary standing committee. The coloured and Indian chambers indicated that they would reject it.

Policy

Major developments in the government's urbanisation policy during the period under review were:

- the announcement in March of a five-year programme, in which R1,1bn would be spent on the upgrading of 18 African townships and the creation of a further 17 townships in Natal and KwaZulu (see chapter on *Housing*);
- the allocation of 13 000 hectares of land in the Pretoria/Witwatersrand/Vereeniging area for African housing and urban development (see chapter on *Housing*);
- the allocation in September of R127m over two years by the Western Cape Regional Services Council to 142 upgrading projects in the western Cape;
- the enactment of the Free Settlement Areas Bill to provide for racially mixed residential areas (see chapter on *Housing*);
- an amendment in November to the Prevention of Illegal Squatting Act of 1951 to prevent 'disorderly squatting' and to facilitate the development of controlled settlements (see *Informal Settlements* below); and
- the release in December by the Department of Development Planning of a guide plan for the western Cape until the year 2010. The plan was noteworthy in that it did not specify the racial designation of new areas. It allowed for a more compact urban structure and for higher population densities.

The minister of the budget and of works in the House of Assembly, Mr Kent Durr, said in August that urbanisation was not a threat to South

Africa, but a great opportunity. He believed that there was 'room for innovation' in dealing with informal settlements, and that opportunities should be created for people to live 'informally but with security of tenure'. He pointed out that not everyone who settled informally or squatted in an urban area did so because they could not afford better, but in many cases because land or housing was unavailable.³⁴

The deputy minister of constitutional development and planning, Mr Roelf Meyer, said in Parliament in August that since January 1986, when the government's orderly urbanisation programme was first implemented, 32 000 hectares of land had been designated and proclaimed for African urbanisation, a further 10 500 hectares had been identified for future urbanisation and 18 000 hectares were still under consideration. He maintained that urbanisation should be used to raise the general standard of living and to improve the quality of life of all races. Mr Meyer believed that urbanisation was inevitable, since there was no way to prevent it except through violence.³⁵

In June Mr Casper Uys MP (Conservative Party) claimed that the government's policy of orderly urbanisation had resulted, as the CP had predicted, in 'disorderly squatting'. He emphasised that the CP would reinstate influx control of Africans if it came into power.³⁶ In December it was reported that municipal authorities controlled by the CP were considering reintroducing curfews for Africans.³⁷

In October urbanisation and housing officials from Pretoria, Bophuthatswana, the Ciskei, the Transkei and Venda met in Pretoria to discuss urbanisation issues. The meeting was seen as important in developing a regional urbanisation strategy, so that problems could be addressed within a coherent policy framework.³⁸

Comment

Delivering the Bertha Solomon memorial lecture in Johannesburg in May, the urbanisation policy director of the Urban Foundation, Ms Ann Bernstein, suggested that the government's approach to urbanisation was still based on apartheid principles. She believed that the effect of apartheid had been not to prevent urbanisation, but to 'distort its form, influence its location and disguise its magnitude'. Ms Bernstein said that the government still had the following 'misguided' beliefs: that urban development should be racially segregated, that the economy should be decentralised, that informal settlements should be discouraged and that existing metropolitan areas were too big.³⁹

Ms Bernstein believed that a successful South African urbanisation strategy required the following:

- freedom of movement for all South Africans, including citizens of the 'independent' homelands;
- full and equal participation by all South Africans at all levels of decision making;
- acceptance of the expansion of metropolitan areas, as deflecting urbanisation to other areas was very costly;

- incorporation of the poor (especially those in informal settlements) into the urban system; and
- a focusing on the provision of housing and services.

The director of the centre for policy studies at the University of the Witwatersrand, Professor Lawrence Schlemmer, suggested in June that as one measure towards the provision of land for urban settlement, private farms and smallholdings should be used for legal, controlled squatting. He pointed out that there were already many white landowners in peri-urban areas who accommodated African squatters, and they should be seen as a solution rather than a problem, provided that suitable controls and basic minimum services were provided.⁴⁰

In July the director of the Institute for Socio-Economic Research at the University of the Orange Free State, Professor Willem Vrey, said that the decline of socio-economic activities on the platteland was 'snowballing' as Africans migrated from farms to small towns. He said that the consequence was a shortage of farm labour and a high rate of unemployment and poverty among African communities in small towns. He believed that the next phase in the urbanisation process would be accelerated African migration to the cities. There would be pressure on the metropolitan areas to provide housing and employment, and infrastructure in the small towns would 'stand unused'. Professor Vrey maintained that development of rural communities was crucial to ensure orderly urbanisation.⁴¹

Some of the proposed amendments to the Group Areas Act of 1966 and the Prevention of Illegal Squatting Act of 1951 (see *Informal settlements* and *Group Areas Act enforcement* below) received widespread criticism as preventing effective urbanisation. The director of the Urban Problems Research Unit of the University of Cape Town, Professor David Dewar, said in August, 'If we cannot create a climate which encourages people to take control of their environments and futures, the task of creating a positive urban society will prove insurmountable. The effect of the proposed bills will be to do exactly the opposite.'⁴²

Other proposed amendments, including those that would facilitate self-help housing and establish lawful racially mixed areas, were welcomed.

Repatriation

In March the minister of home affairs, Mr Stoffel Botha, gave the figures shown in the table opposite, '*Repatriations of Africans to the 'independent' homelands*', for Africans who had been 'repatriated' to the 'independent' homelands during 1987 in terms of section 43 of the Admission of Persons to the Republic Regulation Act of 1972.⁴³

In the same month the minister of constitutional development and planning, Mr Chris Heunis, said that in 1987 the government had moved 269 Africans from urban areas within white-designated South Africa to

the 'independent' and non-independent homelands. All the removals were from towns in the Transvaal, and Mr Heunis said that they had all taken place 'at the request of the person being moved'.⁴⁴

*'Repatriations' of Africans to the
'independent' homelands: 1987*

Bophuthatswana	5
Ciskei	7
Transkei	73
Venda	2
<hr/> Total <hr/>	<hr/> 87 <hr/>

Citizenship

In March the minister of home affairs, Mr Stoffel Botha, said that a total of 22 006 out of 22 058 applications by citizens of the 'independent' homelands for South African citizenship had been approved by 31 December 1988.⁴⁵

In June it was announced that the Transkei Military Council was to apply to the South African government for South African citizenship for all Transkeian citizens. The chairman of the council, Major General Bantu Holomisa, said that the application was intended to help work-seekers, but that it would be of benefit to everyone. Under present South African legislation, citizens of the Transkei, Bophuthatswana, Venda and the Ciskei (TBVC) living in 'South Africa' are eligible to apply on an individual basis to regain their South African citizenship, but this right does not extend to TBVC citizens living in the homelands.⁴⁶ At the time of writing no other homeland administration had applied for dual citizenship for its citizens.

Informal settlers

During the period under review, increasing public attention was focused on the very large numbers of black people living in informal circumstances around South Africa's urban areas and elsewhere.

Statistics

Different sources provided widely varying estimates of the total number of informal settlers (often known as squatters) in South Africa. All the figures given below exclude the Orange Free State and the 'independent' homelands. The minister of constitutional development and planning, Mr Chris Heunis, and the Urban Foundation provided the following figures for informal settlers in 1987:⁴⁷

Informal settlers: 1987

	<i>Department of Constitutional Development and Planning</i>	<i>Urban Foundation</i>
Durban/Pinetown	3 353	1 700 000
Eastern Cape	11 560	200 000
KwaNdebele	N/A	350 000
PWV area*	914 101	1 600 000 – 2 400 000
Western Cape	6 784	400 000
Winterveld (Bophuthatswana)	N/A	600 000
Total		4 850 000 – 5 650 000

N/A - not available

a Pretoria/Witwatersrand/Vereeniging

The chairman of the Central Witwatersrand Regional Services Council (RSC), Mr Gerrit Bornman, said in May that there were 250 000 informal settlers living in 44 000 structures in the central Witwatersrand. These included 2 650 structures in Alexandra, 81 in Johannesburg, 1 796 in Lenasia and surrounding areas, 21 in Randburg, 98 in Sandton and 40 000 in greater Soweto.⁴⁸

In August the mayor of Durban, Mr Henry Klotz, said that nearly half the people in the greater Durban area were living in shacks or informal housing. He said that such housing varied from backyard rooms and garages, through houses of mud or plywood, to car wrecks and plastic bags. Mr Klotz believed that the number of shacks in the area would double within 12 years.⁴⁹

In September the deputy minister of constitutional development and planning, Mr Roelf Meyer, said that the government did not know the extent of the country's 'squatter problem', as it was 'extremely difficult to determine numbers'. However, he claimed that there had been a 'positive decline' in the number of informal settlers in the previous six months.⁵⁰

Legislation

Prevention of Illegal Squatting Amendment Act

Although the House of Assembly passed the Prevention of Illegal Squatting Amendment Bill in September 1988, the houses of Representatives and Delegates decided to delay voting on the bill until November, in order to register their strong rejection of the proposed legislation (see *Group Areas Act Enforcement* below). The amending legislation was then submitted to the President's Council, which approved it in November.⁵¹ It was signed by the state president, Mr P W Botha, on 8 February 1989.

The memorandum attached to the bill said that it sought to bring the principal act into line with present needs and make it more effective in combating disorderly and illegal 'squatting', as well as providing for the development of informal but controlled settlement of homeless people. The amendment act contained the following provisions:⁵²

- the prohibition of illegal 'squatting' was extended to include the occupation of unauthorised buildings, structures and land without the owner's permission;
- people accused of 'squatting' would be presumed guilty until they had proved their innocence;
- the maximum penalty on a conviction of illegal 'squatting' was increased from a fine of R1 000 or six months' imprisonment to a fine of R2 000 or 12 months' imprisonment;
- the courts would be compelled to order the eviction of illegal 'squatters' and the demolition of their homes (where previously they could exercise their discretion);
- the maximum penalty for an owner or lessee of land who was convicted of permitting illegal 'squatting' was increased from a fine of R2 000 or 12 months' imprisonment to a fine of R12 000 or five years' imprisonment;
- 'squatters' would not be able to use the fact that they were granted permission by the owner of the land to live in an area as a defence in legal proceedings;
- local authorities were empowered to monitor and act against 'squatting'. If a local authority failed to take action, the relevant provincial administrator could do so;
- outside local authority areas (ie in rural areas) committees would be established which would have the power to decide that people were 'squatting' and to evict them;
- the provincial administrators were empowered to expropriate land for residential development to house 'squatters';
- vacant land or land occupied by 'squatters' could be declared a transit camp or temporary transit camp if the owner allowed it to be used for 'squatting'. The owner would then not be entitled to compensation; and
- informal towns could be established, in which the regulations usually governing the establishment of towns would temporarily not apply. These settlements could later be converted into formal towns.

Comment

The South African Institute of Race Relations reported that National Party MPs had argued that the bill was not meant to be punitive. It was, they said, a two-pronged attack on the 'rapid unorderly urbanisation' which, the government believed, had developed since the pass laws were repealed. They argued that the government had accepted the inevitability of squatting and that the bill would allow it to provide more areas for legal squatting. But it was also determined to control its spread; hence the new controls envisaged.⁵³

The proposed law reflects the contradictory nature of government policy on informal settlements; it would tighten control over squatting significantly, but also provide for the establishment of informal towns to

accommodate squatters. This suggests that the government has accepted the inevitability of squatting, but is seeking far stricter control over it,' the Institute said in a comment on the bill.⁵⁴

In a submission to the parliamentary standing committee examining the bill, the Institute said that the proposed legislation could 'promote conflict and so pose a greater threat to urban stability than squatting itself supposedly does'. The Institute said that informal settlers evicted from their shacks under the punitive provisions of the new laws would not leave the cities, but would simply build new shacks. It pointed out that this was not the first attempt to control 'squatting' by the use of punitive measures and 'previous attempts had failed'.⁵⁵

Introducing the bill in the House of Assembly in August, Mr Meyer said that 'squatter farming' (the renting of land at high rates to informal settlers so that they could erect shacks) would be eliminated by the new legislation. He said that previously land owners had not needed permission to erect structures outside municipal areas, and the result had been 'squatter farming'. The bill proposed stiff penalties for land owners who permitted 'illegal squatting' and it would make it more difficult for them to exploit informal settlers.⁵⁶

Mr Meyer argued that from an urbanisation viewpoint, the provision in the bill for the designation of land on which informal settlers could settle permanently was an important development. 'In order to facilitate and speed up the development of [informal settlement] areas the ordinary laws with regard to township establishment and other relevant legislation will not be applicable here. The provision is comprehensive enough to make provision for the upgrading of existing informal settlements. In the process of upgrading the provincial administration or local authorities can provide essential services.'⁵⁷

Speaking in September during the joint parliamentary debate on the bill, Mr Meyer said that 'squatting' occurred because the development of towns and provision of services had not kept pace with the urgent needs of population growth and the migration of people. He described the bill as part of a 'comprehensive approach' to informal settlers, which included the provision of African housing and infrastructure. The bill aimed to 'prevent an unmanageable situation from developing' and to ensure the 'maintenance of order'. Mr Meyer denied accusations that the proposed legislation was 'heartless'.⁵⁸

Mr Carter Ebrahim MP (Labour Party) said in the debate that he believed the bill would prevent the large-scale exploitation of informal settlers. He said that it gave attention to the rights of property owners, in that it would reduce illegal squatting to a minimum. He also praised the legislation for providing for 'transit areas', in which informal settlers could settle and which could be developed and upgraded into townships. He felt that the bill would improve the health of informal settlers, because it provided for the delivery of basic services such as potable water and waste removal.⁵⁹

Replying to Mr Meyer, Mrs Helen Suzman MP (Progressive Federal Party) maintained that the bill imposed 'harsh penalties on people who

have committed the offence of illegal squatting, although they have no way of avoiding this because of the government's failure over four decades to provide adequate land for the inevitable process of black urbanisation...and also because of the government's failure to house the [African] urban poor'. She said she believed that 'the harsh penalties on squatters will exacerbate the inherent problems of poverty that squatters have to contend with, since this will destroy any ability of the breadwinner to provide for his family'. Mrs Suzman also suggested that the provisions in the bill which applied to rural areas could result in the eviction of 'hundreds of thousands and possibly millions' of people. The bill would make it easier for the government to enforce removals and resettlement, she said. In Mrs Suzman's view, even the more positive aspects of the bill, ie the provision for transit areas and 'squatter settlements', were 'reduced' because no financial arrangements were made for such developments and no implementing agency with access to subsidised funds was established.⁶⁰

There was some recognition of the positive aspects of the bill. The Urban Foundation said, 'The provisions to authorise and enable informal settlements are an indication of positive intent on the part of the government... They represent the seeds from which an appropriate policy and legal framework could be built to enable authorised informal settlement to occur.' However, the foundation added, 'There is little in this bill that will facilitate a dynamic process of informal housing delivery... In particular the bill does not provide for an institutional mechanism to ensure that land is set aside for informal settlement, that finance is made available for such settlement and that informal housing programmes on a suitable scale are instituted timeously.'⁶¹

In June the executive chairman of the foundation, Mr Jan Steyn, urged the government to suspend implementation of the draft bill. He maintained that the effect of the legislation would be to introduce a 'pattern of authoritarian state intervention which would effectively oust the jurisdiction of the courts'. Mr Steyn said that action would be taken against people who had 'no alternative' to living in informal settlements.⁶²

In the same month, in a memorandum, the Urban Foundation and seven other private sector organisations offered their experience in African housing development to the government if it would reconsider the legislation. The other organisations were the Association of Chambers of Commerce and Industry of South Africa, the Chamber of Mines of South Africa, the National African Federated Chamber of Commerce and Industry, the National Institute of Home Builders, the South African Federated Chamber of Industries, the South African Institute of Architects and the South African Institute of Civil Engineers.⁶³

The memorandum urged the government not to penalise informal settlers, but rather to recognise the importance of informal settlements in relieving the housing shortage. This could be done by legalising informal housing in an Informal Housing Act, which should also allow for government provision of bulk infrastructure, land and housing funds for informal settlers. The envisaged act should provide for public sector

action, an implementing agency, a flexible legal framework and a housing tribunal. The memorandum warned that if such a policy was not adopted, invasion of land by informal settlers was unavoidable. If passed, the bill would threaten about 10m Africans living in informal settlements and overcrowded townships.⁶⁴

The Association of Law Societies warned that the Prevention of Illegal Squatting Amendment Bill would allow local authorities to 'take the law into their own hands'. It said that the bill had 'merit in parts' but pleaded for a 'fresh start to the entire problem of squatting'.⁶⁵

Mr Geoff Budlender of the Legal Resources Centre in Johannesburg claimed that the bill was reminiscent of the emergency regulations in that it placed very wide powers in the hands of administrators, it introduced wide prohibitions with sweeping penalties and it was a 'systematic attempt to exclude control through the courts'. He said that African farmworkers could become migrant workers in terms of the bill and the dependents of such workers would no longer be able to live with them.⁶⁶

Major developments

In April it was announced that in terms of an amendment to the Black Local Authorities Act of 1982, African informal settlers would be eligible to vote in the countrywide municipal elections to be held in October 1988 (see chapter on *Government and Constitution*). The amendment provided for the franchise to be granted to any African informal settler who had been living in an area under the jurisdiction of an African local authority for three months or longer, or who had 'immovable assets' in the area. The president of the United Municipalities of South Africa, Mr Tom Boya, who had requested the government to give the vote to informal settlers, described the amendment as a 'victory' for people who had been considered 'temporary sojourners' in the cities.⁶⁷

In May Mr Rupert Lorimer MP (PFP) said that African children in informal settlements made up a major proportion of the estimated 1m children in South Africa who did not attend school. He maintained that a 'whole generation' of such children was growing up in 'grinding poverty' and that if they were not educated, serious problems would ensue. Mr Lorimer urged the Department of Education and Training to identify the number of informal settlers' children and to include them in its planning.⁶⁸

In December the first formal school to be built in an informal settlement was opened. The lower primary school, at Lindelani some 20km north of Durban, was built with financial assistance from the Urban Foundation. It was intended to serve a community of 125 000 people which had previously had no formal schools.⁶⁹

The Department of Development Planning announced in June that 13 000ha of land would be added to African townships on the Witwatersrand, and that the new areas would include site-and-service schemes for 'controlled squatting'. Mrs Suzman said in response to the announcement that she was pleased that site-and-service schemes were included in the plans, but that she feared that they would be 'far from adequate'.

Mrs Suzman maintained that most of the development would be done by the private sector, which meant that the schemes would be too expensive for 80% of Africans.⁷⁰

In September representatives elected by a number of informal settlements throughout South Africa met in Johannesburg to discuss the Prevention of Illegal Squatting Amendment Bill (see above). The delegates, who constituted themselves as the Isolomzi Peoples' Union, decided to negotiate housing finance with major financial institutions and to publish a monthly newsletter about squatter issues. Later in the month, a delegation of the union met Mr Heunis to voice its opposition to the bill. The delegation also demanded the release of more land for informal housing and the conversion of emergency camps into proper dwelling sites.⁷¹

In December the South African Agricultural Union (SAAU) issued guidelines to its members on ways to deal with the 'squatter problem'. A spokesman for the SAAU claimed that informal settlers were a serious problem on farms, and said that the guidelines were a preliminary measure until the Prevention of Illegal Squatting Amendment Bill was passed. Some observers criticised the guidelines, saying that they would encourage farmers to remove informal settlers, and thus increase homelessness.⁷²

Action planned or taken against informal settlers

Although, according to the Urban Foundation, there were between 4,9m and 5,7m informal settlers in South Africa in 1987, it appeared from press reports that only a small number were subject to removal or planned removal by the authorities. In some cases evictions were prevented by the courts. The table on the following two pages, *Action planned or taken against informal settlers*, lists some of the cases reported.⁷³

REMOVALS

African removals

Statistics

In March 1988 the minister of education and development aid, Dr Gerrit Viljoen, said in the House of Assembly that during 1987 the Department of Development Aid had moved 1 828 African families within South Africa (including all ten homelands). Some 178 families had been moved from Bethanie (Bophuthatswana) to Onderstepoort (western Transvaal), 115 from Driefontein to Roodekraal (both in southern Transvaal), 468 from Frankfort to Stanhope (both in the Ciskei), 243 from the Inanda Dam area (Natal) to other parts of Natal and KwaZulu, 121 from Kwaggafontein to Verena (both in KwaNdebele), 69 from Moutse (KwaNdebele) to Elandsdraal (northern Transvaal), 208 from Oukasie to Lethlabile (both in the central Transvaal), and 426 from Varkfontein to Daveyton (both on the east Rand).⁷⁴

Action planned or taken against informal settlers: 1988

<i>Settlement</i>	<i>Nearest town</i>	<i>Population</i>	<i>Month</i>	<i>Action taken or planned</i>
CAPE PROVINCE :				
EASTERN CAPE				
Bersheba	Port Elizabeth	7 893	February	Government to remove settlement.
Bethelsdorp	Port Elizabeth	unknown	April	Supreme Court upheld right to remain.
Masagwanaville	Port Elizabeth	120 families	June	Shacks demolished.
Morgens Bay	East London	unknown	July	Government to remove settlement.
Parsonsvlei	Port Elizabeth	71 families	October	To be moved to Bethelsdorp.
Red Location	Port Elizabeth	90 families	March	Shacks demolished.
Soweto-by-the-Sea	Port Elizabeth	60 families	December	Moved to transit camp.
WESTERN CAPE				
Brown's Farm	Cape Town	1 000	April	Refused access to water and sewerage by Cape Provincial Administration.
Disa River	Cape Town	15 families	January	Served with eviction notices.
Fish Hoek	Cape Town	17 families	February	Served with eviction notices.
Langa	Cape Town	51 families	July	Moved to Khayelitsha.
Sun City	Somerset West	200	November	Supreme Court interdict prevented demolition of settlement.
ORANGE FREE STATE				
Kodeneck	Bloemfontein	40 families	July	Ordered to move.
TRANSKEI				
Kayelitsha	Butterworth	28	June	Removed by police and army personnel.

Action planned or taken against informal settlers: 1988 (continued)

<i>Settlement</i>	<i>Nearest town</i>	<i>Population</i>	<i>Month</i>	<i>Action taken or planned</i>
NATAL				
Clare Estate	Durban	106 families	October	Evicted.
Crossmoor	Durban	40 families	June	Shacks demolished.
Emantshwareni	Pietermaritzburg	200 families	December	Served with eviction notices.
Emzomusha	Durban	3 000	August	Shacks demolished and burnt.
Inanda	Durban	1 000	August	Supreme Court interdict prevented eviction by African chiefs.
Love Zone	Durban	3 000	August	Shacks demolished.
Newlands East	Durban	100 families	April	Shacks demolished.
Rietvlei	Vryheid	450	September	Shacks demolished.
Weenen	Colenso	100 families	March	Evicted.
TRANSVAAL				
Alexandra	Johannesburg	70	April	Shacks demolished.
Alexandra	Johannesburg	30 families	June	Evicted from single men's hostel.
Bekkersdal	Westonaria	19 families	January	Evicted from houses they had occupied.
Dukathole	Springs	unknown	August	Shacks demolished.
Etwatwa East	Benoni	84	November	Shacks demolished.
Evaton	Vanderbijlpark	20 families	August	Shacks demolished.
Honeydew	Johannesburg	30	September	Charged with trespassing.
Leratong	Roodepoort	20 families	August	Shacks demolished.
Macdonald's Farm	Soweto	250 families	January	Moved to emergency camp.
Mdlaloseville	Soweto	8 families	February	Shacks demolished.
Mshenguville	Soweto	1 000	February	Moved to Naledi informal settlement.
Mzimhlophe	Soweto	12	May	Shacks demolished.
Rockville	Soweto	65 families	January	Shacks demolished.
Vlakfontein	Vereeniging	107	April	Trespass charges dismissed by magistrate's court.

The minister of constitutional development and planning, Mr Chris Heunis, said in Parliament in June that the Department of Development Planning had resettled a further 47 617 people in South Africa (excluding all ten homelands) during 1987. This figure included informal settlers.

According to Mr Heunis, no Africans had been resettled in Natal and the Orange Free State. In the eastern Cape, 46 665 Africans had been moved to Motherwell (Port Elizabeth): 169 from Colchester, 280 from Ericadens, 111 from Fitches, about 46 000 from Kabah/Langa and Despatch, seven from Rocklands and 98 from Threescombe. In the western Cape 517 Africans had been moved from Noordhoek to Khayelitsha (Cape Town). In the Transvaal, 435 Africans had been moved from Varkfontein to Etwatwa (east Rand). Mr Heunis claimed that in every case the reason for the removals had been 'perilous living conditions with the consequent health risk'.⁷⁶ Earlier in 1988 Mr Heunis had said that no 'black spots' in South Africa were removed during 1987.⁷⁶

Policy

The minister of constitutional development and planning, Mr Chris Heunis, said in January that forced removals were still part of government policy, although he said that they would not be carried out for 'political reasons'. Mr Heunis denied that the government had previously said that there would be no more forced removals.⁷⁷

The Association for Rural Advancement (AFRA), an organisation in Pietermaritzburg which assists communities threatened with removal, said in November that the process of relocation was now more subtle than before. It maintained that, 'of late, there are none of the familiar state actions that have characterised the brutal forced removals of the past; no police, arrests, detentions, bulldozers and home demolitions that aroused such condemnation from the international community'. Instead, AFRA claimed, removals were achieved through the manipulation of community resources, including neglect of the water supply, roads, schools, clinics and other services in the area from which people were to be removed, and a commitment to provision of resources in the proposed resettlement area. AFRA described this policy as a 'carrot-and-stick strategy'.⁷⁸

Planned removals

In September, in reply to a question in Parliament, Mr Heunis said that the government planned to move more than 248 000 Africans in 60 communities throughout South Africa (excluding all ten homelands), at a total cost of over R450m. The removals were planned to take place between 1988 and 1995. The planned relocations, which included several informal settlements, are shown in the table, *Planned African removals: September 1988*, on pages 172-173, following.⁷⁹

In November the National Committee Against Removals (NCAR) disputed Mr Heunis's figures, saying that as many as 3m Africans faced the prospect of removal for political reasons. Of the NCAR's total esti-

mate, 500 000 were people who, it claimed, expected their land to be ex-cised from 'South Africa' and incorporated into the homelands. A further 1m labourers and tenants on farms in Natal and the Orange Free State were threatened with eviction. The NCAR figure also included about 1,2m informal settlers in urban and peri-urban areas in the eastern and western Cape, the greater Durban area and on the Witwatersrand who faced removal in terms of the Prevention of Illegal Squatting Amendment Act (see *Informal settlements* above).⁸⁰

Major developments

Residents of the African township (known as Old Township) at Cathcart (eastern Cape) complained in January 1988 that the white and African local authorities were pressurising them to move to Katikati, a new township 10km away. According to the Grahamstown Rural Committee (GRC), a group opposing removals, the residents numbered some 8 000 people. The Katikati Town Council had withdrawn nearly all services to the Old Township, the school (which had been burnt down during disturbances in 1985) had not been rebuilt, and no community centre or sports fields had been provided. The council also threatened the residents with demolition of their houses by bulldozer if they did not move willingly. A council spokesman maintained that 'improved' housing would be available in Katikati, and that there was no land available for extension of the Old Township. The GRC disputed this view, claiming that land adjacent to the Old Township could be used for expansion. It also pointed out that the cost of housing in Katikati was more than three times what residents were presently paying, and that they would also have to pay additional costs for transport to places of employment.⁸¹

In February Mrs Nomakula Pupa, a resident of the Old Township, applied to the Eastern Cape Division of the Supreme Court in Grahamstown for a spoliation order against the Katikati Town Council for demolishing her house. It was argued that the council was not the owner of the land on which Mrs Pupa had been living, and that it had acknowledged her lawful occupation of the house by accepting rent and service charges from her. The order was granted in the same month.⁸² It was also reported that the council had promised brick houses in Katikati to pensioners whose houses had been damaged in recent floods. Seven pensioners and their families had moved to Katikati, only to find themselves accommodated indefinitely in tents.

In September the township of Kleinskool (Port Elizabeth), which housed a mixed population of African and coloured people, was proclaimed a coloured Group Area. Consequently several hundred Africans were threatened with removal.⁸³

In October some 3 500 people in the farming community of Lesseyton (Queenstown) faced removal by the Department of Development Aid with resultant loss of title deeds to the land they occupied. The department claimed that the intended removal would 'facilitate infrastructure upgrading'.⁸⁴

Planned African removals: September 1988

<i>Area</i>	<i>Nearest town</i>	<i>Population to be moved</i>	<i>Cost of removal Rm</i>	<i>Resettlement area</i>
CAPE PROVINCE				
Aliwal North	Aliwal North	5 000	9,6	Aliwal North
Bloukrans	} Humansdorp	304	0,6	N/A
Eersterivier				
Humansdorp				
Tsitsikama				
Bloukamp	} Port Nolloth	290	N/A	N/A
Tent Town				
Cathcart	Cathcart	5 200	13,8	Katikati
Chatty River	Port Elizabeth	15 000	} 245,3	} Motherwell
Motherwell	Port Elizabeth	7 800		
New Brighton	Port Elizabeth	} 93 282		
Soweto-by-the-sea	Port Elizabeth			
Walmer	Port Elizabeth			
18 other areas	Port Elizabeth			
Concordia	} Knysna	2 690	N/A	New African township
Fechters				
Flensters				
Jood se kamp				
White Location	} Knysna	613	1,2	New African township
Willowmore				
Duncan Village	} East London	62 322	147,3	Reeston
Ziphunzana				
Elliot	Elliot	3 800	11,0	Masibambane
Hopetown coloured area	Hopetown	194 families	2,4	New African township
JCC Kamp	Mossel Bay	2 172	N/A	New African township

N/A: not available

Planned African removals: September 1988 (continued)

<i>Area</i>	<i>Nearest town</i>	<i>Population to be moved</i>	<i>Cost of removal Rm</i>	<i>Resettlement area</i>				
CAPE PROVINCE (contd)								
Kareedouw	Humansdorp	581	2,2	New African township				
Kinkelbos Nankos Noodkamp	Kenton-on-Sea	3 301	8,2	New African township				
Lawaaikamp					George	1 200	N/A	New African township
Loure Hankey district					Thornhill	423	0,9	New African township
Middelburg	Middelburg	3 250	0,5	N/A				
Multicamp	De Aar	472 families	6,4	Nonzwakazi				
Uitenhage district (farms)	Uitenhage	100	0,2	KwaNobuhle				
NATAL								
Ntombi's Camp	Ladysmith	2 976	0,1	Steadville Extension				
Umbulwane	Ladysmith	432						
ORANGE FREE STATE								
Luckhoff	Fauresmith	750	N/A	New African township				
Platberg	Ladybrand	1 632	N/A	Manyatseng				
Voëlpan	Allanridge	6 000	N/A	Nyakallong				
TRANSVAAL								
Koster	Rustenburg	2 700	0,7	Reagile				
Oukasie	Brits	5 563	2,5	Letlhabile				
Weiler's Farm	Vereeniging	9 468	0,4	Wildebessfontein				

N/A: not available

In April the Association for Rural Advancement (AFRA) announced that at least 1 500 African farm workers had been evicted from farms in northern Natal and the midlands during the previous 12 months, and that another 4 500 were threatened with removal. The evictions occurred mainly as a result of individual action by white farmers, and occurred for the following reasons: reductions in labour requirements owing to mechanisation and consolidation of farms, changes in land ownership, land disputes between labourers and farmers and the ending of labour tenancy contracts.⁸⁵

More than 2 700 people were under threat of removal from a cluster of 20 'labour farms' owned by absentee landlords in the Weenen district (near Colenso). The families had lived on the farms for several generations, and had enjoyed use of the land in exchange for six months' unpaid labour for the farm owners. However, since the government ban on labour tenancy in the district in 1969, mass evictions had regularly taken place. Between 1986 and 1988 more than 10 000 people had been removed from the Weenen district. The remaining tenants were faced with removal to an emergency camp at Weenen, which already housed 1 000 people, or to a resettlement camp at Waaihoek (near Ladysmith), which was remote from places of employment.⁸⁶

In December the government denied that 5 000 Africans living at the 'black spot' of Cornfields (near Estcourt, Natal) were being forcibly removed to Wembezi in KwaZulu. The land had been bought by African farmers before the passing of the Black Land Act of 1913. A spokesman for the Department of Development Aid said that residents who had moved had done so 'voluntarily', but AFRA claimed that the community's resources, including its water supply, roads, clinic and schools, had been 'systematically neglected for years by the authorities' in order to make removal more attractive. It was alleged that Wembezi would also be used as a resettlement area for Africans removed from other 'black spots', and that there would thus be insufficient land for cultivation and livestock grazing.⁸⁷

In January a group of 400 people living on a salt pan at Port Nolloth (northern Cape) were served with eviction notices. The African families were told that they would have to move to the nearest township, which was at Upington, some 550km away, since there was no provision for African housing in Namaqualand. They had shared accommodation with coloured people in shanties until the coloured population was rehoused during 1981 and 1982. In February the African community filed an application in the Cape of Good Hope Provincial Division of the Supreme Court in Cape Town for a six-month stay on the impending evictions. The application was granted. In January 1989 Mr Justice H L Berman dismissed an application in the Cape Town Supreme Court by the Port Nolloth municipality for an order declaring the community's occupation of the land illegal. The municipality was also restrained from demolishing the community's shelters. The South African government then offered assistance to about 150 members of the group, who were Namibian, to return to Namibia. The offer was rejected.⁸⁸

The residents of Lawaai-kamp (**southern Cape**) remained under threat of removal to a new settlement at Sandkraal (see 1987/88 *Survey* p2). Speaking during his budget vote in the House of Representatives in May, the state president, Mr P W Botha, reiterated the government's commitment to moving the Lawaai-kamp community. He described Lawaai-kamp as a 'dilapidated slum' and claimed that a 'bunch of liberalists' were responsible for trying to keep people in the area, by 'preventing the poor people of Lawaai-kamp from being placed on the road to development'.⁹⁰ About 1 800 residents defied an ultimatum from the George Town Council to move out of their homes by 31 May.⁹⁰

In June the council served court summonses on 48 households in Lawaai-kamp, notifying them that separate court actions had been instituted against them with a view to obtaining an order for their eviction. Later in the same month six residents delivered letters to two cabinet ministers, pleading for a reprieve of the township. The council destroyed two houses in Lawaai-kamp on 15 June, and in July it refused to accept payments from Lawaai-kamp residents for rent and service charges.⁹¹

In November a delegation from the George Civic Association, a residents' group opposing relocation, failed to obtain a meeting with Mr Botha in Pretoria. On 30 November the Appellate Division of the Supreme Court in Bloemfontein upheld a ruling by Mr Justice G Friedman in the Cape of Good Hope Provincial Division of the Supreme Court in June 1987 that the council should restore the house of Ms Ellen Vena, but overturned the lower court's ruling that Mr Edward Vywer's dwelling should be restored. Both residents of Lawaai-kamp had had their houses demolished by the George Town Council during 1987.⁹² At the end of 1988 the community had not been removed.

In January the Transvaal Provincial Administration announced that Daggakraal, an African farming community near Standerton (**southern Transvaal**) would not be removed, and that it would be allowed to remain unconditionally. The decision was made on the recommendation of a commission of co-operation and development, which had been convened in August 1987 (see 1987/88 *Survey* p5).

In March it was announced that about 600 families living in an African township at Koster (**western Transvaal**) would be moved 700 metres to a new township at Reagile. The Transvaal Provincial Administration estimated that the move would cost R0,7m, although the Transvaal Rural Action Committee (TRAC) claimed that the total cost would be R3,2m. Mr Allan Morris, a fieldworker for TRAC, said that white residents of Koster had objected to living only 100 metres from the old African township, and had put pressure on the authorities to authorise the relocation. Since 1984, 60 African families had moved to Reagile. It was reported that the houses in the old township were large and well kept, and that there was no need to rehouse the residents. The remaining residents feared that they would not be adequately compensated if they agreed to move. In March the African community obtained a temporary injunction in the Transvaal Provincial Division of the Supreme Court in Pretoria against the Reagile Town Council, preventing demolitions of

houses in the old township. By the end of 1988, few additional residents had agreed to move.⁹³

The African community of Oukasie near Brits (western Transvaal) continued to live under threat of removal (see 1987/88 *Survey* pp7-8). Infrastructure in the township had been neglected by the authorities for decades, and was seen by some residents as a form of pressure to move to Letlhabile, on the Bophuthatswana border 24km away. By January 1988 some 4 500 residents had been moved to Letlhabile. In March the minister of constitutional development and planning, Mr Chris Heunis, said that a statement he had made earlier that month had been misunderstood as a reprieve of the township. However, he denied that the residents of Oukasie faced forced removal, and insisted that only those residents who 'requested' removal would be resettled at Letlhabile.⁹⁴

In April the township was proclaimed an emergency camp in terms of the Prevention of Illegal Squatting Act of 1951, and police set up a roadblock at its entrance. A census of the population was taken, and construction of additional structures was forbidden. Service charges were simultaneously increased by more than 50%. The proclamation was seen as a prelude to the final removal of the 8 000 residents. At a church service in May, some residents reiterated their refusal to move. In June it became an offence in terms of the proclamation for any non-resident to enter Oukasie without a permit.⁹⁵

In October a member of the executive committee for the Transvaal, Mr John Mavuso, claimed that the Oukasie community had been given 'wider options' of resettling at 'places of their own choice, should they so decide'. There was no response to his statement.⁹⁶

Group Areas Act Enforcement

Group Areas Amendment Bill

In June 1988 the minister of constitutional development and planning, Mr Chris Heunis, tabled three bills in Parliament to amend the Group Areas Act of 1966 (see 1987/88 *Survey* pp502-505). They were the Group Areas Amendment Bill, the Free Settlement Areas Bill and the Local Government Affairs in Free Settlement Areas Bill. (The last two bills are discussed in the chapter on Housing.)

The Group Areas Amendment Bill, which was sharply criticised by various organisations, increased the penalties for people contravening the principal act by buying, selling or occupying property to a maximum penalty of R 10 000 or five years' imprisonment. It also made it obligatory for the courts to evict an 'illegal occupant' after he/she had been convicted. The bill prohibited appeals against eviction to higher courts, and made provision for illegally occupied and illegally owned property to be sold. It also provided for the appointment of inspectors who would advise the authorities on the application of the principal act and report on contraventions of it. Furthermore, it provided for compensation to be

paid to property owners who had sold property in declared 'free settlement areas' at less than its 'basic value'.⁹⁷

In August a parliamentary standing committee set up to discuss the Group Areas bills failed to reach consensus. The Labour Party (LP) refused to discuss the bills in the House of Representatives, and adjourned the house. The minister of national education and chairman of the ministers' council in the House of Assembly, Mr F W de Klerk, threatened to propose a suspension of parliamentary rules which would allow the bills to be treated as 'own affairs' legislation, but he subsequently backed down. After discussions between the leader of the LP and chairman of the ministers' council in the House of Representatives, the Rev Allan Hendrickse, and Mr Heunis, the government agreed to withdraw all three bills and the LP agreed to consider revised versions of the proposed amendments in September.⁹⁸

The revised version of the Group Areas Amendment Bill contained only minor amendments. The clause obliging the courts to order the eviction of an 'illegal occupant' was deleted. The revised bill made provision for the courts to inform the minister of local government and housing in the house of Parliament which controlled the area in which a convicted person was living of all the evidence leading to the conviction. The minister could then order an eviction if he deemed it necessary. The amended version also allowed local authorities to report alleged contraventions of the act to the relevant own affairs minister, who could then order an investigation into the alleged contravention and after three months, evict the 'illegal occupant' without court action. A further change was the removal of a subclause stipulating that a magistrate's order would be final; the words which were removed would have prevented appeals against conviction to a higher court.⁹⁹

During the last week of September the House of Assembly passed the three Group Areas bills, but the houses of Delegates and Representatives decided to delay voting on the bills until November, in order to register their strongest rejection of the legislation. Mr Ismail Richards MP (Labour Party), described the bills as 'ungodly and immoral'. Mr Heunis said that the action of the coloured and Indian chambers was 'tantamount to disrespect for parliamentary norms and procedures' and accused Mr Hendrickse of 'breaking' his earlier agreement. Mr Hendrickse responded by saying that he had agreed to consider the bills, but not to pass them.¹⁰⁰

In cases of disagreement between the houses of Parliament, the South African constitution allows the state president to call on the President's Council (PC) for advice or a decision (see 1983 *Survey* p72). In October the state president, Mr P W Botha, referred the Free Settlement Areas Bill and the Local Government in Free Settlement Areas Bill to the PC, which discussed the bills and voted to forward them to the state president for assent.¹⁰¹

The Group Areas Amendment Bill was referred to the PC in November, and it agreed (with only two dissenting votes) to send the bill back to Mr Botha with the recommendation that it be redrafted. The consti-

tutional affairs committee of the PC, which had been requested to report to the PC, was especially critical of the increased penalties proposed for contraventions of the Group Areas Act. The committee said that the 'drastic increase' in penalties was unacceptable, as was the failure to differentiate between different types of offences. It felt that property agents and those who hired out premises for gain in contravention of the Group Areas Act should be more harshly penalised than a 'disqualified person' living in another race group's group area because accommodation was unavailable in his or her own area. Mr Japie Basson, a National Party representative in the PC, claimed that in asking for a redrafting of the bill, the PC had been forced to do what the joint standing committee of Parliament would have done if it had not been 'hampered' by the coloured and Indian chambers.¹⁰² In December Mr Botha announced that the bill had been referred back to the Department of Development Planning for consideration.¹⁰³

In his address to Parliament in February 1989, the acting state president, Mr Chris Heunis, said that the government had decided to abandon the Group Areas Amendment Bill. He added that the government would investigate 'other ways and means' of ensuring an 'own community life' for each race group.¹⁰⁴

Prosecutions

Replying to a question in the House of Assembly in March 1988 the minister of law and order, Mr Adriaan Vlok, said that between 30 April 1987 and 31 January 1988 the South African Police had investigated 1 026 alleged contraventions of the Group Areas Act.¹⁰⁵

Commenting on the figures, Mr Tiaan van der Merwe MP (Progressive Federal Party) said that police investigations had risen by about 30% between 1986 and 1987. He attributed the increase to white right-wing activity which challenged the government's 'wishy-washy attitude to Group Areas prosecutions'. However, the number of people convicted under the act had remained fairly constant, with four convictions in 1985, five in 1986 and three in 1987. A spokesman for the Action Committee to Stop Evictions (ACTSTOP), a Johannesburg-based organisation opposing evictions under the Group Areas Act, maintained that the small number of convictions in comparison with the large number of investigations showed that the government had been deterred from prosecuting people for contraventions of the Group Areas Act by the Govender judgement in 1982. In the judgement the Transvaal Provincial Division of the Supreme Court had ruled that people violating the Group Areas Act could not be evicted unless alternative housing was available.¹⁰⁶

However, in June Mr Vlok said that during 1987 the police had investigated 1 307 complaints about Group Areas Act violations. This figure exceeded that given by Mr Vlok in Parliament in February (1 243 complaints) and according to a police spokesman it was more accurate than the earlier figure.¹⁰⁷

In March the minister of justice, Mr Kobie Coetsee, said that in 1987, 361 cases involving Group Areas Act offences had been referred to the

attorneys general for decisions regarding prosecution. Of these cases, about 100 were still awaiting a decision and in two cases it had been decided that prosecutions would be instituted.¹⁰⁸

In reply to a question in Parliament in September Mr Coetsee gave figures for outcomes of prosecutions in terms of the Group Areas Act from 1 January to 31 August 1988. He said that all but one of the prosecutions had occurred in the Transvaal. One prosecution had taken place in Bloemfontein, one in Pretoria, one in Vereeniging and 20 on the Witwatersrand.¹⁰⁹

*Group Areas Act prosecutions:
1 January–31 August 1988*

	<i>Number of cases</i>
Accused found guilty	4
Outcome pending	17
Charges withdrawn	2
Total	23

In September Mr Heunis said that two buildings were due to be sold by the state because they were owned in contravention of the act. The buildings, he said, were situated in Uitenhage (eastern Cape) and the Strand (Cape Town).¹¹⁰

Group areas permits

Government critics argued that the lifting of the prohibition on 'mixed marriages' had been undermined because 'mixed couples' could not live legally in any group area without reclassification of a partner or a permit to live in the group area of one of the partners.

In November 1988 it was announced that the administrator of the Transvaal, Mr Danie Hough, had granted permission for an Indian couple, Professor and Mrs Gerald Pillay, and two 'mixed couples', Mr and Mrs Gunther Palkowich and Mr and Mrs R A Searle, to live in white areas. The permits were granted for Irene (near Pretoria), Kempton Park (east Rand) and Roodepoort (west Rand) respectively. A provincial spokesman said that in granting permission to the couples, the fact that the Group Areas Act was presently under consideration by Parliament and the PC had been taken into account.¹¹¹ However, the Roodepoort City Council immediately announced that it would take steps to have the permit granted to Mr and Mrs Searle withdrawn.¹¹²

Mr Palkowich, a white man who had married an Indian woman, had been reclassified 'Asian' on his marriage. He had then been charged with accommodating his wife in a white area and alternatively with living unlawfully as an 'Asian' in a house he had bought while still officially classified 'white'. In 1987 Mr and Mrs Palkowich had applied for a permit to remain in their home. The application had been refused. They had then lodged an appeal against the refusal. In October 1988 the couple

appeared in the Kempton Park magistrate's court on charges of contravening the Group Areas Act. Speaking in their defence, the director of the Centre for Applied Legal Studies at the University of the Witwatersrand, Professor John Dugard, challenged the proclamation in terms of which Kempton Park was zoned a white group area. He maintained that the proclamation was unreasonably applied, since it ignored the Republic of South Africa Constitution Act of 1983, which affirmed 'Christian values and norms'. The magistrate, Mrs M Greyvenstein, then referred the case to the Supreme Court.¹¹³ However, before the case could be heard by the Supreme Court, the Transvaal Provincial Administration granted a permit to Mr and Mrs Palkowich to live in Kempton Park.¹¹⁴

Specific evictions and prosecutions

In March two 'mixed couples' were forced from their homes in Durban. A white British citizen, Mr Francis Buckley, his coloured wife, Jane, and their two children were evicted from their flat in Addington after a complaint from neighbours. A white man and his Indian wife, Mr Jimmy and Mrs Shan James, were refused a permit to live in their home and were given six months to sell their flat or have it confiscated by the state.¹¹⁵

In July a 'mixed couple' in Komga (eastern Cape), Mr Stanley and Mrs Emmie Nass, were told to vacate their home within ten days as ratepayers had complained. Their house bordered on the coloured township, and their children attended the local coloured school. Mr Nass said that it would be 'impossible' to find alternative accommodation in such a short space of time.¹¹⁶ In September a British citizen, Mr Richard Coates, who had been reclassified coloured on his marriage to a coloured woman, said that he had been informed that his house would be sold by the state because he was contravening the Group Areas Act. Mr Coates had owned his home in Uitenhage (eastern Cape) for more than a decade. He said that he would ask the government for a reprieve until 'free settlement areas' had been declared in the eastern Cape.¹¹⁷

In September Mr Brian Holland and his coloured girlfriend, Miss Elsa Nel, were evicted from a block of flats in Rosebank, Johannesburg, after complaints from neighbours. It was reported to be the first known case of an eviction based on colour in the northern suburbs of Johannesburg.¹¹⁸ In October Mr Thomas Madau, an African cameraman working for the state-owned South African Broadcasting Corporation, was convicted in the Johannesburg magistrate's court of contravening the Group Areas Act. Mr Madau had been living in the white Johannesburg suburb of Brixton. He was told to find alternative accommodation.¹¹⁹

In January 1989 some white residents of Mayfair West (Johannesburg), prevented an Indian man, Mr Navnit Dayal, and his family from moving into a house he had bought in the area through a white nominee. (Mayfair West bordered on the 'grey area' of Mayfair.) The whites, who included the Conservative Party (CP) city councillor for Mayfair, Mr Hendrik Claasen, staged a picket outside the house and hung a noose over the garden wall. They also allegedly vandalised the house. Mr Dayal

attempted twice to move his family's belongings into the house, but he was prevented by the white protesters from moving more than a few items. Thereafter, he announced that the family no longer intended to live in the area. A police spokesman said that the police would not allow people to 'take the law into their own hands' and that the Dayal family would be provided with police protection if they wished to remove goods from their home.¹²⁰

In February 1989 Mr Dayal announced that he had decided not to move into his house in Mayfair West, and that he wished to sell the property. He added that he was 'fed up' with government officials who had offered to assist him when they had been interviewed on television, but who had 'never bothered' to contact him personally.¹²¹

Also in February 1989, the Boksburg Town Council (which was controlled by the CP) announced that it would press charges against ten Indian families who were living in the white area of Windmill Park. The chairman of the council management committee, Mr Gideon Fourie, said that the council had discovered in which houses Indians stayed after a traffic officer had questioned residents about their dog licences. He threatened that the council would cut off the electricity supply to any Indians still living in the area on 20 March 1989.¹²²

In March 1989 it was announced that 'nearly all' the white families of the suburb had signed a petition requesting the government to issue permits to allow the Indian families to remain in the area. The deputy minister of constitutional development and planning, Mr Roelf Meyer, said that he would recommend that permits be issued 'on humanitarian grounds' and that the recently inaugurated Free Settlement Board be asked to investigate declaring Windmill Park a free settlement area (see chapter on *Housing*).¹²³

In March 1989 four black residents of Mayfair West and Homestead Park (both in Johannesburg) were charged in the Johannesburg magistrate's court with contravening the Group Areas Act by occupying property set aside for whites. Their four respective white landlords were also charged under the act.¹²⁴

In the same month, in a repetition of the earlier incident in Mayfair West, nine CP supporters tried to prevent an Indian family, Mr and Mrs Mergan Naidoo and their children, from moving into a house in Malvern (Johannesburg). However, some 15 members of the Action Committee to Stop Evictions (ACTSTOP), a group opposing the Group Areas Act, were present and they were able to assist the Naidoo family to gain access to their home. Mr Naidoo said later that he had laid charges of harassment against three people. The chairman of the Malvern Ratepayers' Association, Mr Finbar Dunne, said that he welcomed the Naidoo family, and that there were already about 40 black families living in Malvern. 'Why should one family be picked on?' he argued.¹²⁵

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- 100 *Business Day* 27, 29 September; *The Star* 29 September
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- 105 *Hansard* (A) 5 q col 1350, 8 February
- 106 *Business Day* 14 March
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- 116 *Daily Dispatch* 4 August
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- 119 *The Star* 7 October
- 120 *Business Day* 30 January 1989; *The Citizen* 30 January 1989, 3 February 1989; *The Star* 30 January 1989
- 121 *The Star* 27 February 1989
- 122 *Ibid* 24 February 1989
- 123 *Business Day* 10 March 1989
- 124 *Ibid* 3 March 1989
- 125 *The Citizen* 1, 8, 9 March 1989; *The Star* 8 March 1989

HOUSING

LEGISLATION

Proclamations R29 and R30; Government Notices R402, R403, R404 and R405

In March 1988 Proclamations R29 and R30, and Government Notices R402, R403, R404 and R405 were gazetted. The minister of education and development aid, Dr Gerrit Viljoen, said that the new regulations would extend full property rights to more than 1m Africans living on South African Development Trust (SADT) land. The new regulations would not be applicable to the non-independent homelands, but could come into effect in such homelands if passed by their legislatures, Dr Viljoen said. The regulations, which applied to SADT land, provided for:¹

- the retention in trust areas of the existing and cheaper forms of land tenure by deeds of grant and leasehold rights;
- the holder of a deed of grant or of leasehold rights to be empowered to apply for such rights to be converted into a right of freehold ownership;
- the registration of rights of ownership to take place in the relevant deeds registry in terms of the Deeds Registries Act of 1937;
- the holder of a deed of grant to exercise all the ordinary rights of an owner, including occupying the land, building on it, encumbering his rights with a bond or servitude and subdividing it;
- the purchase of land in trust areas outside of surveyed township areas;
- financial institutions granting loans to purchasers in trust areas to protect their rights by registering a bond against properties in terms of the Deeds Registries Act;
- premises previously used only for residential purposes also to be able to be used for religious or social purposes, or for the purposes of trade or provision of services; and
- the holder of a registered deed of grant to be able to transfer his rights to another person without requiring the consent of the township manager, as had previously been the case.

The chairman of the Development Bank of Southern Africa, Dr Simon Brand, welcomed the new regulations as 'making conditions more conducive for development'. He pointed out that the regulations would encourage financial institutions and developers to enter the property market in SADT areas. Dr Brand also believed that the changes relaxed 'outmoded, illogical and unfair trade restrictions' in such areas.²

Black Communities Development Amendment Act

The Black Communities Development Amendment Act was promulgated in April (see 1987/88 *Survey* p194). It provided for the simplification of African title deeds and a quicker procedure in the opening of registers for African townships.³

Housing Development Schemes for Retired Persons Act

In June the Housing Development Schemes for Retired Persons Act was gazetted. It extended the same protection to individuals participating in retirement housing schemes as had previously been afforded to buyers of flats and duplex dwellings in terms of the Sectional Titles Act of 1986. The new act was expected to encourage the building of retirement housing (particularly for whites), as the act was seen as protecting the financial interests of elderly people who invested in retirement schemes.⁴

Conversion of Certain Rights to Leasehold Act

The Conversion of Certain Rights to Leasehold Act was published in the *Government Gazette* in July, but it came into effect only in December. The act provided for Africans holding certain property rights (including those granted by hostel permits, residential permits, site permits enabling the building of a house, certificates of occupation and business site permits) to convert these to leasehold rights. The conversion would be free of charge. The legislation provided for the 'provincial secretary' to conduct an inquiry within each African area to determine who should be granted leasehold rights. The executive officer of the Law Review Project, Professor Louise Tager, said that the act replaced 'statutory controlled occupation of property with the common law of lease' and estimated that about 300 000 Africans would be able to acquire registered title in terms of the act. However, other commentators believed that the effectiveness of the measure would depend upon the efficiency of the state bureaucracy, and feared that red tape might considerably reduce the impact of the legislation.⁵

POLICY

Coloured housing

In a speech to Parliament in April 1988 the minister of local government, housing and agriculture in the House of Representatives, Mr David Curry, outlined the official housing policy for coloured people. He said that his department's main priority was to ensure that existing and new housing was affordable. Preference would be given to self-help housing projects, not only to save costs, but also to stimulate community involvement in housing development. Mr Curry pointed out that about 26% of

the coloured housing budget for the 1988/89 financial year would be spent on self-help building projects, which he regarded as an 'excellent achievement'. He said that a new formula for rents and housing loan repayments announced in 1986 (see *Rent* below) enabled poor coloured people to acquire housing at affordable rates. However, if subsidies were kept too high, funds would soon be exhausted, Mr Curry warned.⁶

Indian housing

In January 1988 the minister of housing and chairman of the ministers' council in the House of Delegates, Mr Amichand Rajbansi, announced 'Operation Minimum 25 000', whereby at least 25 000 houses for Indians would be built throughout South Africa during the following three years. He said that the programme, which would cost R1bn to implement, was a joint scheme between the House of Delegates and the private sector. Mr Rajbansi claimed that the plan would eliminate the Indian housing backlog within five years.⁷

Speaking in the Indian chamber in June, Mr Rajbansi said that the Indian housing policy was to provide affordable housing to the lower income group by allocating finance to local authorities to erect the required houses. He said that the House of Delegates saw itself as 'a partner' of local authorities in the housing process, and that it would keep a 'watchful eye' on local authority projects to ensure that they satisfied the requirements of the community. Mr Rajbansi said that the question of affordability was a crucial one and his department had had no hesitation in rejecting housing proposals which were considered to be too expensive for Indians. He added that Indian housing policy also allowed for the provision of serviced erven according to need. The Department of Local Government, Housing and Agriculture (Indian chamber) was finalising a housing code for Indians, Mr Rajbansi said.⁸

White housing

The minister of local government, housing and works in the House of Assembly, Mr Amie Venter, described the government's policy for white housing in a speech to the House of Assembly in May. He said that more than 70% of his department's expenditure on white housing during the 1988/89 financial year was assigned to 'welfare housing', that is, the accommodation of lower-income whites. Government policy also aimed to provide housing for elderly whites and for young people. Mr Venter pointed out that housing assistance to young whites had been extended by increasing the maximum building costs (excluding the purchase of land) which qualified for a bond subsidy from R40 000 to R45 000. The limited availability of land in urban areas meant that there should be increased recourse to high-density white housing, Mr Venter maintained. He said that since 1950 the state had built 104 305 dwelling units for whites.⁹

In March 1989 Mr Venter announced in Parliament that the subsidy

paid to people buying a new home for the first time would be extended to first-time buyers of existing homes. The same limit of R65 000 (including the price of land) would apply. Mr Venter said that the extended scheme would be implemented on 1 July 1989, after the financial implications of the decision had been worked out.¹⁰

African housing

The deputy minister of finance, Mr Kent Durr, said in an address in March to the Institute of Estate Agents of South Africa in Franschhoek (western Cape) that the government was looking increasingly to the private sector to build homes for Africans, while it limited itself to developing 'residential infrastructure'. He maintained that the government was not standing aside from housing delivery, but rather channelling funds through the South African Housing Trust (SAHT), a joint initiative of the state and the private sector which had been set up in 1986 (see *South African Housing Trust* below). Mr Durr said that the government was encouraging African community involvement through self-help schemes as well as the provision of serviced plots. 'No barriers should be put in the way of innovative building systems, the use of new materials and even modern derivatives of traditional ways of building,' he said.¹¹

In June the minister of education and development aid, Dr Gerrit Viljoen, said that the African housing shortage was most severe on South African Development Trust (SADT) land. About 2m Africans lived on SADT land, which had been acquired by the government with a view to eventual incorporation into the homelands. Dr Viljoen said that the Department of Development Aid aimed to provide serviced sites, surveyed sites or unsurveyed land in SADT areas, on which individuals or the private sector could build houses. The government also offered low-interest loans of R5 000 to Africans who wished to have houses built, or to build their own houses, on SADT land. Additional funds for this purpose were a high priority, Dr Viljoen said. He added that the relaxation of building restrictions in SADT areas (see *Legislation* above) was a further inducement to the construction of housing.¹²

In December the South African Institute of Race Relations said in its *Social and Economic Update* 6 that the government was not fully committed to the financing of African housing. It pointed out that the reduced budget in the 1988/89 financial year for the National Housing Commission meant that the commission had been forced to seek funds from the partly privately funded SAHT. It said that this decision reflected a further shift in the burden of providing housing finance from the state to the private sector.¹³

Informal settlements

Speaking in Parliament in September during the debate on the Prevention of Illegal Squatting Amendment Bill (see chapter on *Population and*

Settlement), the deputy minister of constitutional development and planning, Mr Roelf Meyer, outlined the government's housing policy for informal settlers (squatters). He maintained that the advancement of property rights and home-ownership for all communities (including informal settlers) was a 'central tenet' of government policy. 'The bill introduces a new concept. For the first time . . . informal housing is being given legal recognition. At the same time it creates a process by which informal housing can eventually lead to full ownership,' he said.¹⁴ Mr Meyer said that informal settlers would be allowed to reside in 'temporary transit areas' until suitable areas for permanent settlement could be developed. Land would then be designated for the establishment of informal towns. These towns would be planned in such a way that they could be upgraded and eventually proclaimed as formal towns or incorporated into existing towns. Mr Meyer added that the 'principle of self-help' would be promoted in informal settlements. Serviced stands would be provided on which informal settlers could build their own homes, and loans for building materials would be made available.¹⁵

However, the Prevention of Illegal Squatting Amendment Bill received widespread criticism both within and outside Parliament as more likely to lead to the destruction of informal housing than to the building of new homes for informal settlers.

Mrs Helen Suzman MP (Progressive Federal Party) said in reply to Mr Meyer that even the more positive aspects of the bill, ie the provision for transit areas and squatter settlements, were weakened because no financial arrangements were made for the building of housing for informal settlers.¹⁶ A memorandum submitted to the parliamentary standing committee considering the bill by the Urban Foundation and seven other private sector organisations urged the government not to pass the bill, but rather to recognise the importance of informal settlements in relieving the housing shortage, and to legalise informal housing.¹⁷

HOUSING SHORTAGES

The housing shortage in 1988 in South Africa (including the ten homelands) was estimated at between 1,1m and 1,8m units. A breakdown by race group is given below.

The minister of constitutional development and planning, Mr Chris Heunis, said in June that the shortage of housing for Africans outside the homelands was 702 750 units. The chairman of the Urban Foundation, Mr Jan Steyn, said in August that the greatest African housing shortfall was in the Pretoria/Witwatersrand/Vereeniging (PWV) area, where 300 000 houses were needed.¹⁸

During the period under review the official estimates of the housing shortages in the non-independent and 'independent' homelands was 185 578. In March the minister of education and development aid, Dr

Gerrit Viljoen, supplied the following details of housing shortages in the non-independent homelands:¹⁹

Housing shortages in the non-independent homelands: 1988

Gazankulu	2 578
KaNdwane	15 000
KwaNdebele	5 000
KwaZulu	100 000
Lebowa	12 000
QwaQwa	17 000
SADT land ^a	34 000
<hr/>	
Total	185 578

a South African Development Trust

In December 1987 the total housing shortage in the 'independent' homelands was 125 150 units, according to the authorities.²⁰ A more recent figure was unavailable, but according to Mr Johan Strauss, a researcher for Business and Marketing Intelligence, the building of houses in the homelands had not reduced the shortage significantly. The breakdown for each 'independent' homeland was as follows:²¹

Housing shortages in the 'independent' homelands: 1987

Bophuthatswana	37 400
Ciskei	28 000
Transkei	56 000
Venda	3 750
<hr/>	
Total	125 150

In February Mr Charles Redcliffe MP (United Democratic Party) said that the coloured housing shortage was about 100 000 units.²² The minister of housing for Indians and chairman of the ministers' council in the House of Delegates, Mr Amichand Rajbansi, said in March that the shortage of housing for Indians was 48 747 units: 2 536 units in the Cape province, 39 879 in Natal and 6 332 in the Transvaal.²³

The project leader of the Division of Building Technology of the Council for Scientific and Industrial Research (CSIR), Dr Tobie de Vos, said in June that although a statistical analysis of figures for white housing had shown an overall surplus of 83 000 housing units, waiting lists in certain areas revealed that a total of 25 000 households in the country were inadequately housed.²⁴

Government figures for the total shortage of housing in 1988, together with corresponding figures provided by the Urban Foundation (UF) are given below. Both the government and the UF calculate the shortage by estimating the total population figure, and dividing it by an average house

occupancy rate of 6,6 people to provide an estimate of the total housing requirement. The figure for the total formal housing stock is then subtracted to give an estimate of the total housing shortage. The widely differing estimates of the total population figure by the government and the UF, particularly for the non-independent homelands, result in discrepant figures for the housing shortage.²⁵

Housing shortages: 1988

	<i>Government figures</i>	<i>Urban Foundation figures</i>
Coloured	100 000	} 800 000
Indian	48 747	
African		
White-designated areas	702 750	
Non-independent homelands	185 578	892 000
'Independent' homelands	125 150	125 000
<hr/> Total	<hr/> 1 162 225	<hr/> 1 817 000

The shortage of housing was also emphasised by the extensive overcrowding in black homes. The CSIR reported that at the end of 1985, 6,3m Africans were 'crammed' into an estimated 486 000 relatively small dwellings in the white-designated area—an average of 13 people per house. The most serious overcrowding was found in Uitenhage (eastern Cape), where up to 42 Africans were found to be living in a two-bedroomed house. Approximately 90% of informal housing (providing shelter to as many as 7m Africans) was found to be overcrowded. About one third of the Indian dwellings in the greater Durban area were considered overcrowded. According to the CSIR, housing for coloured people was also found to be inadequate. In the Cape Town area about 90% of sub-economic, 70% of economic and 50% of other coloured households were living in overcrowded conditions.²⁶

The CSIR made the following projections for the shortage of housing in South Africa (excluding the 'independent' homelands) for 1990 and the year 2000, if houses continued to be built at present rates:²⁷

Projected housing shortages: 1990 and 2000

	<i>1990</i>	<i>2000</i>
African	2 107 000	2 969 000
Coloured	77 000	176 000
Indian	53 000	87 000
White*	(+ 4 000)	181 000
<hr/> Total	<hr/> 2 133 000	<hr/> 3 413 000

a A surplus of white housing in 1990 will change to a shortage by the year 2000

Constraints on reducing the housing shortage

In June 1988 the senior deputy governor of the South African Reserve Bank, Dr Japie Jacobs, identified cost as a major obstacle in the elimination of the housing shortage. According to the Urban Foundation, he said, there was a current shortage of 1,8m housing units, and a further 2,8m units would need to be built by the year 2000 in order to accommodate the population increase. The result was that 4,6m housing units would need to be built by the year 2000. This figure implied the construction of about 400 000 housing units each year, which at 1986 prices would require spending of R6,9bn each year, said Dr Jacobs. He pointed out that this figure represented 24% of the gross domestic fixed investment for 1986, spending which was clearly impossible under present economic conditions.²⁸

The chief director of planning for the Department of Finance, Mr G P Croeser, said in the same month, 'The reality of limited funds available to the government and private sector for the financing of housing ...cannot be overemphasised.' He said that the South African economy would have to sustain a real annual growth rate of 17% to make possible the elimination of the housing backlog by the year 2000, whereas it was presently growing at only 3% per annum.²⁹

According to the chairman of the Residential Development and Construction Division of the Urban Foundation, Mr A M Rosholt, the availability of finance, rather than land, had become the chief constraint on the provision of black housing at the required rate. He said in August that it was difficult to find adequate supplies of mortgage loan finance for lower-income housing. 'Certain of the small loans required are available from state sources and from the South African Housing Trust. However, if we are to come anywhere near the overall requirement, it is essential for the full resources of the private home loan institutions, building societies and banks to be totally involved,' he maintained. Mr Olaus van Zyl, a member of the executive committee for the Transvaal, agreed that the biggest obstacle to black housing development was the unavailability of the necessary finance.³⁰

Affordability was stressed as another major obstacle in the provision of African housing. A survey undertaken by Real Estate Surveys in 1985 had indicated that only 33% of African households could afford a housing loan of more than R12 000, while the National Building Institute estimated in May that only 25% of African families could make any contribution to housing costs at all.³¹ Business and Marketing Intelligence reported in August that some 40% of all private and public sector expenditure on formal African housing during 1987 went to homes costing R40 000 or more, 45% to homes costing between R15 000 and R40 000, and only 15% to homes costing less than R15 000. The average price of formal houses built for Africans in 1987 was R28 900.³²

A retired professor of political studies at Rhodes University, Professor Nancy Charton, claimed in February that housing development was being dictated by the needs of a burgeoning black middle class. She

pointed out that the majority of building plans which were passed were for relatively expensive housing. Professor Charton believed that few houses were being built for the 'three quarters of the population who were in the sub-economic group'. The chairman of the Urban Foundation, Mr Jan Steyn, said in March that homes were not being offered 'at prices affordable to the majority of potential home buyers'.³³

The rising cost of building materials, which limited the ability of private developers to build affordable houses and increased the costs of self-help housing, meant that the poor were less able to afford housing. The director of the South African Housing Trust, Mr Joe Taylor, said in May that the average cost of building a home had increased from R566 per square metre to R685 per square metre in less than a year. He added that the building industry was also facing pressure from employees to increase wages, which would also push up costs. A survey conducted by the United Building Society had shown that building costs had increased by at least 16% annually over recent years.

An economist for the Building Industries Federation of South Africa, Mr Charles Martin, said in September that the planned introduction of Value Added Tax (VAT) would also increase building costs (see chapter on *The Economy*). He claimed that taxes currently comprised between 6% and 8% of the cost of erecting a house, but VAT would increase this substantially because machinery used in construction would be taxed and construction companies' clients would not be able to claim a credit for this tax.³⁴

The shortage of land, which had previously been a major obstacle to the elimination of the housing shortage, was partially relieved by the setting aside of large areas of land for African housing during 1988, including the allocation of 13 000ha of land on the Witwatersrand to African township development. However, it was reported that at least half of the land allocated on the Witwatersrand could not be occupied because unstable dolomitic caverns and rocky outcrops made building costs prohibitive (see *Provision* below). The South African Housing Trust estimated that 180 000ha of land was needed for African housing between 1988 and the year 2000. However, according to the minister of constitutional development and planning, Mr Chris Heunis, only 24 331ha had been made available for African occupation between 31 December 1985 and 31 January 1988.³⁵

In his 1987/88 annual report the estates manager for the Durban City Council, Mr Michael Hobbs, said that housing supply was 'considerably bedevilled' by the fact that each race group had its own housing policy and its own administration to deal with housing issues. Nine government departments in South Africa (including the ten homelands) were responsible for the provision of housing, which increased administrative costs. In addition, each department generated its own rules and regulations, which was confusing for housing suppliers.³⁶

It was reported in September that bureaucracy at provincial and local authority level was still a major stumbling block in solving the housing shortage. Major developers of African townships claimed that obtaining

approval of various development phases could take up to three years from the date on which land was acquired. The managing director of Impact Homes, Mr Mike Guthrie, said that it had taken three years to get plans for the prestigious African township of Spruit View (east Rand) passed by various departments.³⁷

In June the chief executive of Wimpey Homes, Mr John Todd, pointed out that proposals for an unnamed African township in the western Cape had been submitted to government departments in November 1986 and yet had not been approved finally at the time of writing. He said delays cost money because of increasing building costs, and that these costs were passed on to home buyers. According to Mr Todd, in the case of the undeclared western Cape township, a house which would have cost R35 000 to build in November 1986 would in June 1988 cost more than R40 000. 'As a result, a housing package which is affordable now may not be two years down the track,' he said. Mr Todd added that delays with regard to coloured and Indian housing were also severe.³⁸

A director of the Anglo American Corporation of South Africa, Dr Zach de Beer, said in June that the housing shortage would not be eliminated as long as South Africa insisted on unrealistic First World standards for housing construction. He said that the poor could not afford conventional housing. Dr De Beer argued that the government needed to change its policy of destroying informal housing to one of upgrading informal shelters, no matter how meagre.³⁹

A member of the publicity secretariat of the Action Committee to Stop Evictions (see *Group Areas* below), Mr Cas Coovadia, said in October that any step towards solving the housing crisis needed to recognise that 'squatter camps' were for the most part settled communities with a viable infrastructure. He emphasised that the government needed to facilitate their development rather than to destroy them, and to upgrade houses already constructed by informal settlers. As long as informal settlements were destroyed, the housing shortage would worsen.⁴⁰

Strategies to reduce shortages

During the period under review the following strategies were suggested by various non-government sources as likely to help reduce the housing shortage:⁴¹

- the scrapping of the Black Land Act of 1913 and the Group Areas Act of 1966. This would allow black people to buy land in white areas and to occupy approximately 83 000 housing units in white areas which were standing empty;
- the acceptance by the government of black housing as a prescribed investment (ie as part of the 53% of financial institutions' investments which must, by law, be invested in ways stipulated by government). Such a change would free billions of rands in pension funds and long-term insurance companies for investment in township housing;
- the upgrading of single-sex African hostels into family dwelling units.

During 1988 plans were made for the demolition of several hostels in Soweto (Johannesburg) and their replacement with blocks of flats;

- the building of high-density housing to reduce service costs. While high-rise accommodation had been shown to have negative social effects, it was suggested that cluster-type housing did not have such disadvantages, and that it would enable optimal use of limited areas of land;
- the freeing of large tracts of urban land for Africans to build shacks without assistance from the state. It was expected that in time the residents of such informal settlements would be able to afford basic services and the areas could be upgraded; and
- the acceptance of innovative building techniques and the use of new materials. These included the use of prefabricated walls, plaster panel walls and interlocking concrete blocks which did not require mortar. It was also suggested that some or all building regulations should be repealed to allow for the use of unconventional building methods.

PROVISION

The minister of education and development aid, Dr Gerrit Viljoen, said in September that the South African government no longer built family housing units for Africans in the non-independent homelands. However, the Department of Development Aid had provided assistance to Africans in the non-independent homelands to build their own homes in terms of self-build schemes. The following numbers of housing units had been erected during the period 1984 to 1987 by means of self-build schemes:⁴²

African self-built houses in the non-independent homelands: 1984-1987

<i>Year</i>	<i>Number of houses built</i>	<i>Loans Rm</i>
1984	3 091	11
1985	3 191	16
1986	2 497	16
1987	1 239 ^a	61 ^b

a South African Development Trust towns only

b The large increase in loans in 1987 reflects the government's policy that individuals should build their own houses and be assisted with funding only

In September, in reply to a question in Parliament, the minister of constitutional development and planning, Mr Chris Heunis, gave the following figures for houses built for Africans outside the homelands

(mainly by local authorities) and funded by his department between January 1984 and May 1988:⁴³

*Houses built for Africans outside the homelands:
January 1984 - May 1988*

<i>Province</i>	<i>1984</i>	<i>1985</i>	<i>1986</i>	<i>1987</i>	<i>1988^a</i>
Cape province	3 807	1 569	9 424	2 191	980
Natal ^b	—	—	—	—	—
Orange Free State	1 841	1 251	189	66	161
Transvaal	1 798	4 694	3 039	1 880	160 ^c
Total	7 446	7 514	12 652	4 137	1 301

a January to May 1988

b In Natal many African townships, although adjacent to white towns, are actually in the non-independent homeland of KwaZulu, and most African housing in the province has been provided in KwaZulu itself.

c This figure includes flats.

In October Business and Marketing Intelligence (BMI) published a survey of houses built by the public and private sectors for Africans during the previous year. The survey found that 35 577 African housing units had been built in South Africa (including the ten homelands) during 1987, and that the breakdown according to price was as follows:⁴⁴

African housing units built during 1987

<i>Area</i>	<i>Price range</i>				<i>Total</i>
	<i>R7 000- R15 000</i>	<i>R15 000- R25 000</i>	<i>R25 000- R40 000</i>	<i>R40 000- and over</i>	
White-designated areas	12 700	5 053	2 420	3 939	24 112
Non-independent homelands	4 053	2 928	2 009	275	9 265
'Independent' homelands	125	650	600	825	2 200
Total	16 878	8 631	5 029	5 039	35 577

Commenting on the figures, a researcher for BMI, Mr Johan Strauss, said that at least 60% of the funds invested in African housing came from the private sector, and that the government had shown that it was no longer willing to take responsibility for African housing. He believed that almost half of the R750m invested in African housing by the public and private sectors during 1987 was spent on homes costing more than R40 000, which meant that funds were not reaching the people most desperately in need of housing. Mr Strauss estimated that about 45 000 houses were built for Africans in South Africa (including the ten homelands) during 1988.⁴⁵

The minister of local government, housing and agriculture in the House of Representatives, Mr David Curry, maintained in December that his department planned to build at least 10 000 houses a year from the beginning of 1989 in order to relieve overcrowding in coloured housing. He said that 47 coloured local authorities were involved in self-build housing schemes. Mr Curry added that during 1988 nearly 4 000 houses had been built for coloured people, about 1 000 houses were under construction and a further 2 000 houses were in the planning stages.⁴⁶

In July the chairman of the ministers' council in the Indian chamber and the minister of housing for Indians, Mr Amichand Rajbansi, said that during 1988, R242m would be spent on houses for Indians, which would allow local authorities to provide 13 500 housing units. 'Operation 25 000', indicating the target of 25 000 new Indian homes to be built by 1990, was on schedule, he said.⁴⁷

The minister of local government, housing and works in the House of Assembly, Mr Amie Venter, said in Parliament in May that the following numbers of whites were accommodated in new 'welfare housing' in the main metropolitan areas during 1987 or would have new 'welfare housing' provided during 1988 with funds provided by his department:⁴⁸

Welfare housing provided by the state for whites: 1987 and 1988

<i>Metropolitan area</i>	<i>Number of whites accommodated</i>	
	<i>1987</i>	<i>1988</i>
Bloemfontein	—	92
Cape Town	255	272
Durban	128	198
East London	14	106
Pietermaritzburg	44	55
Port Elizabeth	78	119
Pretoria	27	355
Witwatersrand	598	1 606
Total	1 144	2 803

In the same month, in answer to a question in the House of Assembly, the minister of agriculture, Mr Greyling Wentzel, said that during 1987 his department had received 724 applications for the upgrading of housing for farmworkers (mainly African and coloured people), of which 694 applications had been approved. The total cost of upgrading housing for farmworkers during the 1987/88 financial year had been R19,2m, Mr Wentzel added.⁴⁹

It was reported in June that a national survey conducted by the Bureau for Economic Research at the University of Stellenbosch had shown that 57% of the home building plans passed in 1987 were for black housing, compared with 33% in 1985 and 13% in 1983. Commenting on the

figures, the research director of Real Estate Surveys, Mr Erwin Rode, said, 'These figures represent the unleashing of black demand for housing which has been pent up for decades.' He pointed out that while the number of white housing plans had decreased by 11% between 1984 and 1987, the number of coloured and Indian plans had doubled, and plans for African housing had increased by a factor of 32.⁵⁰

In June Mr Curry announced that the Department of Local Government and Housing (coloured chamber) would spend R360m over the next five years on a self-help housing project for coloured people at Delft (Cape Town). The plan envisaged the construction of 15 000 housing units on an area of 850ha. Mr Curry said that the project was aimed at families earning about R500 a month, and he hoped that it would help relieve the coloured housing shortage in the Cape Peninsula, which stood at 60 000 housing units.⁵¹

Township development

In April the minister of constitutional development and planning, Mr Chris Heunis, said that a total of 24 331ha had been made available in urban areas for African occupation since the repeal of influx control in January 1986. The largest releases of land for housing development had been at Boksburg, Bronkhorstspuit, Kempton Park, Nigel, Pretoria and Witbank (all in the Transvaal), Khayelitsha (western Cape) and Port Elizabeth (eastern Cape).⁵²

In the same month Mr Heunis said that a request by the National Housing Commission for R4m to build 500 self-help houses at Khayelitsha (western Cape) during 1988 could not be met fully from state funds. He added that only R700 000 had been provided for the project.⁵³

In March the government announced that 18 African townships in Natal and KwaZulu would be upgraded and 17 new townships developed, which would provide an additional 83 000 housing sites. The cost of the programme, which would take place over a five-year period, was estimated at R1,1bn. The minister of education and development aid, Dr Gerrit Viljoen, said that funds were not immediately available for the programme, but that it would have a 'priority claim' on government funds. He added that the government could use income which it obtained from the privatisation of state assets to fund the project.⁵⁴

Dr Viljoen said that the KwaZulu/Natal programme was the biggest development project of its kind ever undertaken in South Africa. He believed that it would eliminate backlogs in the provision of housing and services, as well as creating new facilities for the growing African population. Some R660m would be spent on areas in KwaZulu and a further R427m on South African Development Trust (SADT) land which would eventually be incorporated into KwaZulu. The Natal Provincial Administration would be responsible for projects costing R37m.⁵⁵

The proposed plan would provide 57 600 housing sites in KwaZulu and 25 800 sites on SADT land. It was envisaged that the South African Housing Trust and the private sector would be involved as

closely as possible. For further details see chapter on *The Homelands*.

In June Mr Heunis announced that the government had identified 13 000ha of land in the Witwatersrand area for the development of new African townships or the extension of existing townships. The announcement was in response to a report by a consortium of town planners which had investigated African land needs in the central Witwatersrand (see 1987/88 Survey p453). Mr Heunis claimed that the land would be sufficient to meet housing needs until the year 2000. It comprised seven areas:⁵⁶

- an area between Mohlakeng and Kagiso (both on the west Rand), which would be developed as a westward expansion of Soweto;
- an area between Ennerdale (Johannesburg) and Sebokeng (Vereeniging), which would allow for the expansion of Sebokeng;
- three adjacent areas on the east Rand, which would provide for the expansion of Katlehong (Germiston) and Duduza (Nigel);
- an area east of Daveyton (Benoni), which would allow for the expansion of the township; and
- a small area north of Sandton (Johannesburg), known as Diepsloot, which would be developed as an 'open area' for all race groups and especially to provide high-income housing for affluent Africans (see Free Settlement Areas below).

It was stressed that the decision to allocate the land did not necessarily denote that houses for Africans would be built on the land, but merely that private developers would be able to build on it without contravening official guide plans. Mr Heunis said that the government would not buy the land, but that it would have to be developed by the private sector. He added that the government had rejected two further proposals by the consortium for the development of new townships near Bapsfontein and Ennerdale, to the north east and south west of Johannesburg respectively. It was believed that these proposals were rejected because the government feared reaction from right-wing white residents in the areas.⁵⁷

The land allocation received widespread criticism as insufficient to meet present African housing needs on the Witwatersrand, let alone to cater for needs until the turn of the century. Although the proposed sites were adjacent to existing townships, they were also criticised as being distant from main transport networks and places of employment.⁵⁸

The manager of the property division of the Johannesburg Consolidated Investment Company, Mr Peter Esterhuysen, said that at least half the land allocated (and in particular the land adjacent to Soweto) was unusable because rocky outcrops and unstable dolomitic caverns beneath the land made building and infrastructural costs prohibitive. He also pointed out that housing above the underground lake at Zuurbeekom (west Rand) would lead to pollution of valuable water resources.⁵⁹

In December the deputy minister of constitutional development and planning, Mr Roelf Meyer, announced revised plans for the allocation

of land for Soweto. He said that 13 000ha would be freed for the westward expansion of the township, which included part of the area included in the June announcement. Mr Meyer believed that 3 100ha of the proposed area was suitable for housing development, and 45 000 stands would be created on this land. A further 8 700ha were unsuitable for housing owing to dolomitic caverns, but he claimed that the land could be used for agricultural purposes, and that it could be divided up into farms and smallholdings. Mr Meyer pointed out that if the proposals were implemented, Africans would for the first time be able to own agricultural land on the Witwatersrand. Another area of 1 200ha was 'subject to shallow undermining' and would be suitable only for commercial storage and light industrial development.⁶⁰

Generally, Mr Meyer's announcement was received favourably. However, the Black Sash said that it was important that not only speculators and wealthy Africans had access to the land, and that it was made available to poorer Africans and informal settlers. The Greenbelt Action Group, a pressure group concerned with environmental issues, welcomed the announcement, but warned that it would only 'scratch the surface of the black housing shortage'.⁶¹

Government expenditure

The Department of Development Planning budgeted to spend R317m on African housing outside the homelands during the 1988/89 financial year, in comparison with R166m during the previous financial year. The amount was made up as follows:⁶²

*Budgeted expenditure for African housing
outside the homelands: 1988/89*

	R
Purchase of land for township development	30 000 000
Provision of dwellings and infrastructure	282 639 000
Subsidies on home loans	4 000 000
Total	316 639 000

Figures for expenditure on housing in the 'independent' homelands and the non-independent homelands were not available.

The amount budgeted for coloured housing for 1988/89 by the Department of Local Government, Housing and Agriculture (coloured own affairs) was R125m, allocated as shown in the table, *Budgeted expenditure for coloured housing: 1988/89, overleaf.*⁶³

The amount budgeted for Indian housing for 1988/89 by the Department of Local Government, Housing and Agriculture (Indian own affairs) was R83m, allocated as shown in the table, *Budgeted expenditure for Indian housing: 1988/89, overleaf.*⁶⁴

Budgeted expenditure for coloured housing: 1988/89

	<i>R</i>
Purchase of land	11 015 000
Construction	86 176 000
Subsidies on home loans	5 914 000
Community facilities	22 180 000
<hr/>	
Total	125 285 000

Budgeted expenditure for Indian housing: 1988/89

	<i>R</i>
Purchase of land	10 000 000
Construction	29 308 000
Subsidies on home loans	6 500 000
Community facilities	37 000 000
<hr/>	
Total	82 808 000

The Department of Local Government, Housing and Works (white own affairs) budgeted for a total expenditure of R132m on white housing, allocated as follows:⁶⁶

Budgeted expenditure for white housing: 1988/89

	<i>R</i>
Provision of dwellings and infrastructure	132 000 000
Less capital repaid to the Development and Housing Fund	(70 000 000)
Less interest earnings of the Development and Housing Fund	(52 000 000)
<hr/>	
Total	10 000 000

Private sector initiatives

In June three major housing development schemes for Africans were initiated by the private sector. The first scheme, for middle-income Africans at Mfuleni (Cape Town), was estimated to cost R150m, and would provide housing for 4 500 families. Serviced erven would be made available also to Africans who wished to build their own homes and to entrepreneurs.⁶⁶ Another housing scheme at Umlazi (Durban), which would provide 4 000 houses, was to be developed by Murray and Roberts, and was budgeted to cost R200m.⁶⁷ The third project, at Ekangala (KwaNdebele), would eventually provide 1 867 houses for rent as well as 1 105 houses for sale. The scheme, which was under the

auspices of the KwaNdebele Utility Company, a non-profitmaking affiliate of the KwaNdebele National Development Corporation, would provide housing for some of the 12 000 Africans who lived at Ekangala and who commuted daily to the Witwatersrand.⁶⁶

In July the Atteridgeville Town Council (Pretoria) agreed to allow Prima Housing to convert a hostel in the township into family housing units. The company undertook to provide alternative accommodation for existing hostel tenants. The agreement stipulated that the housing should be 'low cost' and that if the scheme was successful, the council would allow Prima Housing to convert 19 other hostels in Atteridgeville. It was reported that the Mamelodi Town Council (Pretoria), had also agreed to allow a private company to convert single-sex hostels to family accommodation.⁶⁶

In the same month the Foundation for Community Development, a non-profit development company, announced plans for the demolition of single-sex hostels at Nancefield and Lifateng in Soweto (Johannesburg), and their replacement with high-rise residential blocks, 20 to 25 storeys high. It was envisaged that the complexes would accommodate about 40 000 people in 8 000 apartments, and plans were also made for the construction of about 24 schools, sports fields, swimming pools, a stadium, office blocks and a commercial centre. The development, which was described as the largest high-rise housing project in the country, was expected to generate thousands of jobs for both skilled and unskilled workers. The cheapest flats were to be sold for R12 000, and the first stage of the project would be completed by 1992. The total cost of the project was estimated at R560m.⁷⁰

Some architects and town planners expressed reservations about the high-rise project, citing similar tower blocks in the United States and Britain, which, they claimed, had degenerated into 'slums'. Mr Barry Senior, an architect, questioned the need for high-rise accommodation, saying that it was more expensive than low-rise accommodation, and that it presented security problems. He maintained that children living in such buildings 'lost contact with the ground' and often experienced psychological problems.⁷¹

In August the Soweto City Council unveiled a plan by two building companies for the conversion of three of Soweto's five hostels into family dwelling units. The plans, which would cost R35m to implement, made provision for two-bedroomed and three-bedroomed housing units, each with a kitchen, bathroom and lounge. It was envisaged that 4 000 families would be accommodated. The building companies hoped to sell the housing units at between R16 000 and R35 000 each.⁷²

Also in August the general manager of Comhousing, Mr Hendrik Klopper, announced a housing programme for Indians in the Dassenhoek area near Pinetown (Durban). He said that 2 800 homes would be built in the area at a cost of R84m. Mr Klopper claimed that the project aimed to provide homes for first-time home buyers in the middle- and lower-income groups. Prospective buyers would be able to choose house types according to their needs and what they could afford.⁷³

Urban Foundation

The Urban Foundation was founded in March 1977 by a group of businessmen to raise funds from the private sector with the aim of improving the quality of life in African townships, particularly with regard to housing and education.

The chairman of the Urban Foundation, Mr Jan Steyn, said in March that the foundation sought to achieve the following objectives through its seven housing utility companies:⁷⁴

- to become significant suppliers of low-income housing and to demonstrate to housing developers that building such housing was not necessarily unprofitable;
- to enhance the supply of serviced land by providing it to individuals and to developers;
- to establish viable ways of extending home loan finance to low-income buyers;
- to demonstrate the viability of alternative housing such as site-and-service schemes, the upgrading of informal settlements and self-help housing;
- to explore alternative town planning concepts such as higher residential densities which allowed for more affordable housing; and
- to examine innovative building technologies and methods.

It was reported in June that since its inception the foundation had mobilised R490m from the private sector for the provision of infrastructure and housing. In the 1988/89 financial year the foundation planned to raise R350m from private sector institutions for the funding of its long-term projects. During the 1987/88 financial year the Urban Foundation sold 7 550 developed sites and 2 950 houses to lower-income home buyers (mainly Africans and coloured people). It planned to increase the scale of its projects to make available 12 900 serviced sites and 8 800 houses to lower-income groups during 1988/89.⁷⁵

Mr Steyn suggested that the substantial increase in the number of serviced sites provided 'reflected the progress in land delivery by the authorities'. He also said that the encouragement of labour-intensive methods by the foundation's utility companies had resulted in the creation of about 9 500 jobs countrywide in the building industry. Mr Steyn emphasised that the foundation was also involved in developing the skills of some 10 000 (mainly African) teachers, promoting the nonracial school movement and providing adult education.⁷⁶

The deputy managing director of the Residential Development and Construction Division of the Urban Foundation, Mr Matthew Nell, said in the foundation's annual report for 1988 that developers had already 'plumbed the depths of conventional middle-income housing on the Witwatersrand'. He believed that the next step would be for the foundation and other private developers to provide 'incremental housing', that is, to sell serviced stands to Africans who would build shacks on them. Mr Nell

believed that the developer should provide access to, and credit for, building materials. He envisaged minimally serviced land being made available for R2 000 to R3 000 a stand, which would be repayable over ten years.⁷⁷

South African Housing Trust

The South African Housing Trust (SAHT) was established in November 1986 with a grant of R400m from the government (see 1986 *Survey* pp366-367). The aim of the SAHT was reported in June to be the improvement of the quality of life of lower-income communities through the funding and initiation of affordable mass housing in such a way as to maximise job creation, opportunities for entrepreneurs and the use of the resources of individuals within such communities. Between November 1987 and October 1989 the SAHT hoped to produce 37 900 serviced stands and to build 26 300 houses. It also expected to create about 9 500 employment opportunities in housing construction.⁷⁸

It was reported in April that the current geographical distribution of the SAHT's projects, in terms of financial investment, was as follows: the Cape province, 20%; Natal, 3%; the Orange Free State, 7%; the Transvaal, 38%; and the ten homelands, 22%.⁷⁹

The managing director of the SAHT, Mr Joe Taylor, acknowledged in June that the trust had been 'slow' in its provision of housing. However, he cited the trust's emphasis on job creation and the use of local building contractors as delaying the completion of housing projects. Mr Taylor also pointed out that building societies were reluctant to lend money to low-income home buyers for the type of housing created by the SAHT. In an attempt to solve this problem the trust had set up Khayaletu Home Loans to provide bond finance to home owners in the low-income bracket.⁸⁰ The principal housing projects of the SAHT during 1988 and 1989 were as follows:⁸¹

- a loan of R98m to the KaNgwane Housing Trust for the provision of 6 500 housing units in the homeland;
- a project in conjunction with the Cape Provincial Administration for the release to developers of 4 500 serviced stands at Khayelitsha (Cape Town) at a cost of R27m. Houses priced from R16 000 were to be built on the stands by 18 housing developers and to be completed by 1990;
- the provision of 2 500 serviced stands at Wildebeestfontein (Vaal Triangle) at a cost of as little as R2 500 per stand. The project would be completed by 1992;
- the provision of 600 serviced stands at Rietvallei (west Rand) and 800 serviced stands at Khutsong (Carletonville) at a cost of more than R7m. Eventually a total of 5 000 stands would be developed at these sites;
- a loan of R25m to the KwaNdebele Utility Company for the construction of 600 housing units in KwaMhlanga, the capital of the homeland;

- the provision of 300 housing units and a 'low-cost' housing project at Ekangala (KwaNdebele); and
- the provision of 800 housing units at a cost of R13m at Motherwell (Port Elizabeth) and 400 housing units costing R6,5m at KwaNobuhle (Uitenhage).

Building societies

It was reported that in the 1985/86 financial year only 3% of building society lending for housing was allocated to Africans.⁸²

The managing director of the South African Permanent Building Society (SA Perm), Mr Bob Tucker, suggested in June that the South African government should provide banks and building societies with financial guarantees against the 'political risks' involved in financing African housing. Speaking at a two-day seminar on housing at the University of South Africa in Pretoria, he claimed that there were greater risks for institutions lending money to African home owners, and that the state should make allowances for this fact. Mr Tucker also called for direct subsidisation of the higher administrative costs involved in granting loans to the lower-income groups. He said that these costs were higher because institutions needed to be 'more deeply involved' in the process of home building with the poor than with more affluent clients.⁸³

In September the SA Perm was asked by the Venda administration to withdraw from the homeland after the society declined to register its branch in Venda in terms of Venda legislation. Mr Tucker said that the SA Perm was prevented from doing so by South African law. It was reported that the SA Perm had been the only private lending institution in the territory, and that subsequently prospective home owners would be able to seek loans only from the Venda Development Corporation.⁸⁴

LEASEHOLD AND FREEHOLD SALES

In 1983 the government announced a 'grand sale' of government-owned housing. Initially coloured, Indian and white housing was sold under freehold while African housing was sold under 99-year leasehold (see 1983 *Survey* p270). In 1986 the government extended freehold property rights to Africans. However, as most African townships had not been adequately surveyed, most African houses could not be sold under freehold. By January 1989 fewer than 1% of sales of houses to Africans had taken place under freehold. During the period under review the state continued to encourage the leasehold and freehold sale of rented housing to tenants. The proportion of houses sold varied considerably from area to area and between one race group and another. There was, however, a considerable increase in the number of freehold sales to Africans, where previously most sales had been under the 30-year or 99-year leasehold schemes.

By 30 June 1988, 47 815 houses (35% of the total coloured housing stock built by the state) had been sold to coloured people. At the end of June 11 087 houses (61% of the total Indian housing stock erected by the state) had been sold to Indian families. The figure for houses sold to whites at the end of June was 3 799, or 35% of the white housing stock owned by the state. All these sales were under freehold.⁸⁵

The minister of education and development aid, Dr Gerrit Viljoen, said in August that the Department of Development Aid had raised R6m through the sale of 104 809 houses in South African Development Trust areas to Africans. He added that a minimum deposit of 5% of the purchase price was payable, except in the case of leasehold sales, where a minimum deposit of R300 was required.⁸⁶

It was reported in August 1989 that more than 50 000 of a possible total of 90 000 houses in KwaZulu townships had been sold to their occupants.⁸⁷

In March the minister of constitutional development and planning, Mr Chris Heunis, announced that more than 440 000 plots in African townships had been surveyed during 1987, and that 493 412 plots were available for sale under the 99-year leasehold scheme and 2 556 plots under the freehold scheme. All the plots surveyed for freehold title were in the Transvaal.⁸⁸

Mr Harry Schwarz MP (Progressive Federal Party) said in May in the Transvaal sitting of the extended parliamentary committee on provincial affairs that houses in African townships should be given to their occupants. He pointed out that people who had paid rent for more than 15 years had more than paid for their houses, and he felt that they should be given away free. Mr Schwarz believed that such a move would enable residents to obtain loans for home improvements. Home ownership would provide for more stable and peaceful communities, he said.⁸⁹

In the same month the mayor of Soweto, Mr Nelson Botile, said that rent arrears should not prevent tenants from buying their homes. He pointed out that the total owed for rent and service charges could be added to the price of a house, the total being payable as a deposit of 10% and the balance over a 20-year period. By June such a scheme had been implemented throughout the Transvaal.⁹⁰

In July the Natal Provincial Administration announced a new formula for the sale of houses to Africans, which would be subsidised by the Natal Housing Commission. Where a buyer was unable to pay the deposit, it could be paid over two years, or waived entirely in cases of need. Rent and service charge arrears and transfer costs could be included in the purchase price. Repayments would be calculated on the monthly income of the buyer and would be subsidised for all buyers earning less than R800 a month. Residents who earned R50 or less a month would pay 25c a month in loan repayments. Repayments would then increase over time until an unsubsidised amount was payable. The scheme was seen as extending home ownership to casual workers, pensioners and the semi-destitute.⁹¹

By January 1989 the Department of Public Works and Land Affairs

had registered the leasehold sale of 101 243 houses and the freehold sale of 817 houses to Africans (excluding the ten homelands). The breakdown by area was as follows:⁸²

*State sale of houses to Africans:
1 July 1987–31 January 1989*

	<i>No sold</i>	<i>Proportion sold</i>	<i>Balance available</i>
<i>Cape province</i>			
Eastern Cape	6 463	17,6%	30 308
Northern Cape	7 190	54,7%	5 961
Western Cape	2 654	13,2%	17 387
<i>Natal</i>			
	4 140	42,2%	5 661
<i>Orange Free State</i>			
	8 780	41,4%	12 427
<i>Transvaal</i>			
Central Transvaal	7 379	54,0%	6 278
East Rand	9 028	16,2%	46 670
Eastern Transvaal	8 225	47,4%	9 124
Northern Transvaal	1 409	100,0%	—
West Rand	44 188	32,1%	93 645
Western Transvaal	2 604	44,8%	3 206
Total	102 060	31,0%	230 667

The minister of information, Dr Stoffel van der Merwe, said in June 1989 that sales of houses to Africans now exceeded 105 500.⁸³

Of the 817 freehold sales to Africans, some 606 sales had taken place in townships on the Witwatersrand, 162 in Pretoria townships and 49 in Cape Peninsula townships. This figure was a 19-fold increase on the 42 freehold sales which had taken place by the end of March 1988.⁸⁴

RENT

Rent subsidies and rent control

Addressing a conference of the South African Property Owners' Association (SAPOA) in June, the minister of local government and housing in the House of Assembly, Mr Amie Venter, announced that the government would accelerate the phasing out of rent control of white housing. (About 50 000 dwelling units were estimated to have controlled rents.) Mr Venter said that he expected the process to be completed within 12 to 18 months. Rent control would, however, remain for married tenants with dependants whose gross income did not exceed R1 250 a

month, single tenants with dependants whose gross income did not exceed R750, and tenants who were 70 years of age or older. In addition, landlords would be prevented from increasing rents on decontrolled buildings by more than 10% each year for the first two years after the abolition of rent control.⁹⁶

The director of the National Council for the Aged, Mr Sid Eckley, expressed concern that tenants in the lower-income group might be unaware of their continued protection under regulations which would remain intact when rent control was abolished. He said that the council would set up a consumer body to act as a 'watchdog' of tenants' rights.⁹⁶

The announcement was generally welcomed by property owners. Mr Bob Levitt, an executive member of SAPOA, said that rent control had made the rental of accommodation unprofitable and he predicted a new interest in property rental. It was also suggested that the removal of rent control would raise flat rents substantially. Mr Ronnie Sevitz, the managing director of I Kuper and Co Real Estate (a property management company), maintained that the increased rents would allow owners to improve facilities in many buildings, which would benefit tenants.⁹⁷ In August 1987 the houses of Assembly, Delegates and Representatives had announced a new rent formula for the tenants of state-owned housing units (see 1987/88 *Survey* p216). As at February 1989 the scheme had been implemented only in coloured townships in the western Cape and in coloured, Indian and white areas in the greater Durban region. Under the new formula rents were to be based on residents' incomes, rather than on the capital cost of their housing. In practice rents were based not on individual incomes, but rather on average incomes in each area, determined by surveys of wages paid by employers. Tenants were permitted to choose between the old method of determining rents (which was based on both income and the value of the housing unit) and the new formula.⁹⁸

According to an official of the Durban City Council, about two thirds of the tenants of the council opted for the new formula and paid less rent as a result. However, in both Durban and the western Cape, local authority service charges, including rates, electricity charges, water costs and maintenance levies, were substantially increased in July 1988, which nullified the effects of the rent decreases. In townships controlled by the Durban City Council, 92% of tenants paid higher overall rents (including service charges) than previously, while only 8% paid less. Of those tenants paying higher rents and service charges, 62% paid more than 50% more than they had done before the introduction of the scheme, according to a survey by the Built Environment Support Group, a research unit at the University of Natal.⁹⁹

Despite the new rent formula, in the Cape Peninsula combined rent and service charges also increased as a result of the significant rise in service charges.

The new rent formula was widely criticised. In March 500 coloured and Indian tenants staged a protest against it in the Durban city treasury offices. In July 6 000 tenants of all races met at the University of Natal in Durban to discuss the higher rent and service charges. A heavy police

presence was reported at the meeting and 30 busloads of people were allegedly turned away from the meeting because the venue was too small. The meeting agreed to recommend that tenants should not pay the increases until tenants' representatives had met council officials.¹⁰⁰

In August the Durban City Council agreed to set aside R400 000 to assist tenants who were paying increased rent and service charges, and who were suffering 'real hardship'. However, the funds were expected to last only three months. The council agreed to negotiate with the central government for a rent formula more favourable to tenants, but at the same time it threatened to cut off the electricity supply to tenants who fell into arrears with housing payments.¹⁰¹

In the same month it was reported that meetings had been held by coloured residents of Belhar, Manenburg, Paarl, Schotsche Kloof and the Strand (all in the western Cape) over the previous three months to discuss the new rent formula. The minister of local government, housing and agriculture in the House of Representatives, Mr David Curry, was called upon to explain the new formula.¹⁰²

The Cape Housing Action Committee, an organisation of coloured tenants in the Cape Peninsula, argued in October that housing costs should be considered in relation to other claims on income. It said that the surveys on which repayments were based did not take into account tax deductions, basic items such as food or medical expenses, and the fact that many people were unemployed. The committee also pointed out that the formula allowed for relatively steep increases in payments once incomes rose above a very modest level.¹⁰³

In May the Transvaal Provincial Administration announced a new formula for the rental or purchase of houses in African townships. The formula, like that implemented in Durban, was based on monthly income. The date of implementation was not specified.¹⁰⁴

Rent boycotts

Rent boycotts involving the non-payment of rent and service charges, which had begun in 1984, continued in about 55 African townships countrywide during 1988 and 1989. (See also the chapter on *Political developments* and the 1987/88 *Survey* pp217-219.) Although local authorities attempted to use a variety of strategies during 1988 to obtain payment of rent and service charges, they were generally unsuccessful. However, by the end of 1988, negotiations between African local authorities and township residents in the Transvaal indicated that the boycott might be resolved in 1989.

In March 1988, in reply to a question in Parliament, the minister of constitutional development and planning, Mr Chris Heunis, said that on 31 December 1987, R387m in rent and service charges was owing to African local authorities.¹⁰⁵

By August, according to the Bureau for Information, the amount owing in rent and service charges stood at R475m, of which R361m was owing on the Witwatersrand alone. The bureau said that west Rand

townships owed R317m; east Rand townships, R44m; and eastern Cape townships, R42m. The townships which had the largest arrears were Diepmeadow (Johannesburg), R46m; Lekoa (Vaal Triangle), R82m; Mamelodi (Pretoria), R14m; Soweto (Johannesburg), R167m; and Tembisa (east Rand), R17m.¹⁰⁶

In August *City Press* quoted a researcher at the Centre for Policy Studies at the University of the Witwatersrand, Mr Mark Swilling, as saying that 616 000 households, or about 4m Africans, were participating in the rent boycott.¹⁰⁷

In February *The Stars* suggested that there were four distinct categories of people not paying rent:¹⁰⁸

- those refusing to pay as a political protest;
- those who believed that there was no justification in paying rent because they felt that they had already paid off the cost of constructing their houses;
- those who could not afford to pay rent; and
- those who were afraid to pay because of fear of reprisals from the 'comrades' (young political activists).

In February about 1 000 residents of White City (Soweto) marched on local municipal offices to protest against evictions earlier in the month of 28 families for not paying rent. It was reported that municipal policemen had gone from house to house, demanding the payment of rent arrears. Members of the South African Police (SAP) allegedly fired teargas to disperse the crowd and lashed fleeing residents with sjamboks. Some of those who fell were allegedly kicked and trampled upon by the police. SAP and South African Defence Force personnel sealed off White City and prevented journalists from entering the area.¹⁰⁹

In March the Mamelodi Town Council announced that it would refund residents the rent increase of R6 a month which was implemented in 1984, but declared invalid in the Transvaal Provincial Division of the Supreme Court in Pretoria in February 1987 (see 1987/88 *Survey* p218). The council had been refused leave to appeal against the judgement in January 1988. The public relations officer for the council, Mr Veli Mashumi, said that residents' accounts would be credited with an average of R295. However, he pointed out that the Mamelodi Town Council had substantially increased service charges from December 1987, which would go some way towards cancelling out the refunds.¹¹⁰

In the same month it was announced that more than 1 000 families in townships near Port Elizabeth (eastern Cape) had been evicted from their homes since March 1987 for non-payment of rent. The local councils were said to be owed R10m in rent and service charges arrears. However, by March about 60% of the residents had resumed payment of rent.¹¹¹

Also in March, 50 families in Sebokeng (Vaal Triangle) were evicted for failure to pay rent. The town secretary of Lekoa, Mr Ben Scott, said that eviction orders were due to be served on a further 150 families. The

Lekoa Town Council evicted a further 29 families in Sharpeville in May. In March the Dobsonville Town Council (west Rand) evicted 49 families and 10 shopkeepers. Goods ranging from groceries to furniture were confiscated by municipal policemen until the families had paid their rent arrears.¹¹²

In April the Soweto City Council adopted a new strategy in an attempt to break the rent boycott. The council ordered that the doors of the houses of evicted tenants be removed to discourage tenants from moving back into their homes. It was reported later that some evicted families who had moved back into their homes had been victimised by thugs and had had furniture and other valuables stolen because of the lack of security.¹¹³

The Sofasonke Party held a public meeting in Orlando West (Soweto) in May to discuss the rent boycott. The meeting, which was addressed by the leader of the party and a former mayor of Soweto, Mr Ephraim Tshabalala, ended in violence when bombs were hurled into the crowd. Mr Tshabalala narrowly escaped injury, but two people were killed and 30 injured in the explosions. Nobody claimed responsibility for the attack.¹¹⁴

In June a mass meeting of residents of the five Vaal Triangle townships was held in Sharpeville, at which it was proposed that tenants should pay R30 a month for services only to the Lekoa Town Council. The meeting also called on the council to write off rent arrears which had accumulated since September 1984 (and which totalled about R50m). The chairman of the council, Mr Esau Mahlatsi, rejected the offer, saying that the amount proposed would not cover 'healthy maintenance services'. He urged residents to pay the full rent and service charge of R67,32.¹¹⁵

In the same month residents of Diepkloof and Meadowlands (Soweto) agreed at a public meeting that they should pay R15 a month for site rent and R30 a month for electricity and water consumption. The proposal was rejected by the administrator of Diepmeadow, Mr David Thebehali, who said that the amounts would provide only 20% of the revenue required to pay the Diepmeadow City Council's employees. He claimed that 80% of the council's ratepayers were already repaying their outstanding rent.¹¹⁶

In June it was reported that the Soweto City Council was cutting off the supply of electricity to entire townships. (Previously the Soweto City Council had focused mainly on cutting off electricity to individual households who had not paid rent and service charges.) Officials in the Electricity Department said that if after a 'careful analysis' of a township it was found that more than 95% of the residents had not paid their electricity bills, the township would be blacked out. Pamphlets were distributed in the affected townships, allegedly by the council, calling on those who had paid their bills to produce proof of payment so that they could be exempted from the blackout. Council employees were instructed to 'strengthen' electricity distribution boxes to prevent 'comrades' from gaining access to switches and restoring the power supply.

The power cuts were reported to last for periods ranging from a week to over a month.¹¹⁷

Earlier in the year the Tembisa Town Council had also cut off the electricity supply to township residents in an attempt to break the rent boycott.¹¹⁸

In July Mrs Helen Suzman MP (Progressive Federal Party) appealed to the administrator of the Transvaal, Mr Danie Hough, to order the restoration of power to Soweto. Mrs Suzman argued that it was 'inhuman to deprive people of lights and electricity in the middle of this bitter cold winter'. Several days later the town clerk of Soweto, Mr Nico Malan, announced that the electricity supply would be restored to all the townships which had been blacked out. He added that no further power cuts would take place until the weather was warmer.¹¹⁹ No further power cuts were reported.

In the same month council officials and municipal police raided more than 200 houses in Diepkloof, in an attempt to catch rent defaulters. About 100 people were arrested and taken to council offices, where they were told to settle their rent arrears or face eviction. They were later released.¹²⁰

In August it was announced that the Soweto City Council intended to auction more than 100 houses belonging to people who had not paid rent. The director of housing for the council, Miss Estelle Bester, said that about 3 000 other cases involving non-payment of rent and service charges were also being processed by council lawyers, and that they would also result in property being auctioned. Exception would be made only if residents were pensioners or if they made arrangements for the payment of rent arrears.¹²¹

Some 20 houses were sold on public auction on 19 August. However, 36 residents applied in the Witwatersrand Local Division of the Supreme Court in Johannesburg for an order to prevent the council from selling their homes. An interim order against the council was granted on the same day by Mr Acting Justice D S Levy. The council was ordered to pay the legal costs.¹²²

In December Mr Justice M M Corbett (the chief justice designate) ruled in the Appellate Division of the Supreme Court in Bloemfontein that the rent charged to tenants of more than 15 000 houses in Soweto had been incorrectly set, and that the council thus had no right to demand payment of any rent from tenants of these houses or to evict tenants who had not paid rent. The ruling applied to houses built by the Johannesburg City Council in, or about, 1959.¹²³

Several days after the court ruling a delegation of prominent members of the Soweto community met the mayor of Soweto, Mr Sam Mkhwanazi, and council officials to discuss the rent boycott. The delegation included the general secretary of the South African Council of Churches, the Rev Frank Chikane; the general secretary of the National Union of Mine-workers, Mr Cyril Ramaphosa; a co-president of the United Democratic Front, Mrs Albertina Sisulu; and the Anglican Archbishop of Cape Town, the Most Rev Desmond Tutu.¹²⁴

The delegation announced afterwards that the Soweto City Council had agreed to halt evictions and dawn raids on homes for non-payment of rent. It also said that Mr Mkhwanazi had assented to the suggestion that the revenue which the council had lost as a result of the rent boycott should be written off. The council agreed to meet the delegation in 1989 to discuss whether some residents should be awarded the ownership of their houses and what type of rent and service charges should be paid in future. In the interim, Mr Chikane said, residents of Soweto should not pay any rent.¹²⁵

In February 1989 it was reported that a second meeting between the delegation and the Soweto City Council would be delayed until March 1989. The delegation said in a press statement that it was 'seriously disturbed' by the delay and it urged the council to abide by the decisions reached at the December meeting. It was alleged that the government was unhappy about the meeting between the community leaders and the council, and that government officials were exerting pressure on Mr Mkhwanazi to renege on the agreement.¹²⁶

In the same month the Lekoa Town Council sent a memorandum to the National Housing Commission (NHC) proposing that rent be abolished in the older parts of the townships under its jurisdiction and that service charges be reduced. The council agreed to charge residents R38 a month for services and not to charge for rent until it had received a reply from the NHC.¹²⁷

In March 1989 the Soweto delegation released a report on proposals for ending the rent boycott. The document, which had been drawn up by Planact, a private body advising community groups on environmental matters, recommended that there should be a single tax base for Soweto and Johannesburg. 'The structural separation of Soweto from Johannesburg lies at the root of the former's financial crisis. No long-term solution will be found as long as Soweto is treated as a separate "autonomous" city,' it said. The document claimed that for decades the residents of Soweto had through their labour and spending power effectively been subsidising Johannesburg. While the report said that the 'final call' was for a single city comprising both Johannesburg and Soweto, it proposed an interim solution whereby a proportion of Johannesburg's municipal funds be transferred to Soweto to subsidise service charges, which were unaffordable to most Soweto residents at present rates.¹²⁸

The Planact report recommended that:¹²⁹

- all debts in respect of rents, electricity, water and bridging funds should be written off;
- 'old houses' should be transferred to their occupants free of charge;
- a sliding scale should be drawn up to determine the rent and service charges to be paid for the remaining houses;
- a trust fund should be established out of the revenue derived from the recent sales of houses, which would be used to finance the building of new housing units;
- the quality of services provided to Soweto should be improved; and

- the principle of the 'apartheid city' should be abandoned, that is, Johannesburg and Soweto should have an integrated tax base.

In May 1989 the minister of constitutional development and planning, Mr Chris Heunis, said that R555m was owing in rent arrears as at 31 March 1989. Of this amount, R73m was owed in the Cape, R27m in the Orange Free State, R3m in Natal and R452m in the Transvaal (mainly in Soweto and Lekoa).¹³⁰

INFRASTRUCTURE

Water supply

An official of the government-funded Water Research Commission said in October that the main obstacles to the improvement of rural water supplies to small African communities was a shortage of finance and the unwillingness of engineers to undertake small projects.¹³¹

In December the South African Institute of Race Relations reported in *Social and Economic Update* 6 that the minister of agriculture and water affairs, Mr Greyling Wentzel, had approved a substantial increase in the subsidy paid to water projects run jointly by black and white municipalities and a new subsidy formula. Previously, where an applicant (usually a white local authority) had applied for a subsidy of a water supply project which would supply both black and white areas, the subsidy was paid to the applicant only. The change meant that separate subsidies would now be paid on a pro rata basis to local authorities whose areas would be served by a water scheme. It was believed that the new scheme would encourage joint water projects between black and white local authorities, and would also result in more funds being allocated to black local authorities.¹³²

It was reported in the same month that some 60 springs in the Valley of a Thousand Hills area of KwaZulu had been enclosed by the Valley Trust. The protection of the springs had greatly improved water quality and allowed for the storage of water which would otherwise have seeped away. Spring Ministries, a Christian organisation, had undertaken the protection of some 200 springs in the homeland of KaNgwane during the previous three years.¹³³

In November it was claimed that the 'independent' homelands were spending about 10% of their annual budgets on the provision of water. They also received assistance from the Development Bank of Southern Africa (DBSA), which spent R150m in 1987 and 1988 on loans to fund the infrastructure for the supply of water to rural areas and the homelands. The DBSA funded primary water supply, sewerage and irrigation projects in Bophuthatswana, Lebowa, QwaQwa and the Transkei. The total cost of supplying water to every community in the rural areas (including the ten homelands) was estimated at R5bn.¹³⁴

During 1988 construction began on the Lesotho highlands water project. The project, which was expected to take 30 years to complete, involved the construction of three dams and two tunnels to divert water from Lesotho to the Ash River (Orange Free State), from where it would flow into the Vaal Dam (between the Orange Free State and the Transvaal). The scheme would eventually supply up to 70 cubic metres of water per second to the Pretoria/Witwatersrand/Vereeniging area. The total cost of the scheme was estimated at R200bn.¹³⁶

Electricity

The first meeting of the National Energy Council, a statutory body set up by the government to co-ordinate energy planning and policy, was held in February. The council comprised several committees, each dealing with a specific type of energy. The chairman of the council, Dr D Neethling, said that one of its major goals was to determine appropriate technologies for the electrification of areas which did not have electricity.¹³⁶

The minister of constitutional development and planning, Mr Chris Heunis, said in April that there were 208 African townships in South Africa where 70% or more of the houses had yet to be supplied with electricity. Of the 259 townships mentioned by Mr Heunis, only nine had been fully electrified. Soweto, the largest African township in the country, had electricity supplied to 98% of its houses. In each province, the following number of townships had less than 10% of their housing electrified: Cape province, 68 out of 89 townships; Natal, 15 out of 20; Orange Free State, 63 out of 70; and the Transvaal, 39 out of 80.¹³⁷

Eskom announced in June that it was to experiment with the use of prepayment devices for electricity in African townships. The manager for reticulation market development for Eskom, Mr John Bradbury, said that pilot schemes were being developed in Khayelitsha (Cape Town) and Kgotsong (Bloemfontein). They involved the installation of a prepayment board in each home, which would accept a magnetic strip card allowing the consumer to use a certain number of units of electricity. The strip cards would be sold at sites such as garages and hotels.¹³⁸

The use of the prepayment devices would eliminate the need for local authorities to collect tariffs from consumers and it would allow for immediate budgetary control over electricity use. It was claimed that the prepayment system would also prevent African households from running up large arrears in electricity charges which they could then not afford to pay. In Soweto, where the rent boycott included the non-payment of electricity charges, the amount owing for water and electricity charges had reached R110m by the end of 1988.¹³⁹

In July the South African Institute of Race Relations said in a report that while some success was being seen in the electrification of townships, 'progress is still limited - largely by funding constraints on local authorities and the government's reluctance to fund electrification directly... Even where townships have been electrified, the quality of

services is often inadequate because local authorities are unable to recover enough funds from residents to maintain adequate services'.¹⁴⁰ It was reported in September that Eskom had embarked on a major programme to close down 13 of its power stations, owing to an excess in the supply of electricity. Eskom said that if it was to supply power to all households in South Africa (including the ten homelands), it would use only a quarter of its excess generating capacity.¹⁴¹

In an interview published in *Race Relations News* in July 1989 the chief executive of Eskom, Mr Ian McRae, elaborated on his vision of 'electricity for all'. It meant bringing electricity to about 20m people, half in rural and half in urban areas, who did not have it today. Mr McRae added: 'We want to focus on providing a service at an affordable price. It is necessary to develop the technology to get both the cost and the price down. Present structures have to take account of affordability, of which there are various levels across a township. The best solution is to give the consumer the ability to control himself – as he can, for example, control the amount of coal he buys. Prepaid meters have been well accepted by consumers in Soweto with whom we have held discussions. We see them as a future payment method for electricity in all areas, including white areas.

'We hope to halve the number of people without electricity, ie half of the 20m – by the turn of the century. There is a possibility that we may be able to get foreign financial assistance.'¹⁴²

Upgrading of infrastructure by regional services councils

According to the president of the Association of Regional Services Councils and chairman of the Central Witwatersrand Regional Services Council (RSC), Mr Gerrit Bornman, the 16 existing RSCs expected a total income of R2,33bn and expenditure of R2,39bn (including book entries for bulk services) for the 1988/89 financial year. Section 12(6) of the Regional Services Councils Act of 1985 required that a 'council shall give preference to the establishment, improvement and maintenance of infrastructural services in those areas where the greatest need exists'. This section was widely seen as implying that a large part of RSC funds should be spent on the upgrading of African townships.¹⁴³

A researcher at the South African Institute of Race Relations pointed out in March 1989 that it was difficult to determine the exact amounts being spent by RSCs on the upgrading of African townships, as each RSC had its own method of budgeting and some RSCs had taken over some of the functions of other bodies, such as those of the Cape Provincial Administration in the Cape province. He added that reports in the media claiming that large amounts were currently being spent on the upgrading of African areas were misleading, as often the expenditure was to take place over several years. In addition, during their first year of operation, some RSCs had not spent the full amounts which they had budgeted for upgrading. Hence the estimates which follow are in many cases not final figures.¹⁴⁴

The amounts spent by the Central Witwatersrand RSC (the largest RSC) on upgrading during its first financial year, which ended on 30 June 1988, were as follows:¹⁴⁵

- R1,4m on electricity supply (of which R1,2m was spent on Dobsonville and R0,2m on Soweto);
- R3m on roads (of which R0,6m was spent on Diepmeadow, R0,2m on Dobsonville, R1m on Johannesburg and R1,1m on Soweto – the last amount being spent on a highway project);
- R0,74m on water supply (of which R0,07m was spent on Diepmeadow and R0,67m on Soweto); and
- R1,8m on 'other projects', including R1,6m for design fees for Alexandra township and R0,2m on refuse removal in Diepmeadow, Dobsonville and Soweto.

By 21 June 1988 the Central Witwatersrand RSC had voted to spend the following amounts on new projects (including upgrading): R58m during the 1988/89 financial year, R46m during 1989/90 and R78m after 1990. These amounts included expenditure of R16m on Diepmeadow, R19m on Dobsonville, R17m on Johannesburg (including its coloured townships), R2m on Lenasia and R129m on Soweto.¹⁴⁶ In terms of the Central Witwatersrand RSC's programme, the township of Alexandra was the greatest priority. Altogether R45m was allocated until 1990 for the upgrading of the township.¹⁴⁷

The Pretoria RSC identified the provision of electricity as its greatest priority. In the 1988/89 financial year it allocated R29m and R15m to African and white areas respectively for the provision of electricity. African townships received R6,5m for the provision of roads, while white local authorities received R9m for the same purpose.¹⁴⁸

In its 1988/89 budget the East Rand RSC allocated R14m for the upgrading of the sewerage infrastructure in the African townships of Katlehong, KwaThema and Vosloorus. The funds would enable the African local authorities to link up their sewerage services and service individual households.¹⁴⁹

The RSCs in the rural areas generally had fewer funds to spend and they also had more requests from white local authorities for expenditure on white areas. In the eastern Transvaal the Highveld RSC spent about half of its budget for 1988/89 on African areas, including R629 000 on the provision of electricity in three African townships, R50 000 on the phasing out of the bucket sewerage system in Siyathuthuka (Belfast) and more than R1m on the provision of roads in another five townships.¹⁵⁰

Much of the upgrading in the Cape province was made possible by allocations of funds by the provincial authorities to the RSCs. In the 1988/89 financial year the Cape Provincial Administration budgeted R50m for 'capital development' including the upgrading of facilities in black townships and R17m in direct subsidies to RSCs for the maintenance and improvement of minor roads.¹⁵¹

At the time of writing no RSCs had been established in Natal and the

government in mid-1989 abandoned its earlier plans to introduce them there. (For further information on RSCs see the chapter on *Government and Constitution*.)

GROUP AREAS

Legislation

The Free Settlement Areas Bill and the Local Government Affairs in Free Settlement Areas Bill were passed by the House of Assembly in September 1988 but the houses of Delegates and Representatives refused to approve the legislation. The bills were then referred to the President's Council, which decided to send them to the state president for his assent. They were signed by the state president, Mr P W Botha, in January 1989. See chapter on *Population and Settlement* for full details of the legislative process.

Free Settlement Areas Act

The Free Settlement Areas Act provided a mechanism for the creation of legally 'open' residential areas, in which people of all races would be allowed to live. The act made the following provisions:¹⁸²

- the state president was empowered to appoint a board, to be known as the Free Settlement Board, which would recommend to him whether or not any particular area should be opened;
- the Free Settlement Board would comprise nine members, including a member nominated by each of the four provincial administrators and a member nominated by each of the three ministers' councils;
- the board would consider any application for the opening of an area to all races which had been made by the state president, a ministers' council, a provincial administrator, a local government body whose region of jurisdiction constituted or formed part of the relevant area, or a township developer which sought to develop the area;
- the board would give at least 30 days' notice in two local newspapers that an inquiry regarding a given area would be held;
- the board would hold an inquiry for each area, at which evidence from members of the public regarding the opening of a particular area to all races would be heard;
- the board was also empowered to 'do or cause to be done such research as it deem[ed] necessary';
- the board would submit its report for a given area to the state president and, where the area had previously been a coloured, Indian or white group area, to the relevant ministers' council;
- an area previously declared a coloured, Indian or white group area could only be declared a free settlement area with the consent of the ministers' council for that particular race group; and

- the state president would take the final decision as to whether or not an area would be declared a free settlement area.

Local Government Affairs in Free Settlement Areas Act

The Local Government Affairs in Free Settlement Areas Act provided for the establishment of a nonracial management committee for each free settlement area. It made the following provisions:¹⁵³

- all residents of a free settlement area would be allowed to vote for the committee. However, those who had been registered as voters for a local authority before the area was opened would be able to remain on the local authority's voters' roll, if they advised the relevant provincial administrator of their intention to do so within 90 days of the proclamation of the free settlement area;
- the vote in free settlement areas was extended to all races, including Africans, by stipulating that voters' names did not have to appear on a parliamentary voters' roll;
- the first management body in any free settlement area would consist of five members appointed by the provincial administrator and one member nominated by the local council in whose area the free settlement area fell;
- the management body would have the same functions as existing management and local affairs committees in coloured and Indian areas. This provision meant that they would have no decision-making powers, but that they would be able only to advise the local authority in the area. However, management bodies would be able to assume powers to run their areas if such powers were conferred on them by the provincial administrator;
- a joint committee would be established in a free settlement area or in several adjacent free settlement areas, which would consist of an equal number of members drawn from the local authority and the free settlement management bodies;
- the joint committee would meet at least once a month to discuss matters of common interest or matters related to the free settlement area. It would be able to make recommendations to the local council; and
- the local council would be able to delegate to the joint committee powers to decide on matters affecting the free settlement area.

Comment on the legislation

The minister of national education and chairman of the ministers' council in the House of Assembly, Mr F W de Klerk, said in Parliament in August 1988 that 'balance is being striven for [in the Free Settlement Areas Bill] because, while the basic point of departure of own residential areas is maintained, room is also left for individuals who feel differently... Individual and group rights can, in the South African context, best be protected within the context of an own community. The ministers'

council also accepts the other point of departure underlying this legislation, which is the acceptance of the principle of free association for those who desire it so that they may settle in residential areas where anybody may live'.¹⁵⁴

The deputy minister of constitutional development and planning, Mr Roelf Meyer, said in the House of Assembly in the same month, 'It is a great pity that the positive aims of these two pieces of legislation [the Free Settlement Areas Bill and the Local Government Affairs in Free Settlement Areas Bill] were obscured by criticism of the Group Areas Amendment Bill. One cannot emphasise strongly enough that these two bills do, in fact, make a contribution to the reform process.'¹⁵⁵

Mr Meyer also pointed out that government policy was that everyone should have effective participation in local government 'individually and in a group context... Inhabitants of a free settlement area have to be afforded effective participation in decision-making processes which affect them, without infringing on the principle of the constitution that local government is an own affair,' he said. Mr Meyer added that voters and candidates for election to local government in free settlement areas had to qualify in the same respects as people in separate group areas, except that there would be no racial qualification. 'But existing voters who may have objections about losing their representation on an own affairs body are afforded an option to remain on the voters' roll on which they were registered before the free settlement was declared,' he said.¹⁵⁶

Speaking in the same debate, Mr Frank le Roux MP (Conservative Party) claimed that the free settlement areas legislation would 'hang like the sword of Damocles over every piece of white land' because no one would know when there would be an announcement that an area would possibly be opened to all races. He maintained that the land which would be used for the proposed free settlement areas was 'white land' and he called the bills a concession to pressure from 'leftists within the National Party and elsewhere', such as the private sector.¹⁵⁷

Mr Jan van Eck MP (Independent) said in the debate that it was tragic that a government which had committed itself to reform should introduce the free settlement bills and the Group Areas Amendment Bill. He believed that the bills would entrench racism in the constitution. Mr Van Eck maintained that in promoting the proposed legislation, the government was trying to satisfy the CP and the members of the coloured and Indian chambers at the same time. He believed that this task was impossible, and that sooner or later the government would have to make a choice about where it stood.¹⁵⁸

The Progressive Federal Party, the National Democratic Movement and the members of the coloured and Indian chambers did not participate in the parliamentary debate about the free settlement bills, as they had boycotted Parliament in protest against the bills and the Group Areas Amendment Bill (see *Overview of the 1987/88 Survey*).

In September Mr Miley Richards MP (Labour Party) said that the LP rejected the free settlement bills as it saw the only acceptable solution to the group areas dilemma as the abolition of the Group Areas Act of

1966. He maintained that the LP could not reject the idea of free settlement areas as such, but that it believed that the whole of South Africa should be a free settlement area.¹⁵⁰ In the same month Mr Tommy Abrahams MP (LP) predicted that the passing of the Free Settlement Areas Bill would cause 'chaos' as the 'larger section of the population [ie the black component] is dispossessed' and 'it would therefore flood into any new areas to be declared open'.¹⁶⁰

The principle of free settlement areas was accepted unanimously at the annual congress of the United Municipal Executive (UME) in Kempton Park (Johannesburg) in August. (The UME is a national body representing white local authorities throughout South Africa.)¹⁶¹

In July the Chamber of Mines of South Africa said that it supported the Free Settlement Areas Bill as a move towards the repeal of the Group Areas Act. It said that in its representations to government it had stated that the Group Areas Act should be repealed as soon as possible. It added that as a 'practical compromise at this stage' it supported the creation of open areas as provided by the bill but felt that 'it is regrettable that this progressive measure should be coupled with the retrograde Group Areas Amendment Bill, which provides for heavily increased penalties in the event of a contravention of the Group Areas Act'.¹⁶²

In the same month the South African Federated Chamber of Industries (FCI) expressed strong criticism of the Free Settlement Areas Bill. The FCI said that it feared that the speed of creation and the number of free settlement areas would be inadequate, because of the lengthy process involved in applications to the Free Settlement Board. It added that uncertainty would still surround the new free settlement areas as their status could be reversed in the future. The FCI believed that in existing 'grey areas' there would always be objections from some white residents to the declaration of free settlement areas, and that the result would be that most free settlement areas would be created in new areas.¹⁶³

The Group Areas Amendment Bill, which was designed to provide very much stricter penalties for violations of the Group Areas Act in areas not proclaimed as free settlement areas, was dropped by the government after widespread protest.

Proclamation of Group Areas

The following number of group areas had been proclaimed as at 31 December 1987:¹⁶⁴

Group Areas proclaimed as at 31 December 1989

	<i>Number of group areas</i>	<i>Area in hectares</i>
Coloured	495	101 797
Indian	250	51 005
White	576	750 050
Total	1 321	902 852

Opinion polls

In August 1988 Market and Opinion Surveys published the results of a poll conducted for the Sunday newspaper *Report* to determine the extent of support for segregated residential areas by white South Africans. The sample consisted of 2 000 people throughout the country. The survey found that 25% of the respondents supported the abolition of the Group Areas Act of 1966. Some 71% favoured the retention of group areas in one form or another. The plans to establish free settlement areas were approved by 59% of the respondents, with 27% opposing the plans and 14% being undecided. On the question of stricter action against black people living in white group areas (as envisaged in the Group Areas Amendment Bill), the poll found that of the respondents, 42% were in favour of stricter action, 37% rejected it and 21% were undecided.¹⁶⁶

In October the daily newspaper *The Star* published the results of a survey conducted in the Pretoria/Witwatersrand/Vereeniging (PWV) area, to determine the common ground among people of all races regarding political issues. The sample comprised 1 052 people of all races in the PWV region. The survey found that 36% of respondents said that the Group Areas Act should be abolished immediately, 16% said that it should be abolished 'in time', 29% said that it should be 'modified to suit local conditions and requirements' and 18% said that it should be retained. Of the white respondents, about four in ten wanted the law scrapped either immediately or gradually.¹⁶⁸

In December *Optima* magazine published a survey of attitudes to residential segregation. The poll was conducted under the supervision of the director of the centre for policy studies at the University of the Witwatersrand, Professor Lawrence Schlemmer. The sample consisted of 1 450 white voters in the PWV area. Professor Schlemmer found that an 'intermediate option', including some 'open' areas and some group areas, was favoured by 64% of supporters of the National Party (NP), 60% of supporters of the Conservative Party (CP) and 17% of supporters of the 'liberal opposition', ie political parties to the left of the NP. Strict segregation of residential areas was favoured by 37% of CP supporters, 16% of NP supporters and 5% of liberal opposition supporters. The complete abolition of the segregation of residential areas was favoured by 3% of CP supporters, 20% of NP supporters and 77% of supporters of the liberal opposition.¹⁶⁷

Free settlement areas

In May Mr Jan Steynberg, a director of Hillview Investments (a property development company), announced that his company was to develop South Africa's first nonracial residential area in Empangeni (northern Natal). The project, to be carried out on a 100-hectare site 'within walking distance of the central business district', would comprise 700 houses for middle- to high-income families and an adjacent industrial area. Mr Steynberg said that he had encountered vigorous local opposition to the project, but that his 'timing was correct'. He expected to begin

work as soon as he had 'the go-ahead from Parliament', ie as soon as the Free Settlement Bill had been passed. It was later reported that construction was expected to begin in November.¹⁶⁶

In July the Greenbelt Action Group, a group of residents of the north Rand concerned with environmental issues, called upon the government to declare Diepsloot (north of Johannesburg) a free settlement area and to drop plans for it to be developed for African housing. (During the previous month the minister of constitutional development and planning, Mr Chris Heunis, had announced that 600 hectares of Diepsloot had been allocated for development as an African township — see *Township Development* above.) The group argued that there were people of all races who wished to live in a rural environment, and that 'market-related pricing would allow those [white] people not wishing to remain to sell and move to an area of their choice'. It said that township development would have 'far-reaching and potentially devastating' effects on the rural environment of Diepsloot.¹⁶⁹

In August the deputy minister of constitutional development and planning, Mr Roelf Meyer, said that Diepsloot would be one of the first areas to be considered as a free settlement area.¹⁷⁰ A month later it was reported that property owners had begun speculating in land in Diepsloot, and that prices had risen from R2 000 to as much as R70 000 a hectare. The chairman of the Greenbelt Action Group, Mr Eric Fletcher, said that if the area was developed as an open area, developers could make profits of as much as R600 000 a hectare. He believed that property owners were ignoring the warning made by Mr Heunis in June that if land speculation occurred in free settlement areas it would be 'curtailed' by the government.¹⁷¹

In September Mr Meyer identified 14 urban and rural areas which the government would consider declaring free settlement areas. They were:¹⁷²

- District Six (Cape Town), an area from which many coloured people were removed in the 1960s;
- lower Woodstock (Cape Town), a 'grey area';
- the suburb of Fairview (Port Elizabeth), which had previously been linked to a coloured area;
- Block AK (Durban), a 'grey' area;
- an undeveloped area of land east of the Greyville Race Course (Durban);
- Harrison Flats, near Hammarsdale (Durban);
- parts of Mariannahill (Pinetown), a 'grey' area;
- the Maryvale area adjoining Westville (Durban);
- the rural area of Diepsloot;
- an undeveloped area adjoining the site of the Development Bank of Southern Africa at Midrand (Johannesburg);
- Doornfontein, Hillbrow, Joubert Park and part of Mayfair (all Johan-

- nesburg), which were all 'grey' areas; and
- the Ironside/Waterdal area adjacent to Sebokeng (east Rand).

Mr Meyer stressed that the areas he had mentioned were merely 'potential open areas' and that because of the 'sensitivities and complexities involved' it was not possible to forecast proclamations of free settlement areas. He emphasised that all investigations by the Free Settlement Board would be subject to the 'support of the local communities'. Later, Mr Meyer indicated that the areas mentioned were not the only ones which would be opened to all races, nor would they all necessarily become 'open' areas.¹⁷³

The deputy chairman of the management committee of the Johannesburg City Council, Mr Danie van Zyl, said in the same month that the council was looking carefully at the free settlement legislation. He added that the council would conduct a referendum in the Johannesburg suburbs mentioned by Mr Heunis as possible 'grey' areas, to determine whether the residents wished to have their areas legally opened to all races. Mr Van Zyl mentioned that the referendum would be held on 26 October, together with the municipal elections.¹⁷⁴ The legislation had not been promulgated by that date, and the referendum was not held.

It was also announced in September that the Kimberley City Council was considering the inclusion of a free settlement area in the new urban plan for the city. It was proposed that the open area should be established to the east of the city. The council was to gauge public reaction before proceeding further.¹⁷⁵

In November the Cape Town City Council voted by 17 votes to two (with 15 councillors absent) to reject the Group Areas Act of 1966 and to request that the entire city be 'restored as an open area'.¹⁷⁶

In December the mayor of East London (eastern Cape), Mr Donald Card, suggested that an open residential area be established in the West Bank area of the city. He was responding to a letter he had received from Mr Peet de Pontes, National Party MP for the area, who had requested the development of a racially mixed suburb to solve 'a serious shortage of housing for middle and top management people, especially in the Indian community'.¹⁷⁷

The chairman of the management committee of the Sandton Town Council, Mr Peter Gardiner, said in March 1989 that he had had extensive discussions with the newly appointed chairman of the Free Settlement Board, Mr Hein Kruger. He said that Mr Kruger wished whole towns to be given free settlement status, rather than small pockets of land being opened to all races, which would lead to undesirable pressure on such areas. Mr Gardiner added that the Sandton Town Council had commissioned a report on the implications of opening the town to all races. The report would be considered by the council in April.¹⁷⁸

In March 1989 Mr Meyer said that the Free Settlement Board would consider opening the mixed-race suburb of Windmill Park (east Rand) to all races. The announcement followed earlier attempts by the Con-

servative Party-controlled Boksburg Town Council to evict Indians from Windmill Park (see the chapter on *Population and Settlement*).

'Grey areas'

The term 'grey areas' refers to areas which have been designated for a particular race group in terms of the Group Areas Act of 1966 (usually white) and which have become desegregated in practice despite the act.

Cape province

In March 1988 the minister of constitutional development and planning, Mr Chris Heunis, said in reply to a question in Parliament that the committee of the Group Areas Board, which had investigated whether **Woodstock** (Cape Town) should be proclaimed coloured, had reached a decision. However, Mr Heunis said that he had not received the committee's final report and that he was unable to release its findings.¹⁷⁹ (Woodstock was a white group area with a population of all races, including a large number of coloured people — see 1987/88 Survey p496.)

In August it was reported that 200 whites living in Woodstock and the adjoining suburb of University Estate had met in a church hall in Woodstock to discuss the possibility that the area would be proclaimed a coloured group area. The group signed a petition to be sent to Mr Heunis, requesting that the government 'protect' their right as 'the legal white community' to live in the area.¹⁸⁰

In September officials of the Department of Local Government, Housing and Works (white own affairs) conducted a survey of Woodstock, allegedly 'in connection with rent control'. In the same week police visited a white resident and issued him with a 'warning' that he was contravening the Group Areas Act of 1966 by providing accommodation to a coloured woman. Mr Jeremy Lawrence, a member of a local group opposing the act, said that some residents feared that the police warning was the start of a 'witch-hunt'.¹⁸¹ However, later in the month, in his introduction of the Free Settlement Areas Bill in Parliament, Mr Heunis mentioned Woodstock as one of the areas which the government would consider opening to all races.¹⁸²

In August of the Cape Town City Council announced that it would participate in an urban renewal project in **District Six, Salt River and Woodstock**. The council said that it had accepted an invitation from British Petroleum Southern Africa (BP) and 18 other private companies, to become the founder member of a non-profit company, which would redevelop the areas. (The announcement followed earlier plans by BP in November 1986 to develop District Six as an 'open' residential area, and by BP and 18 other companies in November 1987 to develop District Six, Salt River, Walmer Estate and Woodstock as 'open' areas — see 1987/88 Survey p497. Owing to government opposition to the plans, they had not been implemented.)

BP said in a public statement in August that it would participate in the development of District Six, Salt River and Woodstock only if they were

declared free settlement areas. It added that there would be a focus on the provision of housing which was affordable to families earning less than R1 500 a month. Public amenities, parks and businesses would also be developed. The statement said that the following principles would be adhered to:¹⁸³

- the areas would be open to all;
- community involvement would be encouraged;
- as far as possible, home ownership would be facilitated; and
- former residents (particularly coloured people removed from District Six during the 1960s) would have 'every opportunity' to be involved in the project.

The chairman of the town planning committee of the Cape Town City Council, Mr Clive Keegan, commented on the announcement by BP, saying that the project would restore some of the city's human and economic vitality. He referred to the important symbolic role which District Six had played, saying, 'The most appropriate monument to what the Group Areas Act has done to Cape Town is to cause to rise there again a living, vibrant and nonracial community.' He added that the project would be a major contribution to reducing the housing shortage in the western Cape.¹⁸⁴

In October, in response to Mr Heunis's announcement that the government would consider declaring District Six a free settlement area, five Conservative Party (CP) MPs said that they had decided to move from the area. Mr Daniel Nolte MP (CP) said that the CP had instructed its chief whip to seek immediate alternative accommodation for its MPs living in District Six. He hoped that the MPs could be accommodated in the parliamentary village of Acacia Park (Cape Town).¹⁸⁵

In the same month it was reported that since the removal of coloured people in the 1960s, white entrepreneurs had bought large parts of District Six at low prices from the government. It was said that in some cases developers had paid as little as R30 a square metre for land. The expectation that the area would be opened to all races had led to speculation in selling property in the area, which had resulted in prices exceeding R160 a square metre. Most of the property sales had not been recorded in the deeds office, as they were suspensive sales (ie involving land on which there were no buildings), and transfers were only recorded once buildings were erected on the sites. It was suggested that this regulation had allowed developers to buy and sell land in the area at great profit, without facing adverse publicity. It was said that the proclamation of District Six as an 'open' area would not change its character greatly, as most of the land was now owned by whites. It was expected that the high prices of land and the affluent nature of some of the housing projects planned for the area would prevent most of the area's former coloured residents from moving back into the area.¹⁸⁶

The proposal that District Six be declared a free settlement area was criticised by the Hands Off District Six Committee, which comprised 23 local coloured organisations. The chairman of the committee, Mr Anwar

Nagia, alleged that BP had presented its ideas as a *fait accompli*, without consulting the people who had been 'forcibly removed' from the area. 'We don't want an open area, we want the Group Areas Act to go,' he said. 'The houses to be built in the area will be plush—the [coloured] people who moved in the first place won't qualify to return.' He said that BP had agreed to meet the committee to discuss the plans for District Six, but that the company had then (in the eyes of the committee) destroyed what goodwill existed by launching a publicity campaign before the talks could be held. Mr Nagia maintained that the committee was still willing to meet BP, but only if it could talk to the 'decision-makers' in the company and only at a public meeting.¹⁸⁷

Mr Nagia added that some coloured people wished the area to remain a 'barren memorial to the folly of apartheid'. 'How can we be asked to give our blessings to earth which is so salted, which acts as a reminder of those people who were removed and their struggles?' he asked.¹⁸⁸

Natal

In March Mr Nizam Khan MP (National People's Party) called on the government to declare **Clairwood** (Durban) an open area. He accused the government and the Durban City Council of delaying implementation of their plans for the suburb for more than 30 years. Mr Khan said that Clairwood had once been a thriving community comprising all races, but that the council had removed white and coloured people from the area during the 1960s. 'The council demolished good homes by means of the Slums Act. It could not force the people out of Clairwood, so it used the Slums Act and took the owners to court and demolished their properties,' he said. Mr Khan added that the council had wanted to industrialise the area, but that it had not been able to 'force all the people out'. The result had been a compromise, in which parts of Clairwood were developed for industrial use, while the rest remained a residential area.¹⁸⁹

Mr Khan claimed that the Durban City Council had deliberately neglected the area and that it had failed to provide lighting, proper roads and drainage. The result had been the 'slumming of Clairwood'. He called on the government to develop part of the area for Indian housing, and also to declare it an open area.¹⁹⁰

Replying to Mr Khan, the deputy minister of development planning, Mr Piet Badenhorst, said that his department would intervene in the development of Clairwood unless the Durban City Council had responded by the end of May to a report which the government had drawn up on the area.¹⁹¹

In May the Durban Central Resident's Association (DCRA), an organisation of residents who opposed the eviction of black people in the city under the Group Areas Act, sent a memorandum to the government asking that the **Warwick Avenue Triangle**, a 'grey area' in the centre of the city, be opened to all races. Mr Roger Burrows MP (Progressive Federal Party) said that the Warwick Avenue Triangle had been 'neglected for decades' as the government had been 'unable to

decide whether whites, Indians or coloureds should live there'. He said that he was strongly in favour of the area being opened legally to all races, but that he was concerned about the government 'singling out one area to "go grey" while implementing stiffer prosecutions against people contravening the Group Areas Act in other areas'. Mr Burrows asked the government for assurances that if the Warwick Avenue Triangle was opened to all races, land speculators would not be allowed to move into the area, purchase properties, improve them and then sell them at inflated prices, thereby driving out the original residents of the area.¹⁹²

In October a number of Indian and white residents of a 'grey area' of Westville (Durban) met to form the Westville Residents' Support Group, which agreed to request the government to declare Westville an open area. Later in the month the group held a meeting in the Westville town hall to call for the repeal of the Group Areas Act. The meeting was disrupted by about 150 right-wing whites, who heckled the speakers and eventually staged a walkout of the meeting. Speaking at the meeting, the head of the department of medicine at the King Edward VIII Hospital in Durban, Professor Y K Seedat, said that the Group Areas Act had inflicted 'severe pain and deep wounds' on the Indian community, in that prime land had been expropriated from Indians at low prices and thousands of Indians had been displaced. He pointed out that renal services in Natal had been integrated racially ten years previously 'without many teething problems'. Professor Seedat believed that in the same way, the repeal of the Group Areas Act would be less difficult than many people imagined.¹⁹³

Transvaal

In March it was reported that the government's 'indecision regarding the Group Areas Act' had affected property prices in the 'grey areas' of Berea, Hillbrow, Joubert Park and Yeoville (all in Johannesburg). Buildings in these areas were said to be largely unsaleable and valuation of them problematic, as black people could not buy property there legally and whites were reluctant to buy housing in such areas. It was said that financial institutions were reluctant to grant home loans in 'grey areas'. The general manager for home loans at the United Building Society (UBS), Mr Piet Kruger, said that the UBS would communicate with the government about the situation and that his institution was 'extremely cautious and conservative' in the granting of home loans in 'grey areas'. The general manager for lending at the Allied Building Society, Mr Geoff Bowker, pointed out that his society was still lending funds to clients in areas such as Hillbrow, but that it was being 'cautious and selective', with what he claimed was 'very good reason'.¹⁹⁴

In February Anglo American Properties (Ampros) announced in Johannesburg that it would disregard the Group Areas Act and sign leases directly with black tenants, instead of negotiating leases with white nominees who sublet to black people, as had previously been the case. The leasing director of Ampros, Mr Grahame Lindop, said, 'We are no longer prepared to put up with the Hillbrow sham. We accept that we

are contravening the Group Areas Act but the fact is that a large number of flats are occupied by disqualified tenants who are being exploited by unscrupulous landlords charging exorbitant rentals.¹⁹⁶

The announcement was condemned by the CP, which called on the government to act against the company's 'civil disobedience'. Mr Tiaan van der Merwe MP (PFP) believed that Ampros' decision would be a 'strong blow' against the law. 'It will give confidence to those who refuse to apply the Group Areas Act and that will add momentum to the thrust for a more normal society,' he said.¹⁹⁶

The deputy minister of development planning, Mr Piet Badenhorst, said that he was 'sorry' to hear that Ampros was disregarding the Group Areas Act and warned that the company could face prosecution. He argued that the government would be amending the act and that Ampros should therefore 'wait'.¹⁹⁷

Other property agents in Johannesburg were reluctant to follow Ampros' lead. The director of Landmark, Mr Lewis Gottschalk, criticised the announcement, saying that the law was being broken anyway and that Ampros should not draw the attention of the government to contraventions of the Group Areas Act.¹⁹⁸

In April some white residents of Kibler Park, Mondeor and Ridgeway (all southern suburbs of Johannesburg) held a meeting to protest against nine black families who had moved into their areas. The meeting in the Mondeor Civic Centre was attended by about 2 000 people. About 1 200 members of the meeting signed a petition to be sent to the state president, Mr P W Botha, requesting the immediate enforcement of the Group Areas Act 'to protect the rights of property owners' in the area.¹⁹⁹

In the same month Mr Badenhorst and the deputy minister of constitutional development and planning, Mr Roelf Meyer, paid a visit to the 'grey area' of Hillbrow (Johannesburg). They met representatives of the local business community and of white residents. The visit was criticised by the chairman of the Action Committee to Stop Evictions (ACTSTOP), Mr Cassim Saloojee, who pointed out that Messrs Badenhorst and Meyer had met no representatives of the approximately 50 000 illegal black residents of the area. He called on the government to legalise black tenancy in Hillbrow, Mayfair (Johannesburg) and Woodstock, to 'prevent residents from being grossly exploited by landlords using the Group Areas Act as a protection'.²⁰⁰

A month later Mr Meyer held a press conference at which he announced a comprehensive 'action plan' to upgrade the area. Mr Meyer's plan made the following provisions:²⁰¹

- law and order would be enforced more firmly;
- municipal bylaws regarding the overcrowding of flats would be applied more strictly and consistently;
- health conditions would be monitored and corrected;
- 'malevolent and loitering elements' would be removed; and
- 'homeless juveniles' would be rehabilitated.

Mr Meyer said that the plan was the result of his assessment of the needs

of Hillbrow residents during his visit to the area. It would be implemented by 15 central government, provincial and municipal departments. Mr Meyer said that the departments would be represented on a committee, to be known as the Hillbrow Work Group, which would implement the plan. He added that he had as an immediate step arranged for more plainclothes and uniformed policemen to patrol the streets of Hillbrow, to create safer conditions for the elderly and to act as a deterrent to criminals.²⁰²

The leader of the PFP in the Johannesburg City Council, Mr Tony Leon, contended that the government's assessment of Hillbrow's problems was correct, but that the action plan was unrealistic because 'it was short on specifics. It failed to address the Group Areas Act, which was the greatest cause of uncertainty in the area'. The CP candidate for Hillbrow in the municipal elections, Mr Fred Rundle, described the plan as 'nothing but an election ploy by the National Party', which tried to 'treat the symptoms rather than the cause'.²⁰³

The chairman of the Hillbrow Traders' Association, Mr Mike Poole, said that he was pleased that the government and the Johannesburg City Council had 'finally got round to forming a working group'.²⁰⁴

There were a number of reports of 'illegal' black tenants of buildings in 'grey areas' of Johannesburg being exploited through the charging of high rents and the denial of essential services. In July it was reported that African tenants of Polly Lodge, a block of flats in central Johannesburg, were barred from entertaining guests during the week. A tenant in the building, Mr Ely Dingi, claimed that a notice had been hung in Polly Lodge, instructing residents that visitors were allowed only during weekends, and that a R50 charge would be levied for each visitor. He also said that although the local rent control board had set rent for the building at R88 a month for a one-bedroom flat, the owner of the building was demanding R250 a month. He added that the building was not supplied with hot water, the lavatories leaked and there was only one dustbin for each floor. Other tenants said that their electricity supply had been cut for several days at a time, with no explanation given. The caretaker of the building and the company owning it, Poljep Investments, refused to comment on the allegations.²⁰⁵

In July three researchers in the Department of Development Studies at the Rand Afrikaans University, Messrs Johan Fick and Christo de Coning, and Mrs Nellie Olivier, published the results of a survey they had carried out in the 'grey area' of **Mayfair**. They found that about 13 000 Indians had moved into the area over the previous ten years. The researchers said that Indians who had settled in the suburb were generally from a middle-class background in terms of income and qualifications, and that their educational level generally exceeded that of their white neighbours. Their study showed that Mayfair had been upgraded considerably since the influx of Indians, and that in the previous four years property values in the area had risen by 161%, while property values for the whole of Johannesburg had risen by only 20% over the same period.²⁰⁶

The report added that there was no evidence that the influx of Indians had caused overcrowding or an increase in crime. It also said that the significant emigration of whites from Mayfair had been partly countered by hundreds of 'young urban professional' whites, who were seeking affordable accommodation close to the centre of the city, moving into the area.²⁰⁷

In the same month Mr Meyer addressed an NP meeting in Mayfair, attended by about 110 whites. It was reported that he was repeatedly interrupted by members of the audience, who demanded to know what the government's plans for the area were. Most members of the audience who addressed Mr Meyer also appealed for the government to remove the Indian population from the area. However, he declined to answer their questions about the future of Mayfair, although he called on the audience to elect a committee to discuss the constitutional future of the suburb with him. Eight residents were elected to the committee, which was to meet Mr Meyer on 21 July.²⁰⁸

In September the leader of the NP in the Johannesburg City Council, Mr Danie van Zyl, suggested that areas represented by the PFP after the municipal elections on 26 October should be declared free settlement areas. Mr van Zyl said that as the PFP had repeatedly called for residential integration, he had requested the management committee of the council to consider the elections as a referendum about opening individual wards to all races. He argued that residents who voted for PFP candidates would be voting for their area to be opened to all races.²⁰⁹

The leader of the PFP in the council, Mr Tony Leon, described Mr Van Zyl's statement as 'absolute rubbish'. He pointed out that the PFP had never supported the concept of free settlement areas, and that it had called instead for the total repeal of the Group Areas Act. He said that Mr Van Zyl's argument was an 'election ploy' to win votes for the NP.²¹⁰

In October the Randfontein Town Council (west Rand) said in a newsletter that it would not allow 'grey areas' to develop, and that the town would remain white. The town clerk, Mr Louw Brits, said that the council was making this assurance because of rumours spread by right-wing supporters that blacks would be allowed to settle in white areas. He said that there was no need for free settlement areas in Randfontein, as Africans and coloured people had 'well-developed areas of their own'.²¹¹

It was reported in November that 67 Indian families living in **Pageview** (Johannesburg) had until 30 November to file a replying affidavit in the Appellate Division of the Supreme Court in Bloemfontein as to why they should not be evicted from the area. Over the previous 30 years hundreds of Indians had been evicted from the suburb, which had been declared a white group area in 1956 (see 1986 *Survey* Part 2 p508). The remaining families were offered accommodation by the Department of Housing and Works (Indian chamber) in Octavia Flats, a building on the border of Mayfair, less than a kilometre away from their homes. They were said to have rejected the offer. One resident described the block of flats as 'like dilapidated military barracks', and said, 'I will not pay exorbitant prices to live in a hostel. It's ludicrous. They want to evict us and relocate

within walking distance of our present homes.' He added that if the authorities were to remove them, they should be given accommodation of a standard equal to that which they presently had.²¹²

In May an NP councillor in the Pretoria City Council, Mr Steyn van der Spuy, said the NP would never allow any existing white suburb of the city to be opened to all race groups. In August the chairman of the management committee of the Randburg Town Council, Mr Frans Lourens, said that the NP would recommend that a white area of Randburg be desegregated residentially only if a survey or referendum of white residents showed support for the change.²¹³

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EDUCATION

ADMINISTRATION

In January Mr Carter Ebrahim resigned as the minister of education and culture in the House of Representatives. Mr Ebrahim's resignation followed a dispute between himself and the leader of the Labour Party (LP) and chairman of the ministers' council, the Rev Allan Hendrickse, over a cabinet decision that in view of the white general election on 6 May 1987, the constitution should be amended so that new House of Assembly elections should not be held for another five years. Mr Hendrickse said that the LP would not agree to such a change in the constitution unless the government agreed to abolish the Group Areas Act of 1966. Mr Ebrahim favoured a more conciliatory approach (see chapter on *Political Developments*).¹ Mr Hendrickse was appointed minister of education and culture in the House of Representatives.²

In 1987 the cabinet appointed an inter-departmental task group to look into the question of care for 'problem' African children. In March 1988 the deputy minister of education and chairman of the task group, Mr Sam de Beer, announced his department's decision to open facilities for the care of African children who needed to be removed from their domestic environments for their own safety and of children who were either awaiting trial or had already been convicted. However, Mr De Beer said that these facilities would not provide for 'young people who are being held in terms of the emergency regulations or those being held for security offences'. He also said that the new institutions were not intended to replace accommodation in prisons for youths convicted of serious crimes. Mr De Beer said that two new schools of industry, one reform school and nine 'places of safety' would open within the year. They would accommodate about 2 350 pupils and would help reduce the backlog in care centres for African children.³

In June a judicial commission of inquiry under the chairmanship of Miss Justice Leonora van den Heever was established to investigate alleged financial irregularities by the director general of education and training, Mr Braam Fourie, and a deputy director general, Mr Dirk Meiring, following the R4,8m purchase by the Department of Education and Training of computers from a Pretoria-based company, Learning Technologies. It was alleged that the purchase was not carried out in accordance with the set procedures of calling for tenders and that Mr Fourie's son had an interest in the company.⁴ Also in June, a departmental investigation by Dr S du Plessis, a former director general of the Department of Economic Affairs, was launched to investigate allegations of irregularities against another deputy director of education and training, Mr Jaap Strydom. It was alleged that Mr Strydom's son, Mr

Thinus Strydom, had an interest in a company, Forma Publishers, which supplied the Department of Education and Training with books, magazines and posters. Dr Du Plessis would submit a preliminary report to the judicial inquiry, which would investigate further.⁵ At the time of writing the commission was still considering evidence.

In November the Department of Education and Training announced that from 1989 the status of school committees would be elevated to that of management councils. According to the department, in 1986 the council for education and training had expressed its concern that the existing governing bodies were not functioning effectively. Discussions were then held with parents and teachers and a number of important amendments aimed at promoting the image and increasing the authority and responsibility of existing school committees were made to the regulations. The changes were as follows:⁶

- the school committees would be replaced by management councils;
- the principal would no longer be the ex-officio secretary. A member of the council would be elected to this position;
- the definition of 'parent' in the Education and Training Act of 1979 was amended (see *Farm Schools* below) to include custodians of pupils who were not necessarily guardians appointed by a court of law;
- the powers of parents were extended to include matters such as consultation on the appointment, promotion and dismissal of staff;
- the care and use of buildings, administration of school funds, admission of pupils, extra-mural activities and hours of attendance at schools would also be matters which required parental participation in decision making;
- governing councils presently appointed by regional directors would be replaced, wherever possible, by governing bodies elected by parents, with a parent as chairman; and
- communication structures would also be provided which would enable parents to influence decisions on education at the highest level.

LEGISLATION

The **Education Affairs Act (House of Assembly)**, which was passed during 1988, provided for the provision and control of education in schools, and matters connected therewith. The act consolidated existing acts including the Children's Act of 1960, the Education Services Act of 1967, and the Mentally Retarded Children's Training Act of 1974, as well as almost 100 ordinances.

Chapter two of the act provided for the execution of the act. In terms of section 3 of the act the four provincial education departments, ie, the Cape Education Department, the Natal Education Department, the Orange Free State Education Department and the Transvaal Education Department would continue to exist. Section 4 provided that the minister

of education and culture (House of Assembly) would designate a director for each provincial education department who would perform the functions assigned to him by this act, by the minister or by the head of education.

The functions of the minister of education and culture were provided in terms of section 5 of the act. In addition to any other functions assigned to the minister in terms of the act, he might establish and maintain such centres as he might deem necessary for the development and promotion of some or other aptitude of pupils; establish and maintain hostels for public schools; provide such equipment and erect such buildings as he might deem necessary for the administration of the provisions of the act; make provision for the medical, psychological, or dental examination of pupils, the transport of pupils, and supplementary educational programmes; and provide for financial and/or material aid to a pupil admitted to a government school, or a state-aided school.

In terms of section 6, in addition to the other functions assigned to the head of education in terms of the act, the head of education might, subject to certain conditions, approve educational programmes for pupils; approve educational and training programmes for handicapped children; determine the conditions for admission to such educational and training programmes and for evaluation of the effectiveness of the teaching and training provided in accordance therewith; approve courses for the provision of education, including specialised education; determine the conditions for admission to, and the syllabuses of, such courses; cause examinations to be conducted; and determine the school calendar, school holidays and length of the school day.

Section 7 provided that the Department of Education and Culture would, subject to the control and instructions of the minister, be responsible for the management and control of public schools and hostels. Chapter 2 of the act also made provision for the inspection of schools and hostels and the appointment and functions of school attendance officers.

Chapter 3 of the act dealt with government schools. It provided that the minister might, out of monies appropriated for this purpose by the House of Assembly, establish and maintain the following government schools: pre-primary schools, primary schools, secondary schools, schools for specialised education, industrial schools, and reform schools. The minister might after consultation with the management council of the school, close a government school.

Chapter 4 dealt with councils. In terms of section 14 the minister might by notice in the *Government Gazette* divide a province into regions and establish a regional council for each of those regions; and divide such a region, or such provinces as had not been divided into regions, into districts, and establish a school board for each of those districts. The act also provided, in terms of section 15, that the minister might establish a management council for a public school, excluding industrial and reform schools; and a board of management for an industrial school or a reform school. If, in the opinion of the minister, it was not expedient to place a

hostel under the supervision of the management council of a particular public school, he might establish a hostel council for one or more of those hostels. Section 17 provided that a council might appoint one or more committees of that council which, subject to the instructions of that council, would perform such functions of the council as the council might determine.

Chapter 5 dealt with private schools and state-aided schools.

In terms of section 21, no person could for reward keep in his custody or under his control 20 or more children of three years or older but not yet subject to compulsory school attendance, unless he/she had registered as a private pre-primary school in terms of the act. Section 22 provided that no person could, except at a state-aided school, provide specialised education for reward unless he/she had registered as a private school for specialised education in terms of the act. Any person who intended to register as a private pre-primary school or private school for specialised education, could apply in writing to the head of education.

Section 26 provided for subsidies to private pre-primary schools. In terms of section 26(1) a private pre-primary school could apply in writing to the head of education to be classified for subsidy purposes as a departmentally controlled pre-primary school. Section 26(2) provided that a private pre-primary school which had not been classified as contemplated in section 26(1) might apply annually in writing to the head of education for a subsidy. The head of education might at his discretion grant or refuse an application.

Section 29 of the act provided for the declaration of educational institutions as state-aided schools. In order to ensure the provision or the continued provision of specialised education at an educational institution other than a public school, the minister might, by notice in the *Government Gazette*, declare such an institution to be a state-aided school. No educational institution could be declared to be a state-aided school except with the concurrence of the owner of that institution and of the minister of budget and works. In terms of section 32 the minister might, out of monies appropriated for such purposes by the House of Assembly, grant a subsidy to a state-aided school on such basis and subject to such conditions as he might determine. In terms of section 37, if a condition under which a subsidy was granted under section 32 had, in the opinion of the minister, not been complied with, he might, at any time by notice in the *Government Gazette*, withdraw the declaration of an educational institution as a state-aided school: provided that the minister, before he withdrew the declaration, gave the governing body of the state-aided school an opportunity to make representations to him in connection with the proposed withdrawal.

In terms of section 38 the minister might enter into an agreement with the owner of a private school or the governing body of a state-aided school to declare such school a public school.

Chapter 6 dealt with pupils. Provision for compulsory school attendance was made in section 54. The section stated that a child must from the first school day of the year in which he/she reached seven years attend

a school during the normal school hours until the last school day of the year in which he/she reached the age of 16 years or until he/she completed the twelfth level (standard 10), whichever was the earlier. In the case of a handicapped child, he/she had to stay at school until the last school day of the year in which he/she reached the age of 18 years, or until he/she had completed the specialised education programme he/she was following, or until he/she was, in the opinion of the head of education, ready to leave the school and adapt to the outside world. In terms of section 54 the head of education could exempt a child from compulsory education.

Provision was also made in this chapter for the medium of instruction, for a religious and a physical education programme in schools, as well as for the control, expulsion, suspension and discipline of pupils.

Chapter 7 dealt with staff. Provision was made for, inter alia, the appointment and promotion of staff and the conditions of service of persons employed at departmental institutions; the transfer and secondment of persons employed at departmental institutions; the discharge of persons from these institutions; resignations; misconduct; and the civil and political rights of persons employed in terms of the act.

Chapter 8 dealt with miscellaneous matters. In terms of section 102 the parent of a pupil admitted to a public school or centre or to a hostel, could pay such tuition fees as the minister of education and culture, with the concurrence of the minister of the budget and works, might determine. Provision was also made for the establishment and control of school and hostel funds as well as for offences and penalties concerned therewith.

The **Tertiary Education Act**, passed in 1988, provided for the establishment of colleges to furnish tertiary education or any of the components of tertiary education. Section 2 of the act stated that a minister (ie, the minister of education and development aid, or the ministers of education and culture in the white, coloured and Indian own affairs departments) might establish such a college. The name of the college, which would be determined by the council of the college with the concurrence of the minister concerned, would have to include the words 'tertiary education'. In terms of section 3 of the act the college might offer university, teacher or technikon education with the permission of the minister concerned. Courses that would lead to a degree, diploma, certificate, teaching qualification or technikon certificate could be introduced only with the prior written permission of the minister. University training would have to be undertaken in terms of an agreement with a university. Technikon certificates would be issued in terms of the Certification Council for Technikon Education Act of 1986.

In terms of section 5 of the act the principal of a college would be appointed by the council of the college with the concurrence of the minister concerned. Section 10 provided that the appointment of academic and other staff of the college would be made by the council with the concurrence of the minister. Provision was also made in the act, in terms of section 20, for the establishment of such a college in the non-independent homelands.

The act also repealed the Extension of University Education Act of 1959, which provided for the establishment of university colleges for African, coloured and Indian people.

In November new regulations concerning the admission and the control of pupils at government schools and state-aided schools under the Department of Education and Training (DET) were gazetted by the minister of education and development aid, Dr Gerrit Viljoen.⁷ Notice R2287 of *Government Gazette* no 11572 of 11 November amended the Education and Training Act no 90 of 1979, and specifically the regulations published by Government Notice R1143 of 29 May 1981, as amended by Government Notices R833 of 30 April 1982 and R742 of 4 April 1985.

According to the regulations, pupils might be suspended or expelled from schools if, after one warning, they:

- were in possession of or used habit-forming drugs without a doctor's prescription;
- refused to obey legitimate instructions;
- intentionally gave false information to any teacher;
- made unsatisfactory scholastic progress owing to participation in activities not forming part of an educational or recreational programme approved by principals and DET officials;
- incited pupils to contravene regulations, school rules and examinations;
- took part in boycotts, sit-ins and riotous actions;
- committed acts of insubordination;
- refused without sound reason to attend classes;
- intentionally left books at home;
- behaved in a manner, or were convicted of an offence, that seriously prejudiced or might prejudice 'the maintenance of order or discipline or the effective provision of education'; and
- intentionally damaged, destroyed, abused or appropriated property of the school or of any person or body.

Pupils who had been absent for more than ten consecutive school days, or for 20 or more school days a year without valid reason, might be expelled, although parents could appeal to the circuit inspector and the regional director.

Provision was also made for the immediate suspension of pupils who seriously prejudiced 'the maintenance of order and discipline'. However, pupils and their parents were given the opportunity of making representations against the suspensions.

Another of the regulations stated that pupil organisations might not operate on school or hostel premises unless their constitution had been approved by the regional director of education.

Several of the regulations empowered the minister to close schools permanently or temporarily. The minister might close a school perma-

nently if the number of expelled pupils or the number of pupils refusing or failing to attend classes was such that 'the continued existence of the school is not justified'. The minister might also close a school temporarily if pupils refused to attend classes; if effective teaching was not possible owing to pupils' disregarding instructions by principals or circuit inspectors; if pupils contravened the Education and Training Act; and owing to 'riotous or disorderly behaviour'. When the school was reopened, the principal might, after considering representations by the pupils, refuse admission to pupils suspected of, or known to have committed any of the above offences.

A final set of regulations referred specifically to admission procedures. They stated, inter alia, that parents or guardians had to accompany children to school when applying for admission and had to undertake in writing to ensure children's regular attendance; that the admission of any pupil previously refused admission to any school, or suspended or expelled for misconduct, had to be approved by the director general of education; and that pupils who had failed the same standard twice had to obtain the director general's permission for readmission.

In December the DET's chief liaison officer, Mr Job Schoeman, said that press reports which stated that the new regulations set the department on a 'course of confrontation' were misleading, and that the clauses which had received the most criticism, ie those relating to the suspension and expulsion of pupils, were 'virtually identical' to those of other education departments.⁹ The DET also said that the regulations were the direct result of 'hooliganism, criminal acts and disruption which have bedevilled education, particularly in places like Soweto, over the past two years'. They were meant to ensure every pupil's and every teacher's right to safe and peaceful learning conditions and were not meant to be vindictive. However, educationists criticised the regulations for dealing with the symptoms, but not the causes, of the 'disease'⁹ in African schools.

FINANCE

The amount budgeted for 1988/89 for **African education** in the white-designated areas, which is controlled by the Department of Education and Training, was just over R1,64bn — an increase of R153m (10%) over the previous year's actual expenditure of R1,49bn. The table, *Expenditure on African education (white areas): 1988/89*, overleaf, shows the sum allocated to white-designated areas.¹⁰

The Department of Public Works and Land Affairs budgeted an additional R20 000 for the provision of facilities for the technical and vocational education of Africans.¹¹

The **homelands** are responsible for their own education budgets, for which they receive grants from the central exchequer (see chapter on *The Homelands*). The non-independent homelands receive grants

through the budget vote of the Department of Development Aid and the 'independent' homelands through the vote of the Department of Foreign Affairs. The table, *Education expenditure in the homelands*, below, shows budgets for education in the homelands in 1987/88 and 1988/89.¹²

*Expenditure on African education
(white areas): 1988/89*

	R
Administration	63 009 000
Pre-primary education	1 171 000
Primary education	749 081 000
Secondary education	428 993 000
Technikon training	16 023 000
University education	166 480 000
Vocational education	34 105 000
Education for handicapped children	33 664 000
Teacher training	88 126 000
Out of school education and training*	42 120 000
Auxiliary and associated services	17 956 000
Total	1 640 728 000

* Includes adult education and youth activities

Education expenditure in the homelands

	1987/88 R	1988/89 R	Increase/ Decrease
Bophuthatswana	275 515 942	275 413 000	-0,04%
Ciskei	128 358 000	137 159 000	6,9%
Gazankulu	128 897 200	187 912 200	45,8%
KaNgwane	65 172 050	84 218 710	29,2%
KwaNdebele	59 565 000	75 555 000	26,8%
KwaZulu	450 811 056	599 383 000	33,0%
Lebowa	341 398 290	453 285 310	32,8%
QwaQwa	56 654 700	72 066 750	27,2%
Transkei	343 462 000	433 045 000	26,1%
Venda	104 894 100	137 825 000	31,4%
Total	1 954 728 338	2 455 862 970	25,6%

The sum budgeted for **coloured education** amounted to R1,1bn, an increase of R96m (10%) over the previous year's actual expenditure of just over R1bn, while that for **Indian education** was R463m, an increase of R59m (14%) over the previous year's actual expenditure of R405m. The amounts were allocated as follows:¹³

Expenditure on coloured and Indian education: 1988/89

	<i>Coloured</i> R	<i>Indian</i> R
Administration	43 201 000	17 712 000
Pre-primary education	9 444 000	1 309 000
Primary education	478 471 000	166 639 000
Secondary education	309 017 000	178 808 000
Technikon education	19 804 000	19 681 000
University education	55 460 000	37 644 000
Technical education	16 240 000	4 916 000
Education of handicapped children	35 845 000	14 177 000
Education of children in need of care	14 400 000	2 692 000
Schools for specified purposes	2 327 000	—
Teacher training	63 298 000	10 010 000
Extra-mural education*	2 718 000	402 000
Auxiliary services	53 144 000	9 250 000
Total	1 103 369 000	463 240 000

* Adult education

The sum budgeted in 1988/89 for **white education** was R3,7bn, an increase of R407m or 12% over the previous year's figure of R3,3bn, allocated as follows:¹⁴

Expenditure on white education: 1988/89

	R
Administration	151 605 000
Pre-primary, primary and secondary education	1 969 229 000
Teacher training	121 661 000
Technikon education	207 435 000
University education	919 489 000
Post-school education	102 136 000
Education of handicapped children	112 351 000
Children in need of care	31 313 000
Associations and supporting services	112 320 000
Total	3 727 539 000

The Department of National Education, which deals with **general policy matters for all population groups**, budgeted R7,6m for administration, national education policy and education improvements for 1988/89, an increase of R216 000 (3%) over the previous year's expenditure of R7,4m.¹⁵

On the basis of the figures above, the total budgeted expenditure for **all population groups** for 1988/89 amounted to R9,4bn, an increase of

R1,3bn (16%) over the previous year's expenditure of R8,1bn. The amounts were allocated as follows:

Total education expenditure: 1988/89

	R
African education in the white-designated areas	1 640 728 000
Education in the non-independent homelands	1 472 420 970
Education in the 'independent' homelands	983 442 000
<hr/> Sub-total (African education) <hr/>	<hr/> 4 096 590 970 <hr/>
Coloured education	1 103 369 000
Indian education	463 240 000
White education	3 727 539 000
<hr/> Total <hr/>	<hr/> 9 390 738 970 <hr/>

In a statement released in February the minister of education and culture (white own affairs), Mr P J Clase, said that the funds available for education were limited and warned that it would no longer be possible for a provincial education department to negotiate for additional funds. Mr Clase said that the implementation of the new educational dispensation had brought about a change in the way in which education was financed. In terms of the new system funds were allocated to each state department responsible for education by using a formula developed by the Department of National Education. The formula was based, inter alia, on the pupil numbers of the state department involved. Mr Clase said that in future schools would, to a certain extent, be dependent upon the contributions of parent communities and 'other partners of education'. He added, however, that any person who could not afford to contribute would be under no compulsion in this regard.¹⁶

In November the chairman of the ministers' council in the House of Representatives and the minister of education and culture (coloured own affairs), the Rev Allan Hendrickse, announced that if the government did not allocate the full amount it had budgeted for coloured education, 2 434 teachers would have to be retrenched, or 37 high schools or 87 primary schools would have to be closed. Mr Hendrickse said that he wanted to bring to the public's attention that there were shortfalls of millions of rand in the figures budgeted for education over the past three financial years. Representation had been made to the minister of finance, Mr Barend du Plessis, to reconsider the allocation of the shortfall in the 1989/90 education budget. Mr Hendrickse said that Mr Du Plessis had undertaken to put the matter on the agenda for the next priority meeting with the state president. He also said that an alternative to retrenching the teachers or closing existing schools would be not to build two planned secondary schools with hostels, ten secondary schools, one technical high school and two primary schools.¹⁷

Per capita expenditure

Per capita expenditure of the state during 1987/88 on pupils of the different racial groups was as follows (with the percentage increase over 1986/87 given in brackets):

Per capita expenditure: 1987/88

	<i>Including capital expenditure</i> R	<i>Excluding capital expenditure</i> R
African (in the white-designated areas only) ¹⁸	595,39 (25%)	503,78 (37%)
Coloured ¹⁹	1 507,55 (48%)	1 286,15 (45%)
Indian ²⁰	2 014,88 (6%)	1 857,24 (8%)
White ²¹	2 722,00 (9%)	2 538,00 (10%)

Per capita expenditure of the homelands for 1987/88 was as follows:²²

Per capita expenditure by the homelands: 1987/88

	<i>Including capital expenditure</i> R	<i>Excluding capital expenditure</i> R
Bophuthatswana	N/A	N/A
Ciskei	N/A	N/A
Gazankulu	547,63	346,78
KaNcwane	453,13	373,66
KwaNdebele	536,25	493,19
KwaZulu	411,58	355,21
Lebowa	N/A	N/A
QwaQwa	N/A	N/A
Transkei	N/A	N/A
Venda	N/A	N/A

N/A – not available

Salaries

At the beginning of February the chairman of the Teachers' Federal Council (TFC), Mr Dudley Schroeder, said that a salary survey conducted by the TFC revealed that teachers' salaries lagged by at least 11% behind those in the rest of the public sector and about 30% behind those in the private sector. Mr Schroeder said that the backlog had to be rectified as a matter of priority. He added that the introduction of an annual inflation-linked adjustment was also essential for the maintenance of education and the retention of competent teaching staff.²³

Towards the end of February, at a meeting between the state president, Mr P W Botha, and representatives of the TFC, the Teachers' Association of South Africa, the Union of Teachers' Associations of South Africa and the African Teachers' Association of South Africa, Mr Botha said that he would not deviate from his position on the pay freeze for public servants.²⁴ However, the minister of national education, Mr F W de Klerk, addressing Parliament during his department's budget vote in April, said that teachers' remuneration was one of the government's highest priorities and urgent attention was being given to the matter. He added that educators could be assured that any backlogs would be eliminated in the shortest possible time.²⁵ In June Mr De Klerk announced that R420m would be allocated for salary adjustments, of which R140m would be spent in 1988. The allocation of R140m, which amounted to an increase of approximately 7%, would be made from 1 December.²⁶ A further increase of 15% would be applicable from 1 January 1989.

Bursaries and scholarships

The Department of Education and Training budgeted about R15m for bursaries during the 1987/88 financial year. Of this amount, R14m was allocated to students in teacher training, including those doing further training, R35 000 to students at universities and technikons, and R1m to secondary school pupils.²⁷

In 1987 the Department of Education and Culture (coloured own affairs) allocated 1 782 bursaries worth R7,5m to students at universities, 180 bursaries to the value of R500 000 to students at technikons and 1 815 bursaries totalling R5m to student teachers at teacher training colleges.²⁸

In 1988 the Department of Education and Culture (Indian own affairs) allocated R830 000 in bursaries to students at the Springfield College of Education and the Transvaal College of Education, R500 000 to students at the University of Durban-Westville and R54 000 to students at the Natal Technikon. The amounts for loans granted to students at these institutions were R746 000, R384 000 and R28 000 respectively. Bursary allocations were severely cut in 1989, owing 'to the fact that bursaries are no longer awarded to students'. Continuing students were granted the following amounts in bursaries: R14 000 to students at the two colleges of education, R194 000 to students at the University of Durban-Westville and R11 000 to students at the Natal Technikon. More students received study loans in 1989. The respective amounts allocated to loans at these institutions were R887 000, R465 000 and R24 000.²⁹ Information on bursaries for white students was not obtainable.

The South African Institute of Race Relations (SAIRR) administers a large number of bursaries on behalf of private companies and trusts, foreign governments, churches and development agencies. In 1988 about R4m was spent on bursaries administered by the SAIRR, 1 975 bursaries being awarded to black pupils and students throughout the country.³⁰

SCHOOL EDUCATION

Multiracial school education

In 1988 the number of African, coloured and Indian students at white private schools rose to 14 543. In response to a question in Parliament in March 1989, the minister of education and culture (white own affairs), Mr Piet Clase, said that on the tenth school day of 1988, 5 974 African, 5 620 coloured, 2 949 Indian and 92 682 white pupils were enrolled at white private schools under the control of his department.³¹ The only black children attending white state schools were children of diplomatic and consular staff.³²

In August 1988 Mr P J Paulus (Conservative Party) said in Parliament that multiracial schools would result from open residential areas established in terms of the Free Settlement Areas Bill if that bill were passed (see chapter on *Housing*).³³ At the time of writing, however, government policy had not altered since the minister of education and development aid, Dr Gerrit Viljoen, said in November 1987 that schooling in the open areas would be provided within the framework of existing policy, that is, separate state schools for each population group, with a possibility of private schools following an open policy of admission.³⁴

According to the Department of Education and Culture (coloured own affairs), 7 240 pupils of other race groups were admitted to schools under the control of the department in 1988.³⁵

The minister of education and culture (Indian own affairs) in the House of Delegates, Mr Kassie Ramduth, said in April that schools under the control of his department in the Cape Province, Natal and the Transvaal had admitted 267 African, 1 182 coloured and six white children in 1987.³⁶

State subsidies have been available to private schools since 1986. In 1988 state subsidies of 15% were paid to 58 private schools while state subsidies of 45% were paid to 90 private schools. No private school was refused a subsidy.³⁷ Some private schools, such as Uthongathi (Tongaat, Natal) and Phuting (northern Johannesburg) (see below), said that they would not apply for a state subsidy as a matter of principle, and depended entirely on fees and bursary systems made available through private sector funding. On the other hand, a school such as Redhill (Johannesburg) applied for and received a state subsidy, but said that it would tell the state to 'take it back' if unacceptable conditions were attached to the granting of the subsidy.³⁸ In response to a question in Parliament in March 1988 the minister of national education, Mr F W de Klerk, said that if all pupils at private schools had transferred to state schools, the estimated additional cost to the state for the 1987/88 financial year would have been R85m.³⁹

Mr Clase said in Parliament in February 1988 that five state schools under the control of his department had in the past three years requested special permission to admit specific pupils who were not white, while another 11 such schools had asked to be opened to all races. Permission

had been refused in all cases.⁴⁰ It was reported that 70% of the pupils at one of these schools, Glenwood Boys High (Durban), had voted in favour of merit as the sole criterion for entrance to the school.⁴¹ In a letter to the school, Mr Clase stated that 'any enrolment of selected pupils from other than the white group will not have a positive effect on inter-group relations'.⁴² In April 1988 over 200 parents of pupils at Bergvliet High School (Bergvliet, near Constantia, Cape) voted in favour of opening the school to all races.⁴³ In November Pretoria Boys High School (Pretoria) canvassed teachers and parents to determine their attitudes concerning opening the school to all races.⁴⁴ The white Transvaal Teachers' Association (TTA) said that it supported the action, and that its annual conference had unanimously adopted a resolution that schools under the Transvaal Education Department (TED) be allowed to admit pupils of all races in consultation with their management councils.⁴⁵ According to the headmaster of Pretoria Boys High School, Mr Malcolm Armstrong, 70% of the teachers and 70% of the parents were in favour of opening the school to students of all races.⁴⁶

In response to a question in Parliament in March 1989 as to whether he was considering opening state schools to all races in cases where the majority of the parents concerned had voted in favour of this being done, Mr Clase said, 'I believe that requests for open schools merely occur as gestures without much substance — so-called tokenism. These requests do not address the real problems and will undoubtedly create new and serious problems which the proponents of open schools apparently have not yet considered or which they prefer to ignore.'⁴⁷

In an address to the TTA in September 1988, the executive director of the South African Institute of Race Relations, Mr John Kane-Berman, said that 'the challenge facing us is to create additional opportunities for children to go to multiracial schools, including schools that are part of the government system. This does not imply the all-or-nothing approach of simply demanding the abolition of the entire own affairs system in education. Such a demand has no chance whatsoever of being met in the foreseeable future anyway. But there is no reason why in addition to the own affairs government schools there could not be a fifth category of government schools that are nonracial. The department of national education could live up to its name by providing such schools. The case for them, I believe, is overwhelming'.

In February 1987 Menlo Park High School (Pretoria) had refused to allow an African pupil, Nkululeko Skweyiya from Kearsney College (Natal), to participate in an athletics meeting hosted by the Pretoria school (see 1987/88 *Survey* pp171-172). About 80 of 277 Natal team members withdrew from the competition in protest and the South African Sports Foundation, which sponsored the event, withdrew trophies and other support.⁴⁸ Parents and pupils vigorously protested against the school's decision and two members of the Menlo Park High School management council resigned in protest. The Menlo Park parents' action committee called on Mr Piet Clase to dismiss the management council. Mr Clase said he did not have the power to do this but called on the

council to resign of its own volition. At the end of March 1987 the management council reiterated its stance that white pupils would not play against pupils of other race groups on the school's grounds.

In January 1988 it became clear that Menlo Park High School, which was again hosting an inter-school athletics competition, had invited to the meeting only those pupils who had taken part the previous year. As a result 300 athletes from the Durban and Districts High Schools Athletics Association and its Pietermaritzburg counterpart did not participate in the meeting in February.⁴⁹ Again, Menlo Park High School's management council acted against the demands of parents and ignored pupil protest. The TED said that since Menlo Park High School was hosting the event, it was the school's prerogative to invite whichever schools it chose to invite.⁵⁰

Also in February, an Indian pupil at a multiracial convent in Newcastle (Natal) was unable to participate in an inter-school swimming gala when parents at another school objected to her participation. Although the convent school decided to withdraw from the gala, the child's parents asked that the event carry on as planned but without her.⁵¹

In reply to a question in Parliament in February 1988, Mr Clase said that his department had devised new guidelines concerning inter-school sport. These had been submitted to the four provincial education councils for consideration and would be made applicable and public as soon as comment had been received and the policy had been laid down.⁵² According to newspaper reports in 1987, the proposals provided that schools which did not wish to participate in multiracial events had to withdraw.⁵³ However, in a policy statement circulated to schools in April 1988, the TED said that school management councils would decide the nature and extent of 'extra-curricular inter-group participation'.⁵⁴

In November Menlo Park High School's management council was replaced by a more liberal council. Dr Louis Raubenheimer, who had formed the parents' protest group in 1987, said that he was in no doubt that the new council would allow black pupils to use the school's facilities and compete against its athletes.⁵⁵

In July 1987 an English-speaking coloured family in George (Cape) had been forced to send their son to school in Cape Town because there was no English-medium coloured school in George and the local English-medium white school was refused permission to admit the boy (see 1987/88 *Survey* p153).⁵⁶ In 1988 the family decided that they did not wish to be separated from him any longer and he therefore had to attend the coloured high school, Pacaltsdorp Afrikaans High School, where he was the only English-speaking pupil.⁵⁷ His sister was also refused entrance to the white high school despite the school committee's recommendations that she be admitted. The local Catholic church was approached for help and set up a one-pupil 'school' in St Mark's Cathedral, staffed by five voluntary teachers.⁵⁸

In Creighton (Natal) in January 1988 the child of an African father and a white mother, classified as white at birth, was forced to travel 100km a day to attend school at a state-aided coloured school. His

mother alleged that she was threatened with the Race Classification Board when she tried to enrol him at the local white primary school, after members of the white community in Creighton made representations to the school committee asking for the child not to be enrolled. The deputy director of the Natal Education Department, Mr John Deane, said that the child had every legal right to attend the school and a spokesman for the department of home affairs stated that a person's classification at birth could be changed only if that person applied for reclassification himself or herself.⁵⁹

Also in January a new multiracial private school set to operate from a church building in King William's Town (eastern Cape) was forced to take the 50 pupils who arrived to register to a hall in a Ciskei motel because the financier of the school had not applied for a permit in terms of the Group Areas Act of 1966. The financier, Mr Roger Kriel, stated that he had been granted permission by the King William's Town council to open a pre-primary and preparatory school in the area, but that he had since been informed that permission to operate a multiracial school had to be obtained from the council, the administration of the province and the government.⁶⁰ He said that some families from the town of Alice who intended bringing their children to the school had received threatening phone calls from white callers. He added that the majority of white people in the area had expressed their disgust at the turn of events.⁶¹

In Wentworth (Natal) in February 1988 a nine-year-old boy, Musa Modise, was refused entry to the coloured school because there was 'no room'.⁶² The child of an African father and a coloured mother, classified as African at birth, he had been attending an African school in Kwa-Mashu but had to take a bus and a taxi both to and from school. Owing to the expense and distance involved, his mother was forced to send him to a relative in Newcastle (northern Natal), where he was admitted to the local coloured school.⁶³

In March an African and a coloured student teacher were asked to leave Linpark High School (Natal) where they had come to observe classes as part of a group of predominantly white students. They were told they could not do so without permission from the Natal Education Department. One of the two students, Ms Phumla Gqubule, said that she was angry with the University of Natal's Faculty of Education for having allowed the rest of the group to continue with the visit after it had been notified that she and the coloured student had been turned away.⁶⁴

Also in March a multiracial church school in Vereeniging (southern Transvaal), Kingdom School, which was run by the International Fellowship of Christian Churches (IFCC), was ordered to get rid of its black pupils or close down after the Vereeniging Town Council ruled that a multiracial school was not permitted in a white group area (see 1987/88 *Survey* pp153-154). The school refused to comply and in April, the council said that it had taken the case to the Transvaal Provincial Division of the Supreme Court 'because the lower courts would just fine the school'.⁶⁵ Both sides said that they viewed the court action as a test case.⁶⁶ Kingdom School's principal, Professor Michael Brayshaw, said in March

that according to the Private Schools Act of 1986, private schools could admit up to 50% black pupils and that it was not necessary to state that one intended to enrol black students when applying for permission to open a private school.⁶⁷ The Vereeniging Town Council took the school to court on two charges: firstly contravention of the Group Areas Act of 1966 and secondly, contravention of a section of the Town Planning Scheme of 1956, which stated that one had to apply for consent to have black people on the premises later occupied by the school.⁶⁸ In July the supreme court ruled that the Vereeniging Town Council had overstepped its powers in ordering the closure of the school.⁶⁹ The town council was ordered to pay all costs, which were estimated to be about R180 000.⁷⁰

In September the town council vowed that it would find a way to shut down the school⁷¹ and Kingdom School alleged that white men had come to the school and taunted the children and that the windows of the building had been shot out.⁷²

In June the council of a private boys' school in the western Cape, Diocesan College (Bishops), asked its headmaster, Mr John Peake, to resign in controversial circumstances. It was reported that on top of complaints concerning his manner and personality, Mr Peake was disliked in some quarters for having allowed pupils to be bused to an End Conscription Campaign meeting and for having allowed the singing of *Nkosi Sikelel'i Afrika* in chapel. Mr Peake also felt that concerted efforts should be made to admit more black students to Bishops.⁷³

In August a private school, Durban Girls College (DGC), said that it had cancelled an annual exchange programme with Hoërskool Port Natal because that school would not accept the presence of an Indian girl in the DGC exchange group. The headmaster of Hoërskool Port Natal replied that the programme had not taken place because DGC had phoned him too late to arrange the exchange. This was vehemently denied by DGC. Several students and their parents at Hoërskool Port Natal said that they disagreed with the decision.⁷⁴

In January 1987 Uthongathi, the first nonracial school established by the New Era Schools' Trust (NEST), opened in Tongaat (Natal) (see 1987/88 *Survey* p154). The school's enrolment rose from 107 in 1987 to 176 in 1988.⁷⁵ A second NEST school, Phuting, was opened near Fourways, north of Johannesburg, in January 1989.⁷⁶ In a pamphlet addressed to prospective pupils and their parents, the associate director of Phuting, Mr M T Krige, said, 'As boys and girls of all races, in roughly equal proportions, learn to know each other and so to communicate as they play, work and live together, the kind of society we all hope for in post-apartheid South Africa will slowly and surely evolve. This is the only way forward for South Africa and as our first school, Uthongathi, demonstrates so clearly, it really does work.' Professor P F Mohanoe of the Department of Didactics at the University of the North was appointed headmaster of Phuting.⁷⁷ In December 1988 NEST announced that the building of a third school was expected to start in 1990, in Grahamstown (eastern Cape).⁷⁸

Teachers' organisations

In January 1988 the **African Teachers' Association of South Africa** (ATASA) held its annual conference under the theme 'Teacher Unity'. ATASA said that one of its major aims was co-operation with other teachers' organisations in order to achieve greater solidarity.⁷⁹ In November 1987 ATASA held a meeting of nine teachers' associations to discuss the formation of an umbrella teachers' body (see 1987/88 *Survey* pp155-156). About 13 000 teachers of all races attended the meeting. The only major bodies not present were the National Education Union of South Africa (NEUSA) (see below) and the Transvaalse Onderwysers Vereniging. A second meeting in Harare (Zimbabwe) at the end of April again based itself on the charter for teacher unity of the Joint Council of Teachers' Associations of South Africa, which views apartheid as 'detrimental to education and society at large'.⁸⁰

In February there were reports of talks between the **Cape Teachers' Professional Association** (CTPA) and the Western Cape Teachers' Union (WECTU) (see below) resulting from initiatives by the Congress of South African Trade Unions (COSATU) and the National Education Crisis Committee (NECC), which was banned in February. WECTU and six other teachers' organisations had planned to launch a 'progressive' national teachers' union later in 1988, which would exclude bigger, more traditional bodies such as the CTPA and ATASA (see above). COSATU's media officer said that his organisation felt that 'other teachers' organisations with a mass membership, but which have a more conservative history, should be involved. This is in line with COSATU's policy of one union per industry'.⁸¹

At the time of the CTPA's 21st annual congress in June, the vice president of the organisation, Mr Randall van den Heever, said that he believed the congress would be 'the start of critical times' for the CTPA. On the agenda were the adoption of the Freedom Charter and the discussion of a possible merger with teachers' organisations already supporting the concept of 'people's education'. Familiarising members with the Freedom Charter document had required 40 regional conferences and seminars. Mr Van den Heever said that he believed the charter was a 'populist document which belongs to the people, and not the African National Congress (ANC)'.⁸² On 22 June about 2 000 teachers at the congress unanimously adopted the charter.⁸³ The congress also called for the lifting of the state of emergency and restrictions on community organisations and for a judicial inquiry into widespread allegations of party-political interference in education.⁸⁴ The organisation also adopted the principle of 'nonracialism in sport' and decided to discourage participation in 'abnormal sport'.⁸⁵

A meeting took place between two black teachers' organisations of differing persuasions in February 1988. The **Democratic Teachers' Union** (DETU) met the **Peninsula African Teachers' Association** (PENATA) in Guguletu (Cape Peninsula) when several schools failed to operate because parents and pupils refused to comply with new

registration procedures introduced by the Department of Education and Training (DET).⁸⁶ Speaking in October, DETU's chairman, Mr Andile Jonas, said that alliance talks between PENATA and his organisation were the result of common problems experienced with the DET and that the alliance had since been broadened to include several other 'progressive' organisations.⁸⁷ Mr Jonas said that DETU's aims coincided with the educational aims of the Freedom Charter and that the organisation was firmly committed to the ideal of people's education as developed by the NECC. DETU was not prepared to negotiate any issues with the DET as the unification of teachers under one organisation ought to precede any negotiations. Early in 1988 five members of DETU had been suspended from their jobs with the DET for refusing to follow certain instructions issued by the department. At least one DETU member, Mr Nosipho Ntwanambi, was in detention, Mr Jonas said.⁸⁸ In December DETU was banned.⁸⁹

The **National Education Union of South Africa (NEUSA)** was banned on 24 February 1988 (see 1987/88 *Survey* p156). Prior to the banning, NEUSA, together with the Natal Students' Congress, called for a full return to school when term began in January. However, the organisation stated that a normal return to school would be possible only if army troops were removed from the townships and if 'vigilantes' stopped their activities.⁹⁰ Towards the end of January, NEUSA issued a statement listing reasons as to why it believed the crisis in apartheid education remained unsolved. The reasons were: facilities in black schools remained poor; damaged schools were not being repaired; the government spent millions of rands on 'Nazi-type youth indoctrination camps'; progressive teachers were still continually harassed; democratically elected organs such as student representative councils and parent/teacher/student associations were brutally suppressed; matric and internal results were a 'farce'; and people such as Mr Govan Mbeki, an ANC leader who had been released from prison in November 1987 (see 1987/88 *Survey* pp702-703), elected honorary president of NEUSA in September 1987 and restricted to 'a corner of the eastern Cape', were being denied a voice.⁹¹

A teachers' organisation which aimed to represent the interests of 'progressive' teachers in the Transvaal was secretly launched in Soweto (Johannesburg) on 19 September. According to a spokesman, the **Progressive Teachers' Congress (PROTECO)** was formed to fill the vacuum created by the banning of the NECC and NEUSA. Once teachers had been organised at grassroots level, an executive committee would be elected in March 1989. PROTECO was firmly committed to the formation of a single national teachers' union.⁹²

PROTECO changed its name to the Progressive Teachers' Committee in 1989.⁹³

In June the president of the **South African Teachers' Association (SATA)**, Mr Richard Hawkins, speaking at SATA's annual congress, said that 'South Africa's education system is wealthy in facilities and institutions but poverty-stricken when it comes to values'.⁹⁴

In January the **Indian Teachers' Association of South Africa (TASA)**, which represented 10 000 teachers, described a call made by the Natal Teachers' Association for open integrated schools as 'shallow' and said that the call should have been for the scrapping of the Group Areas Act of 1966 instead.⁹⁶ In February the president of TASA, Mr Piet Samuels, agreed with comments by the Teachers' Federal Council (see *Salaries* above) that a freeze on teachers' salaries — which were 11% behind other public sector salaries and 30% behind the private sector — would be entirely unacceptable. He said that TASA had already protested about teachers' salaries to the minister of national education and the minister of education and culture in the House of Delegates and was about to meet the state president, Mr P W Botha, and teaching bodies in Cape Town.⁹⁶ In March TASA held its national council meeting and issued a statement dealing with further causes of dissatisfaction. These were:

- the non-employment of qualified teachers;
- the employment of qualified teachers as temporary teachers;
- the increasing burden on teachers in terms of classroom loading and growing work hours;
- the lack of consultation between TASA and the education department;
- serious shortcomings in the moderation procedures used in the evaluation of teachers and a refusal by the authorities to reveal all the criteria relating to the promotion of teachers; and
- political interference in education.

TASA said that the promises made concerning teacher employment at the end of 1987 by the chairman of the ministers' council, Mr Amichand Rajbansi, and the minister of education and culture, Mr Kassie Ramduth, in the House of Delegates, had not been kept.⁹⁷ In April, in his annual report to TASA's 63rd annual conference, Mr Samuels discussed dissatisfaction concerning staff matters, the control of the education department, the financing of education, and educational policy. He stated that another matter of grave concern arose from a TASA investigation into numerous errors in the senior certificate examinations. Norms applied by the department to adjust the examination scripts were 'peculiar' to the department.⁹⁸ Speaking on the issue of teachers' forming a trade union, Mr Samuels said that legal change needed to be undertaken to alter the state's stance that teachers could not become unionised. He added that 'the association believes such a change is vital to the progress of teachers and could come through a vigorous national effort by teachers and public servants'.⁹⁹ In June TASA rejected the content of the English and history syllabuses as 'euro-centric'.¹⁰⁰ It also announced that its teachers and principals were going to act 'as professionals' regardless of departmental policies.¹⁰¹ In June and August the association demanded that 16 June be declared a school

holiday. In September TASA stated that it would call for 'sweeping changes to many aspects of Indian education in a bid to improve the quality of education, a factor which could help keep teachers in the profession'.¹⁰²

In October the coloured **Union of Teachers' Associations of South Africa** (UTASA) threatened to take action against teachers participating in 'apartheid elections' in any capacity whatsoever. Delegates at UTASA's annual general meeting in Bloemfontein (Orange Free State) voted 'to implement the necessary procedures of investigation and discipline' concerning those teachers who had made themselves available for the municipal elections. Commenting on teachers who would be running for election, some on a party-political ticket, UTASA's president, Mr Franklin Sonn, said that their position in the union would 'consequently become untenable'.¹⁰³

In response to a question in Parliament in May, the minister of law and order said that a mass meeting organised by the **Western Cape Teachers' Union** (WECTU) (see above) had been banned because it had been 'arranged to promote the selfish political aims of the Western Cape Teachers' Association which has strong ties with the United Democratic Front and is not acknowledged as the mouth-piece of the teaching profession. The meeting was by no means in the interests of the children or education. The organisers planned to propagate a school boycott in which they would have used school children to promote their own selfish aims'.¹⁰⁴ In response to a further question in Parliament in June concerning the banning of the meeting, the minister again refused to divulge the name of the teachers' association he had consulted before deciding to ban the meeting.¹⁰⁵ WECTU was banned in December 1988.¹⁰⁶

In October six teachers' organisations met in Hanover Park (western Cape) and decided not to participate in the municipal elections that month (see chapter on *Political Developments*) or allow schools to be used as polling stations.¹⁰⁷ The meeting was attended by the CIPA, DETU, Education for an Aware South Africa (EDASA), PENATA, TASA and WECTU. Among several aims adopted by the meeting was a resolution to fight the planned retrenchment of 2 500 teachers and the closure of the Zonnebloem and Wesley teachers' training colleges.

Curricula

In January 1987 the commissioner of the South African Police issued an order in the *Government Gazette* banning any National Education Crisis Committee (NECC) gathering from discussing the presentation of 'people's education' at any Department of Education and Training school or hostel (see 1987/88 *Survey* p156).¹⁰⁸ On 24 February 1988 the NECC was banned. Prior to the banning, the entire executive of the NECC was detained (see chapter on *Security*). In July 1988 the minister of education and development aid, Dr Gerrit Viljoen, stated in Parliament that action was being taken against schools at which 'people's education' had been taught.¹⁰⁹

In mid-February 1988 Dr Viljoen said that the government was in favour of certain generally acceptable concepts of 'people's education'. He said that parents and the community should be allowed to participate in the 'government of education' at the local and regional level. However, the government rejected the 'revolutionary' approach of the NECC which, 'according to its March 1986 decision, is that parents should not take part in any of the school activities, teachers must not join any professional associations and pupils must not enrol for matric.'¹¹⁰ Dr Viljoen said that he reiterated his position concerning the need for revised curricula that were more relevant to the community 'so that they [the community] feel their backgrounds and aspirations are better reflected.'¹¹¹ The syllabuses of subjects such as history, literature and even religion would have to incorporate 'a broader spectrum of points of view and a greater variety of choices'.¹¹² People should be 'encouraged to study not only their own [group] but also other groups'.¹¹³

In a paper delivered at the Potchefstroom University for Christian Higher Education shortly before the banning of the NECC, Professor Owen van den Berg of the University of the Western Cape said that the government opposed 'people's education' not because it promoted a revolutionary overthrow of the existing structures but because it was a democratic movement.¹¹⁴ Professor Van den Berg dismissed government reform initiatives as a 'variety of subterfuges' aimed at perpetuating white domination and said that 'people's education' was likely to develop in one of two main directions: either the state would 'obliterate' it in the short term and it would join 'the scrapheap of moderate attempts to move towards a post-apartheid, nonracial, democratic society', or the movement would become an 'antithesis of itself' — undemocratic, and with a policy determined by a small group of self-appointed leaders.¹¹⁵

In April 1988 the minister of education and culture in the House of Representatives, the Rev Allan Hendrickse, said in Parliament that despite a 'plethora of negative aspects', 'people's education' had a positive contribution to make in that it reflected the needs of the community and placed emphasis on the necessity of the involvement of the community in the educational structure.¹¹⁶ He also stated that his department 'must and will ensure that its educational policy and aims are so refined and supple that it will be able to absorb the positive aspects of the alternative structure'.¹¹⁷ Speaking in the debate on the education and training budget vote in the House of Assembly in May, Dr Ferdie Hartzenberg (Conservative Party) said that the government was erring when it believed it could implement only the 'positive' aspects of 'people's education'; 'people's education' had a 'political goal, namely "people's power" and the seizing of power'.¹¹⁸ He said the greater rise in the percentage of matric passes in the homelands compared to South Africa over a seven-year period was a result of homeland education being 'group specific' and the exact opposite of 'people's education'.¹¹⁹ Also in May, the deputy minister of education, Mr Sam de Beer, speaking in Parliament in the debate on the education and training vote, said that it was important that black educationists make a direct contribution to the

syllabuses of black schools.¹²⁰ He said that everyone agreed that the syllabuses should be more relevant to the lives and the future of pupils. However, those people whose 'hysterical clamourings' aimed to destroy 'not only the education system but also the very fabric of our society' had nothing to contribute to the revision of any system of education.¹²¹ The following day, the minister of education and development aid, Dr Gerrit Viljoen, replying to debate on the education vote in the House of Delegates, stated that three specially appointed committees of his department had been examining ways of ensuring greater relevance in syllabuses for African schools.¹²² He said that the recommendations of the three committees would be submitted to the Department of National Education's new committee for pretertiary academic policy. The department possessed authority to ensure uniform norms in respect of syllabuses and examinations in all education departments. He added that one of the recommendations made thus far stated that in a subject like history, a section of the syllabus should be 'common core learning matter' applicable to all population groups, while allowances should also be made 'for a choice among various commonly approved themes accredited with the new supervising statutory certification council'. Dr Viljoen said that this arrangement, with alternative optional topics, would allow 'different cultural or population groups a greater degree of freedom to concentrate on areas that they regard as more relevant to their own needs and aspirations'.¹²³

It became apparent in January that the school history textbook prescribed by the Transvaal Education Department (TED) for standard 10 students in 1987 and previously described by historians as 'blatant apartheid propaganda' and an 'historical farce' was to continue to be used in 1988.¹²⁴ In 1987 the Transvaal Teachers' Association (TTA) called for the withdrawal of the text written by Messrs J C Joubert and J J Britz and said, 'The whole tenor of the textbook is historically, gramatically and factually unacceptable'.¹²⁵

Commenting on these and other similar allegations by several educationists, the deputy director of education, Dr K R Paine, stated that the book was the only history textbook for standard 10 to have been submitted to the TED by the time arrangements had been made for its publication. New manuscripts had since been received and were being evaluated.¹²⁶ In September 1987 a TED spokesman said that a new textbook could not be approved for the new school year in January, as completed proposals for the revision of the matriculation history syllabus were due to be submitted only in 1995. If approved, they might not be implemented until 'at least the following year'. Two new manuscripts submitted to the TED in 1987 were being revised by the publishers for final submission and might become available 'in April 1988 or later'.¹²⁷

Various and renewed calls were made in February and March for the immediate withdrawal of the textbook.¹²⁸ A TTA report stated that the continued use of the book placed the integrity of teachers at risk: a new version of the textbook, which contained corrections of factual error, poor spelling and grammar, was still unacceptable as the text retained its

highly biased treatment of many areas of the syllabus and of South African history in particular. The report, which provided a list of criticisms relating to specific aspects of the text, also said that the book showed an 'almost complete lack of analysis and explanatory power'.¹²⁹ At a TTA conference in mid-March, the TED superintendent for history, Mr C P Wright, told teachers that he could not respond to their allegations about the textbook as the superintendent was 'in no way involved in or responsible for the textbook'.¹³⁰ He told the teachers the time spent in protest meetings could be spent more constructively in writing a new history textbook. At the meeting the TTA's president, Professor Rod Conacher, called for the history examination to be set on the syllabus and not the textbook. Mr Wright replied that teachers should not prescribe to the examination panel on how to set the paper.¹³¹

In an address to the TTA's annual conference in September, the executive director of the South African Institute of Race Relations, Mr John Kane-Berman, expressed the following views: 'Christian National Education (CNE) has helped to introduce grotesque bias into how generations of schoolchildren see this country. But the problem of curricula goes beyond simply the ideology of CNE. A white ethnocentric view of the world is present not only in South African curricula but is a thread running through western literature, western media, and the way in which most people in the northern hemisphere view Africa and other parts of the Third World. Just as most children in this country would answer "David Livingstone" if you asked them who discovered the Victoria Falls, most British and no doubt all American children would tell you in answer to the question "who discovered America?" that Christopher Columbus did. The implication of this is that neither America nor Africa existed until a European condescended to cast his eyes upon them. Steve Biko was quite correct in pointing out that the indoctrination problem was part and parcel of Christian missionary education with its implicit assumption that the religions of western Europe that the missionaries brought to South Africa were somehow superior to the indigenous religions of Africa. The growth of black consciousness literature is to my mind a necessary corrective. The study of some of the writings of people like Biko in white schools would be worth a thousand films about him. This is not a plea for "alternative education" for its own sake. The problem of distorted curricula in this country would not be solved by simply scrapping the present system and replacing it with some other ideology.'

In September a controversy arose concerning textbooks supplied to African schools by the DET. Several educationists and teachers alleged that there was 'favouritism' in the choice of textbooks used in these schools. The headmaster of Pace Community College in Soweto and a well-known educationist, Mr T W Kambule, said that since the introduction of free education for African schoolchildren there had been a 'flood' of textbooks produced specifically for African schools by white writers who were linked with the DET and who 'became authors overnight without doing any research'. He added that a number of teachers had

complained that even when they ordered textbooks of their choice, the DET ignored the orders and 'dumped' books of its choice at their schools.¹³² A detailed reply by the DET denied all allegations.¹³³ Also in September, Mr Kambule said that the DET was deliberately putting African pupils at a disadvantage with regard to their coping with university work by retaining the old matriculation syllabus when education departments for other race groups had introduced a new syllabus in 1987. Mr Job Schoeman, the DET's chief public relations officer, said that the lack of 'appropriate textbooks' had made it impossible for the DET to implement amended syllabuses as quickly as it would have liked.¹³⁴

In February 1989 two Johannesburg headmasters who asked not to be named revealed that they had received a document banning the distribution in TED schools of any publications or pamphlets from the Black Sash, the Congress of South African Trade Unions (COSATU), the Five Freedoms Forum (FFF) and the Institute for a Democratic Alternative in South Africa (IDASA). The document, which was marked 'confidential' on each page and arrived in a TED-registered envelope, was allegedly not signed or issued on an official letterhead.¹³⁵ The FFF's publicity secretary, Ms Gael Nebe, said that the TED was 'trying to deny children access to any information which could broaden their horizons beyond the apartheid mould'.¹³⁶

In March 1988 there were 1 491 white schools offering an African language as a subject and there were 281 947 pupils learning an African language at these schools.¹³⁷ The learning of an African language was not compulsory at schools in the Cape province. In Natal, Zulu was compulsory in standards 4 and 5, 'if a teacher was available'. In the Orange Free State, Southern Sotho was a compulsory subject in standards 3, 4 and 5. In the Transvaal, students had to learn one of three African languages (Northern Sotho, Tswana or Zulu) in standards 3, 4 and 5.¹³⁸

In 1976 African pupils throughout South Africa protested against government plans to introduce Afrikaans as the medium of instruction in at least half the African schools in the country (see 1976 *Survey* p324). In 1988 only 20 African primary schools, including farm schools, and no secondary schools, were using Afrikaans as the sole medium of instruction.¹³⁹

Compulsory education

In March 1987, the number of children of school-going age (taken as seven to 16 years) not attending school in South Africa and the non-independent homelands was 1 051 189.¹⁴⁰

In response to a question in Parliament in April 1988, the minister of education and development aid, Dr Gerrit Viljoen, said that compulsory education for Africans in South Africa had been introduced in public primary schools only where school committees had requested it. A total of 254 155 children of school-going age were subject to compulsory education while 1 669 885 were not. He also said that section 37 of the Education and Training Act of 1979, which made provision for penalties

for failure to comply with compulsory education requirements, had not been proclaimed owing to 'practical reasons in connection with the feasibility thereof'.¹⁴¹

There was no compulsory education in the non-independent homelands or in Bophuthatswana, the Ciskei, the Transkei and Venda.

School attendance was compulsory for all white and coloured pupils until they reached the age of 16 years or passed standard 8 and for Indian pupils until 15 years of age.

Stationery and textbooks

The cost of providing stationery free of charge to pupils at schools under the Department of Education and Training in 1988 amounted to R12m, while that for textbooks was R23m, and prescribed books R6m.¹⁴² Pupils in the non-independent homelands also received stationery, textbooks and prescribed books free of charge. Information on the 'independent' homelands, and coloured and Indian schools, was not obtainable.

In all white schools pupils were provided with textbooks, class readers, exercise books and stationery free of charge.

School statistics

Pupil/teacher ratios

Estimated pupil/teacher ratios for 1988, calculated from official statistics, were as follows (excluding the 'independent' homelands):¹⁴³

*Pupil/teacher ratios in the
white areas: 1988*

African	41 to 1
Coloured	25 to 1
Indian	20 to 1
White	16 to 1

Pupil/teacher ratios in the homelands in 1987 were as follows:¹⁴⁴

Pupil/teacher ratios in the homelands: 1987

	<i>Primary</i>	<i>Secondary</i>
Bophuthatswana	37 to 1	34 to 1
Ciskei*	43 to 1	25 to 1
Gazankulu	43 to 1	32 to 1
KaNgwane	41 to 1	35 to 1
KwaNdebele	40 to 1	37 to 1
KwaZulu	54 to 1	40 to 1
Lebowa	44 to 1	39 to 1
QwaQwa	32 to 1	31 to 1
Transkei	62 to 1	21 to 1
Venda	34 to 1	25 to 1

* Figures for 1986

Overall statistics

South Africa had the following primary and secondary schools, and teachers and pupils in such schools, in 1987:

Number of schools, teachers and pupils: 1987

	<i>Schools</i>	<i>Teachers</i>	<i>Pupils</i>
African education in white-designated areas	7 631	50 331	1 885 373
Non-independent homelands	5 322	63 549	2 818 640
'Independent' homelands	5 744	50 964	1 940 846
Coloured Education	2 023	34 837	812 889
Indian Education	440	11 013**	234 476
White Education	N/A*	52 688**	954 454
Total	21 160	263 382	8 646 678

* N/A – Not available

** The comparable figures on p158 of the 1987/88 Survey were incorrect

Schools

The total number of schools above comprised the following number of primary and secondary schools:¹⁴⁵

Number of schools: 1987

	<i>Primary</i>	<i>Secondary</i>	<i>Total</i>
Africans in white-designated areas	7 263	368	7 631
Non-independent homelands	4 063	1 259	5 322
'Independent' homelands	3 251	2 493	5 744
Coloured Education	1 807	216	2 023
Indian Education	N/A	N/A	440
White Education	N/A	N/A	N/A

N/A – Not available

The Department of Education and Training's annual report for 1987 gave the following details of the number of classrooms in African schools in that year (excluding the 'independent' homelands):¹⁴⁶

Number of classrooms in African schools: 1987

	<i>White-designated areas</i>	<i>Non-independent homelands</i>
Primary	35 639	33 356
Secondary	7 440	11 963
Private	457	182
Total	43 536	45 501

There were 11 334 classrooms in Bophuthatswana, 4 971 in the Ciskei, 19 289 in the Transkei and 4 037 in Venda.¹⁴⁷

According to the Department of Education and Training (DET), 28 new primary schools (with 700 classrooms) and 24 secondary schools (1 064 classrooms) were completed during 1987, along with 142 additional classrooms to 11 existing primary schools and 468 to 18 existing secondary schools.

These additional facilities made provision for about 33 680 primary school pupils and about 53 620 secondary school pupils. At the same time building operations were in progress at nine new and ten existing primary schools (providing a total of 323 additional classrooms) and at 30 existing secondary schools (providing 507 additional classrooms and 143 multi-purpose classrooms as well as other facilities such as 85 laboratories). Another 58 primary and 45 secondary schools were at the architectural planning stage.¹⁴⁸ At farm schools 411 new classrooms to accommodate 16 440 pupils were subsidised by the DET and 78 schools were renovated with the aid of a subsidy.¹⁴⁹ Provision for the erection and maintenance of African pre-primary, primary and secondary schools in 1988/89 in the white-designated areas amounted to R200m.¹⁵⁰

In 1987 there were 32 916 classrooms at schools for coloured pupils.¹⁵¹ Information on the number of classrooms and schools built for coloured pupils in 1987 was not available. There were 7 788 classrooms at schools for Indians in 1987.¹⁵² Buildings under construction included three new primary and three new secondary schools and additions to two existing schools.¹⁵³

The total number of classrooms at white schools was not obtainable. The total potential capacity of white primary and secondary schools in Natal, the Orange Free State and the Transvaal as at January 1988 amounted to 884 698 pupils.¹⁵⁴ Figures for the Cape province were not obtainable. During 1987, five new primary and secondary schools were constructed for white pupils and additions were made to 17 existing schools.¹⁵⁵

Double sessions and the platoon system

The table, *Double sessions and the platoon system in African schools: 1986/87*, opposite, shows the number of African schools, African teachers and African pupils in the white-designated areas and the non-independent homelands involved in double sessions (the same teacher takes two classes a day) or the platoon system (two teachers for two classes but in the same room) during 1987.¹⁷¹

Neither double sessions nor the platoon system existed in Bophuthatswana or Venda. Information on the Ciskei and the Transkei was not obtainable.

In 1987, 189 classes, 4 830 coloured pupils and 189 teachers at coloured schools were involved in double sessions.¹⁷²

There were no platoon or double sessions at Indian or white schools.

*Double sessions and the platoon system in
African schools: 1986 and 1987*

	1986		1987	
	White-designated areas	Non-independent homelands	White-designated areas	Non-independent homelands
<i>Double sessions</i> (sub A – sub B)				
Number of schools	18	510	10	302
Number of teachers	N/A	N/A	N/A	N/A
Number of pupils	6 448	108 490	2 822	65 878
<i>Platoon system</i> (sub A – std 9)				
Number of schools	56	53	121	89
Number of teachers	1 077	320	2 538	1 524
Number of pupils	37 426	16 308	98 140	71 048

N/A – not available

Shortages

In January 1988 the chief liaison officer of the Department of Education and Training (DET), Mr Job Schoeman, said that South Africa needed 300 schools for Africans each year, but that the DET had managed to build only 52 schools in 1987.¹⁵⁶

In response to a question in Parliament, the minister of education and development aid, Dr Gerrit Viljoen, said that based on a calculation of 40 primary pupils per classroom and 35 secondary pupils per classroom, there was a shortage of 1 084 classrooms at primary and 2 194 classrooms at secondary schools under the control of the Department of Education and Training in 1987. (The corresponding figures for 1986 were 1 494 primary and 3 030 secondary classrooms.) Dr Viljoen said that the cost of providing these classrooms would be approximately R262m calculated at 40 and 35 pupils per primary and secondary classroom respectively, and approximately R617m calculated at 35 and 30 pupils in primary and secondary schools respectively.¹⁵⁷

Several instances of overcrowding were reported at schools falling under the DET in the Cape province, Natal and the Transvaal in 1988.¹⁵⁸ Several hundred pupils were alleged to have been turned away from schools in all three provinces. A public relations officer for the DET, Mr S Zulu, said that the official restriction on the number of pupils was 31 per class.¹⁵⁹ The DET denied that there was a national crisis in accommodation at DET schools, but said that the Transvaal had experienced not only an expected increase of 70 000 pupils but also an unexpected influx of pupils from rural areas.¹⁶⁰

Research conducted by the Inkatha Institute in 1987 concerning the Durban Functional Region (DFR)—an area from Umkomaas in the south to Cato Ridge in the west and Tongaat on the North Coast—revealed that there was a large influx of people into the DFR and that most of the African population in the area was under 20 years of age.

Researchers said that thousands of children from the African townships in the DFR would go without an education unless educational facilities were greatly increased. Compounding the problem of existing overcrowding in African township schools, they said, was the fact that thousands of children from a number of African squatter camps were entering the formal township areas and using the schools there. Although the school settlements had been recognised as a 'permanent' feature by provincial and municipal authorities, practically no schooling had been provided for children in these areas. They estimated that by the year 2000 more than 1,5m squatter children aged between five and 18 years would not be able to go to school if the population continued to grow at the current rate.¹⁶¹

According to the education manager of the Urban Foundation in the Orange Free State (OFS), Dr A Weideman, a large percentage of Africans in the OFS had either never been to school or had received only a minimal education (see *Literacy and Dropout Rate* below). He said that the average African school had an enrolment of 180 and that, if a school population of 300 pupils per school could be achieved, it would be necessary to build 70 new schools a year until the year 2000 to provide sufficient accommodation for pupils in the OFS.¹⁶²

In September the director of education policy of the KwaZulu Natal Indaba (see chapter on *Government and Constitution*), Dr J van Zijl, said that nearly 13 000 classrooms would have to be built by 1990 to maintain the present 56 to 1 pupil/classroom ratio in KwaZulu schools.¹⁶³

It was reported in January 1988 that special arrangements would have to be made by the KwaNdebele Education Department to accommodate the unexpectedly high number of children who had enrolled for the new school year. The minister of education in KwaNdebele, Mr P Kunutu, said that no child would be turned away owing to lack of accommodation and that temporary classrooms would be erected at existing schools if necessary.¹⁶⁴

Figures relating to the shortage of classrooms in coloured schools were not available. However, there were reports of pupils being turned away from schools in the eastern Cape owing to overcrowding.¹⁶⁵

According to the Department of Education and Culture (Indian own affairs), there was no backlog in classroom accommodation at Indian schools in 1987 and 1988.¹⁶⁶

According to the minister of education and culture (white own affairs), Mr Piet Clase, 58 schools owned or controlled by his department were either not being used or were being used for purposes other than education in January 1988.¹⁶⁷ Mr Clase also said that of the 536 803 places available at primary schools in Natal, the Orange Free State and the Transvaal, 389 024 were filled as at 31 January 1988. Of the 347 895 places available at secondary schools in the three provinces, 282 459 were filled.¹⁶⁸ There were also 23 666 vacant places in white school hostels as at the latest date for which such information was available.¹⁶⁹ Speaking in Parliament in March, Mr Roger Burrows, MP Progressive Federal Party (PFP), said that a motion praising the 'rationalisation' that had

taken place in white education was 'a mockery' because, among other things, at least 278 000 empty places were being maintained at white schools while there was a 'crying need' for additional educational facilities among other race groups.¹⁷⁰

Enrolment

Of the 8 646 678 African, coloured, Indian and white pupils at school in South Africa (including all ten homelands) in 1987, 77% were African, 9% were coloured pupils, 3% were Indian, and 11% were white (compared with 76%, 10%, 3% and 11% respectively in 1986). Some 78% of African pupils (79% in 1986) and 74% of coloured pupils (75% in 1986) were in primary school, while for Indian and white pupils the proportions were 61% and 57% respectively (compared with 63% and 58% respectively in 1986). Just over 2% of African pupils (2% in 1986) and just over 2% of coloured pupils (2% in 1986) were in standard 10, in contrast to 5% of Indian pupils (same as in 1986) and 7% of white pupils (same as in 1986).

Enrolment figures for 1987 for Africans were as follows:¹⁷³

African pupil enrolment by standard: 1987

	<i>White-designated areas</i>	<i>Non-independent homelands</i>	<i>'Independent' homelands</i>	<i>Total</i>	<i>Proportion</i>
Sub A	330 147	443 192	360 777	1 134 116	17,1%
Sub B	248 441	340 560	245 947	834 948	12,6%
Std 1	225 673	328 540	224 219	778 432	11,7%
Std 2	191 364	296 351	204 062	691 777	10,4%
Std 3	206 564	283 903	194 929	685 396	10,3%
Std 4	163 010	240 656	160 486	564 152	8,5%
Std 5	138 637	205 059	137 979	481 675	7,2%
Total primary	1 503 836	2 138 261	1 528 399	5 170 496	77,8%
Std 6	131 899	206 543	122 566	461 008	6,9%
Std 7	96 665	154 033	105 086	355 754	5,4%
Std 8	68 466	134 032	80 155	282 653	4,2%
Std 9	50 564	105 852	61 228	217 644	3,3%
Std 10	33 943	79 919	43 412	157 274	2,4%
Total secondary	381 537	680 379	412 447	1 474 333	22,2%
Combined total	1 885 373	2 818 640	1 940 846	6 644 829	100,0%

The table reveals that 29% of African schoolgoers were at school in the white-designated areas and 71% in the homelands.

Enrolment figures for 1987 for coloured, Indian and white pupils were as follows:¹⁷⁴

*Coloured, Indian and white pupil enrolment
by standard: 1987*

	<i>Coloured</i>	<i>Proportion</i>	<i>Indian</i>	<i>Proportion</i>	<i>White</i>	<i>Proportion</i>
Sub A	105 636	13,0%	20 288	8,7%	81 926	8,6%
Sub B	92 701	11,4%	19 759	8,4%	75 394	7,9%
Std 1	85 272	10,5%	19 738	8,4%	74 205	7,8%
Std 2	80 662	9,9%	19 837	8,5%	75 985	7,9%
Std 3	80 624	9,9%	21 229	9,1%	78 140	8,2%
Std 4	77 885	9,6%	21 636	9,2%	80 043	8,4%
Std 5	74 385	9,2%	20 959	8,9%	81 453	8,5%
Total						
primary	597 165	73,5%	143 446	61,2%	547 146	57,3%
Std 6	63 000	7,7%	21 297	9,1%	85 806	9,0%
Std 7	59 372	7,3%	21 044	9,0%	86 963	9,1%
Std 8	43 069	5,3%	19 713	8,4%	85 693	9,0%
Std 9	31 483	3,9%	16 248	6,9%	78 885	8,3%
Std 10	18 800	2,3%	12 728	5,4%	69 961	7,3%
Total						
secondary	215 724	26,5%	91 030	38,8%	407 308	42,7%
Combined						
total	812 889	100,0%	234 476	100,0%	954 454	100,0%

Farm and rural schools

In March 1987 there were 5 576 farm schools for Africans in the white-designated areas, of which only one was a secondary school. There were 12 073 farm school teachers and 486 991 farm school pupils.¹⁷⁵ Farm schools accounted for about 73% of all schools controlled by the Department of Education and Training, farm school teachers about 24% of all teachers employed by the department, and farm school pupils nearly 26% of all African school pupils in the white-designated areas.

In reply to a question in Parliament in May 1988 the minister of education and development aid, Dr Gerrit Viljoen, said that an average subsidy of R24 509 was paid to each farm school during 1987. He stated that R137m had been budgeted for farm schools during the 1987/88 financial year.¹⁷⁶ This amounted to an average subsidy of R281 per pupil for that year. In 1987, 49 farm schools were closed down, while 209 were established.¹⁷⁷ There were four primary farm schools in KwaNdebele. There were no farm schools in the other non-independent homelands.¹⁷⁸ Information on the 'independent' homelands was not obtainable.

Responding to a question in Parliament in March, Dr Viljoen stated that seven farm schools had been subject to unrest during 1987.¹⁷⁹

In line with the recommendations of a special task group established in 1985 to investigate African education in the rural areas, the department was giving attention to the centralisation of farm schools, the extending of the curriculum toward a career-oriented education and the pre-service and in-service training of teachers to meet the particular needs of farm schools (see 1987/88 *Survey* pp162-163). Speaking in Parliament in May, the deputy minister of education, Mr Sam de Beer, stated that many of the recommendations aimed at improving the quality of education for African pupils in rural and farm schools had already been implemented. A national plan for the development of rural education had been drawn up and one of its aims was the siting of schools so that no child would be further than 5km from a school. To alleviate the serious lack of secondary school facilities, standard 6 and 7 classes had been introduced in more than 400 existing farm schools, Mr De Beer said. Where possible, courses up to standard 10 level would also be considered. Training programmes for teachers dealing with problems such as teaching two or more standards at once had begun. School readiness programmes and career education were being introduced in a number of schools. Education advisers and travelling inspectors were being used to improve the control and administration of farm schools. One of the most extensive and successful programmes, Mr De Beer said, related to the development of the management and professional skills of headmasters and senior teachers. Where possible, farm schools were being converted from state-aided to public schools, with the land and buildings being rented from the farmer. Subsidies payable to farmers had been substantially increased.¹⁸⁰

The **Education Laws (Education and Training) Amendment Act** passed in 1988 amended the Education and Training Act of 1979, with several implications for farm schools. In terms of the amendment act a definition of 'combined school' was inserted into the act. 'Combined school' was defined as 'a school for primary and secondary education up to a standard higher than the seventh standard (standard 5), but not higher than the tenth standard (standard 8)'.¹⁸¹ Speaking during the debate on the bill in March, Dr Viljoen said that these schools would be established in areas with a population too small to warrant separate primary and secondary schools.¹⁸²

The amendment act also provided a definition of 'parent'. 'Parent' meant 'a parent who in law or by virtue of an order of a competent court has the custody or control of a child, or a legal guardian, or in the absence of such parent or guardian, the person with whom the child resides and to whom the parent or guardian has entrusted in writing the custody or control of such child, or if the child has no parent or legal guardian, the person with whom the child resides and who has the actual custody or control of such child'.¹⁸³ Dr Viljoen said during the abovementioned debate that the definition had been inserted for two reasons: firstly, there were many children whose parents were 'far away';¹⁸⁴ and secondly, it related to a further clause of the act which provided for the representation of parents of pupils on the governing bodies of farm schools in order

to increase their involvement in the education of their children. According to the minister, the broad definition of parent would mean that 'each child in the school will have someone who can be identified as his parent and who can have a share in the community involvement in the management of that school'.¹⁸⁵ The amendment act laid down certain conditions regarding the constitution of the governing body of a state-aided school situated on a farm. The governing body would consist of 'the owner, or his representative, who must be a person approved by the director general, and such parents of pupils enrolled at the school, as may be determined or elected in the prescribed manner'.¹⁸⁶

Speaking in the House of Representatives in March during the debate on the bill, Dr Viljoen said that if a school was a government school, it automatically had a school committee. The parents were entitled to elect their school committee with their representatives serving on it. However, Dr Viljoen said, in cases where the school was the property of the farmer, the parents had had no say in the past. In terms of the amending bill, parents would in future have a say in cases in which the schools were not government schools and where the government contributed only part of the cost.¹⁸⁷ A different interpretation of the implications of the amending bill was given by the minister when, during the debate on the bill in the House of Assembly in the same month, Mr D S Pienaar MP (Conservative Party) said that the bill, if passed, would deprive the farmer of the right which he had to act as governing body for the school on his land and would compel the farmer into 'as it were, a black majority government in miniature'.¹⁸⁸ Dr Viljoen, in reply, referred to section 8 of the principal act which stated, 'The owner of any state-aided or private school registered...in terms of this section, may manage such school himself or he may, subject to the approval of the director general, appoint or authorise any person to manage such school on his behalf and subject to the provisions of this act, and such person shall for the purposes of this act be known as a governing body.'¹⁸⁹ This part of section 8 was not deleted by the amending bill and Dr Viljoen said that a governing body was therefore at issue only if the owner of the farm decided not to manage the school himself.¹⁹⁰

Provision was also made in the amendment act for the minister of education and training to erect and maintain buildings for state-aided schools, including farm schools.¹⁹¹ Dr Viljoen said that from an economic viewpoint, there would be three types of rural or farm school. Firstly, one where the farmer was the owner of the land and built the school himself, receiving a subsidy and retaining 'overall say'.¹⁹² In such cases the department would try to enter into an agreement whereby the farmer who received a subsidy had to commit himself to maintaining the school for a period of at least ten years.¹⁹³ Secondly, the department would build state-aided schools on land belonging to the farmer on the basis of a long-term lease. This would make it possible to guarantee the continued use of the school in the event of a new owner. Thirdly, the state would buy land from farmers and build state schools.¹⁹⁴

A further major amendment pertained to the prohibition of the use

of child labour at farm schools. The amendment stated that no person could, during normal school hours, employ a child 'who is enrolled at a school situated on a farm, whether or not such child is subject to compulsory school attendance'. Furthermore, no person could require a child to perform any service, whether paid or otherwise 'as a condition for admission to a school situated on a farm, or as consideration for attending such school'.¹⁹⁶ The maximum penalty in case of contravention was set at R500 and/or a jail sentence of three months.¹⁹⁶

During its second reading in the House of Delegates and the House of Representatives the bill was welcomed unanimously by all parties in both houses as a decisive step in the improvement of African education. In the House of Assembly it was termed 'revolutionary' by both the CP and the Progressive Federal Party (PFP), although for different reasons.¹⁹⁷ Mr Roger Burrows MP (PFP) said that the bill addressed the fact that 36% of all African children between the ages of six and 14 did not attend school at all in rural areas (excluding all ten homelands).¹⁹⁸

Literacy and dropout rate

According to the Research Institute for Education Planning (RIEP) at the University of the Orange Free State, 454 300 (63%) of African school leavers in 1987 were in the primary school phase. The following table, based on figures provided by the RIEP, includes African pupils in the 'independent' and non-independent homelands as well as in the rest of South Africa. School leavers are defined as pupils who left school during or at the end of the academic year and did not return to school the following year. Both those pupils who passed and those who did not pass a year are included in the estimates.

African school leavers: 1987

	<i>Pupil outflow</i>	<i>Per standard outflow as % of total outflow</i>	<i>Enrolment</i>	<i>Outflow as % of enrolment</i>
Sub A	171 700	23,9	1 134 116	15,1
Sub B	37 400	5,2	834 948	4,5
Std 1	56 200	7,8	778 432	7,2
Std 2	33 900	4,7	691 777	4,9
Std 3	64 100	8,9	685 396	9,4
Std 4	41 300	5,7	564 152	7,3
Std 5	49 700	6,9	481 675	10,3
Std 6	58 500	8,1	461 008	12,7
Std 7	39 700	5,5	355 784	11,2
Std 8	36 300	5,1	282 653	12,8
Std 9	34 100	4,7	217 644	15,7
Std 10	95 400	13,3	157 274	60,7
Total	718 300	100,0	6 644 859	10,8

A report released by the Urban Foundation in 1988 and entitled 'Education in the OFS: A development perspective' stated that about

12% of African people in the Orange Free State had never been to school. Over 20% had dropped out of school at sub-A level, while 20% had received an education up to standard 2 level. A further 22% had completed standards 3, 4 and 5. Only just over 2% had completed matric.¹⁹⁹

Examination results

The preliminary African, coloured, Indian and white examination results for 1988 were as follows:²⁰⁰

Matriculation examination results: 1988

	<i>African*</i>	<i>Coloured</i>	<i>Indian</i>	<i>White</i>
Candidates	169 412	21 007	13 221	69 549
Total passes	98 050	14 235	12 577	66 809
Proportion	57,9%	67,8%	95,1%	96,1%
Passed with matriculation exemption	27 865	3 492	5 082	29 126
Proportion of total number of candidates	16,4%	16,6%	38,4%	41,9%
Passed with school-leaving certificate	70 185	10 743	7 495	37 683
Proportion of total number of candidates	41,4%	51,1%	56,7%	54,2%

* Excluding the Transkei only

The 1987 matriculation examination results (given below) show that 56% of the African candidates, 65% of the coloured candidates, 93% of the Indian candidates, and 95% of the white candidates passed, while 16%, 17%, 37% and 42% respectively passed with matriculation exemption.

Results of the African matriculation examinations at the end of 1987 were as follows:²⁰¹

*African matriculation examination results: 1987**

	<i>Rest of South Africa</i>	<i>Transkei</i>	<i>Total</i>
Candidates	137 602	13 036	150 638
Total passes	78 287	6 123	84 410
Proportion	56,9%	47,0%	56,0%
Passed with matriculation exemption	22 524	2 166	24 690
Proportion of total number of candidates	16,4%	16,6%	16,4%
Passed with school-leaving certificate	55 673	3 957	59 630
Proportion of total number of candidates	40,5%	30,4%	39,6%

* These results differ from the preliminary figures given in the 1987/88 Survey

The results of the coloured, Indian and white matriculation examinations at the end of 1987 were as follows:²⁰²

Coloured, Indian and white matriculation results: 1987

	<i>Coloured</i>	<i>Indian</i>	<i>White</i>
Candidates	20 382	12 429	65 805
Total passes	13 290	11 575	62 245
Proportion	65,2%	93,1%	94,6%
Passed with matriculation exemption	3 465	4 625	27 853
Proportion of total number of candidates	17,0%	37,2%	42,3%
Passed with school-leaving certificate	9 825	6 950	34 392
Proportion of total number of candidates	48,2%	55,9%	52,3%

Addressing the House of Representatives in March 1988, Mr W J Dietrich MP (Labour Party) requested that an in-depth inquiry be held to investigate the high failure rate in the coloured matriculation examination results. Mr Dietrich said that the coloured matriculation pass rate, after reaching a high of 89% in 1979, had dropped to 63% in 1980, the year in which conflict started in coloured schools (see 1980 *Survey* pp502-519) and then to 57% in 1981. Mr Dietrich said that the pass rate had risen again to 73% in 1984 but since then had been below 70%, and in 1987 a pass rate of only 68% (based on the preliminary results) had been achieved. He added that certain questions needed to be answered, such as: Were the standard 10 examination papers too difficult? Were those in charge of the examinations competent and 'clued up' enough to perform their task? What effect had upheavals and unrest had on the academic lives of pupils, and were pupils properly accommodated with sufficiently equipped classrooms?

In April the minister of education and culture in the House of Representatives, the Rev Allan Hendrickse, who was also the chairman of the ministers' council in that house, said that a 'scientific investigation' into the causes and extent of failure in all standards at the department's schools and possible measures to prevent this was to be undertaken by the department's education bureau, in consultation with the University of Stellenbosch. Mr Hendrickse said that the investigation would take about two years.²⁰³

According to a former vice president of the National Education Union of South Africa (NEUSA), Mr Elmon Nqabeni Mathonsi, in a book entitled *Black Matriculation Results: A Mechanism of Social Control*, African matriculation results had been systematically manipulated by the government to control the output of African matriculants to suit the socio-economic and political needs of the country. Mr Mathonsi claimed that four strategies were used by the Department of Education and

Training (DET) to manipulate matriculation results: the 'classroom strategy', through which, Mr Mathonsi said, the 'inequalities of teacher-pupil ratios, discriminative expenditure per child, shortage of pupils' physical needs, high drop-out rates, ill-qualified teachers and other factors are kept so as to destroy the minds of African pupils'; the 'marking centre' strategy through which the government allowed 'indirect carelessness' to take place in the marking centres so as to 'cut off thousands of African pupils from the mainstream of economic development or economic competition'; the 'authoritative strategy' through which the DET refused to disclose the results of pupils on the grounds of irregularities, resulting in thousands of African pupils being 'prevented from entering economic competition in South Africa'; and the 'ideological strategy' which manifested itself in political and constitutional developments in South Africa.

Mr Mathonsi claimed that there was a close relationship between economic development in South Africa and African matriculation results; economic booms were followed by good matriculation passes while economic recessions were followed by poor matriculation results. He also said that the improvement of the coloured and Indian matriculation results was a result of the government's strategy to co-opt these groups on the side of whites.²⁰⁴

In a response to Mr Mathonsi's book a prominent educationist, Dr Franz Auerbach, said that it was true that historically the economic and political power structure had severely retarded African education. However, Dr Auerbach claimed, it was not true that 'deliberate manipulation depresses matric results, nor do the facts cited in the book "prove" otherwise. The Department of Education and Training — apart from any other point — obviously has no interest in making poor results worse'. Dr Auerbach said that the ongoing boycotts of classes and examinations, and the influences these could have on results, was not mentioned. He added that the suggestion that African matriculation results corresponded with fluctuations in the level of economic activity was not valid. 'There really is no way in which this kind of up-and-down change almost from year to year could be brought about, a point obvious to those who know how education systems and public examinations actually work. Any correspondence between the two factors can only be accidental,' Dr Auerbach claimed.²⁰⁵

The DET said that from a 'metatheoretical perspective' Mr Mathonsi's book was not academically impressive. 'Mathonsi accepts a theoretical framework, largely unquestioningly, and proceeds to use statistics which are questionable to "verify" an "a priori" conclusion. Mathonsi uses statistical data very selectively to support his view while ignoring any other possible deduction and/or explanation. The questionnaire used by Mathonsi, as well as the way it was implemented and the conclusions drawn, can only be described as unscientific and invalid,' the department claimed.²⁰⁶

It was reported in July 1988 that 12 000 candidates who had written and passed the matriculation examination at the end of 1987 had been

unable to continue with their education and were being hampered in their efforts to find work because the DET had not yet sent their matriculation certificates.²⁰⁷ Candidates waited up to eight months for their certificates. The chief public relations officer for the DET, Mr Job Schoeman, said that the department, 'being painfully aware of the problems experienced by private candidates and the often frustrating, yet unavoidable, delays', had taken two steps to solve the problem. Firstly, records of all private candidates were being computerised to enable quick access to the relevant information, an exercise which should be completed by December 1988 and, secondly, private candidates would from 1990 write their examinations during May/June instead of in November.²⁰⁸

Matriculation examinations went off smoothly in most areas of South Africa. However, in Tembisa (east Rand) over a thousand pupils did not write the examination in protest over the detention of a fellow pupil.²⁰⁹

Teachers

Numbers and qualifications

In 1987 there were 164 637 teachers in African schools (including all ten homelands), 34 837 in coloured schools, 11 013 in Indian schools and 52 688 in white schools. The tables, *Qualifications of teachers in African Schools*, and *Qualifications of teachers in coloured schools*, overleaf, show that if a post-standard 10 teacher's certificate or diploma is regarded as the minimum qualification for a teacher, the following numbers of teachers (given as percentages for each group) were not adequately qualified in 1987: 54% of teachers in African schools in the white-designated areas and non-independent homelands, 34% of teachers in coloured schools. The respective figures for 1986 were 58% and 38%.²¹⁰ The qualifications of teachers in Bophuthatswana, the Ciskei, the Transkei and Venda were not available.

If a three-year post-standard 10 teachers' certificate or diploma is regarded as the minimum qualification for a teacher, 89% (93% in 1986) of teachers in African schools in the white-designated areas and non-independent homelands were not adequately qualified. Similar figures for teachers in the 'independent' homelands and for coloured and Indian teachers were not obtainable.

While an exact breakdown of the qualifications of teachers in Indian schools was not obtainable, only 12 of a total of 5 698 primary school teachers and only 29 of a total of 5 315 secondary school teachers in these schools did not have a professional qualification.

It was reported in January 1988 that many teachers, including some who had qualified recently, were unable to find jobs in Department of Education and Training (DET) schools in the Pretoria/Witwatersrand/Vereeniging area. Some teachers said that school principals and circuit inspectors had told them that new posts in the area had been frozen. The DET's chief liaison officer, Mr Job Schoeman, said that his department had enough posts in South Africa to accommodate all the teachers who

Qualifications of teachers in African Schools (excluding TBVC): 1987*

<i>Professionally qualified with</i>	<i>White areas</i>	<i>%</i>	<i>Non-independent homelands</i>	<i>%</i>	<i>Total</i>	<i>%</i>
Std 6	2 860	5,7	1 936	3,1	4 796	4,2
Std 8	16 902	33,6	15 639	24,6	32 541	28,6
National technical certificate	140	0,3	57	0,1	197	0,2
Std 10 with primary teacher's certificate	11 358	22,6	17 455	27,5	28 813	25,3
Std 10 with junior secondary teacher's certificate	3 867	7,7	4 574	7,2	8 441	7,4
Std 10 and 3 years' teacher's training	5 320	10,5	7 341	11,6	12 661	11,1
Degree	1 668	3,3	2 236	3,5	3 904	3,4
Sub-total	42 115	83,7	49 238	77,5	91 353	80,2
<i>No professional qualification, but with</i>						
Std 8 or lower	4 723	9,4	4 445	7,0	9 168	8,1
National technical certificate	91	0,2	20	-	111	0,1
Matriculation or senior certificate	3 171	6,3	9 626	15,1	12 797	11,2
Degree	201	0,4	220	0,3	421	0,4
Sub-total	8 186	16,3	14 311	22,5	22 497	19,8
Total	50 301	100,0	63 549	100,0	113 850	100,0

* Transkei, Bophuthatswana, Venda and Ciskei

Qualifications of teachers in coloured schools: 1987

<i>Professionally qualified with</i>	<i>Number</i>	<i>%</i>
Below std 8	37	0,1
Std 8	9 209	26,5
Std 10	19 212	55,1
A university degree	3 828	11,0
Other (eg technical)	38	0,1
Sub-total	32 324	92,8
<i>No professional qualifications, but with</i>		
Std 8 or lower	469	1,3
Std 10	1 277	3,7
A university degree	637	1,8
Other (eg technical)	130	0,4
Sub-total	2 513	7,2
Total	34 837	100,0

had qualified in 1987. He stated, 'The problem is that newly qualified teachers are selective as to where they want to teach. They must understand that if they want to teach—for example in Soweto—we cannot accommodate them all.'²¹¹ The director general of education and training, Dr Braam Fourie, denied allegations that the DET had retrenched teachers, frozen or reduced the number of teaching posts and failed to appoint newly qualified teachers. He stated that thousands of additional posts had been created for 1988 'despite the prevailing stringent economic circumstances in the country'. He said he wished to emphasise that no permanent teachers had been retrenched.²¹²

The contracts of a number of temporary teachers were terminated in Mamelodi (Pretoria) in January as a result of a DET decision to rationalise teaching posts. A circular sent to schools by the northern Transvaal regional office on 11 January stated that temporary and unqualified teachers were required to apply for re-appointment, that teachers on sick leave or study leave would not be replaced by temporary staff and that new teachers could be appointed only with the permission of the regional director.²¹³

Also in January, it was reported that teachers had resigned, and that more would be resigning, from Lamontville High School (Durban), owing to the presence of a white principal and four white staff members.²¹⁴

Towards the end of January NEUSA (see *Teachers' organisations* above) stated that it condemned the dismissal, suspension and retrenchment of black school teachers and their transfer to other schools in the country. NEUSA's national treasurer, Mr Aubrey Matshiqi, said that NEUSA found it 'difficult to understand the retrenchment and transfer of teachers at a time when there is a dire need for teachers in the black community. The retrenchments are also taking place at a time when there is high unemployment'. He further stated that NEUSA believed that the DET was trying 'to render progressive teachers docile and submissive'.²¹⁵ Concerning the case of Lamontville High School, NEUSA alleged that the four staff members had been employed after the 'ruthless displacement' of NEUSA members in 1986.²¹⁶ Also in January, the Azanian Students' Movement (AZASM) (see *Student organisations* below) said that it was difficult to understand why temporary teachers were being retrenched when pupils who had failed their matriculation examinations in 1987 were being refused admission to schools in 1988.²¹⁷ In February a well-known Soweto educationist and the principal of a primary school, Mr Eddie Tenza, said, 'We are not happy with the current freezing of posts. Our children who have recently qualified from colleges of education should be given the opportunity of entering the teaching profession... To us, it is ideal that they serve the community that has produced them and not for them to be offered posts in foreign places.' He also alleged that, while the DET had previously said that it aimed to lower the teacher/pupil ratio, 'we are dismayed that we are now told it should rise to as high as 1 to 40 or 1 to 45. This has led to talk that our schools are overstaffed'.²¹⁸

In March the minister of education and development aid, Dr Gerrit Viljoen, said in Parliament that 465 primary school teachers and 440 secondary school teachers in possession of a professional qualification had been refused posts at schools in 1988, owing to a lack of suitable vacancies and to preference being given to bursary holders.²¹⁹ In reply to a question in Parliament on 21 March 1988 concerning the shortage of teachers in DET schools, Dr Viljoen said that 'no vacancies exist'.²²⁰

Also in March Dr Viljoen said in Parliament that during the latest specified 12-month period for which figures were available, 63 teachers employed by his department had been unable to perform their teaching duties owing to the fact that they had been detained by the South African Police.²²¹

In April the director of the DET's Diamond Field (Potchefstroom) regional office, Mr G W Merbold, said that schools in Soweto (Johannesburg) had lost between 16 000 and 18 000 pupils to the rural areas of South Africa and to the 'independent' and non-independent homelands. The decrease in pupil numbers in Soweto, he said, was 'exactly parallel' to increases in pupil numbers in these areas, and could be attributed to parent dissatisfaction with the 'state of unrest' in Soweto schools. He also said that, owing to the ensuing surplus of teachers in Soweto, teachers at several schools would be transferred in order to correct pupil/teacher ratios.²²²

In November the newly established Progressive Teachers' Congress (PTC) alleged that transfers of teachers had occurred as late as September. The PTC said that the transfers were unacceptable because they had taken place in the middle of the academic year when pupils were preparing for their examinations and because the pupil/teacher ratio remained at 40 to 1.²²³ The DET denied the allegations and said that while there was a surplus of 200 teachers in the Johannesburg region, not one of these had been retrenched. It further stated that although in some schools the pupil/teacher ratio might be as high as 40 to 1, it was 28 to 1 for the Johannesburg region as a whole.²²⁴

In September African teachers in Cape Town accused the DET of launching a campaign to blacken the names of high schools in the area. They claimed that an inspector had issued a circular to principals, in which they were asked to explain the involvement in African education of people such as Mr Ken Andrew, MP Progressive Federal Party, and Mr Goodwin Daba, chairman of a parents/teachers/students association. It was further alleged that principals had been asked to name 'leftist or radical' teachers at their schools and to provide information concerning their membership of teachers' organisations and their involvement in 'subversive activities'. Commenting on the issuing of the circular, Mr Andrew said that most African high schools in the Cape Peninsula were 'verging on chaos'. He added that 'this latest circular from the DET illustrates once again that the department itself, because of its confrontationalist, dictatorial approach, and its determination to conduct witch-hunts, is a major cause of the problems in the schools'.²²⁵

In January the Department of Education and Culture (coloured own

affairs) announced that it was freezing all additional teaching posts owing to budget cuts. It also said that all posts left unfilled by the end of January would be made redundant. The chairman of the Western Cape Teachers' Union (WECTU) (see *Teachers' organisations* above), Mr Yusuf Gabru, responded by saying that it was inconceivable that posts could be frozen when classrooms were 'greatly overcrowded' and when many qualified teachers found themselves unemployed.²²⁶

Speaking in Parliament in April 1988, the minister of education and culture (coloured own affairs) and leader of the Labour Party in the House of Representatives, the Rev Allan Hendrickse, said that a survey conducted at the beginning of the year indicated that there were 1 227 unemployed qualified coloured teachers. Of this number, 492 were newly qualified bursary holders. Projected figures showed that by 1991, about 1 700 bursary holders would qualify as primary school teachers, while there would be only about 700 posts available. He said that his department could not afford to train teachers for unemployment and that the intake of first year students would thus have to be 'drastically limited'.²²⁷ In January 1988 a spokesman for the Department of Education (coloured own affairs) said that only 35 of a total of 120 newly qualified teachers who had been granted loans had been placed in schools.²²⁸

Addressing a Labour Party (LP) meeting in August, Mr Hendrickse said that he would be forced to dismiss 2 300 teachers 'if they persist in giving me the budget they are allocating to me'.²²⁹ The Cape Teachers' Professional Association (CTPA) (see *Teachers' organisations* above) warned the LP not to retrench teachers or close schools and colleges because the department had run out of funds.²³⁰

In November it was reported that WECTU and the CTPA (see *Teachers' organisations* above) were investigating allegations of vindictive actions by the Department of Education and Culture (coloured own affairs) against teachers who had links with 'progressive' community organisations or teachers who had heeded a call by trade unions for a national stayaway in 1987. A pamphlet issued by WECTU claimed, among other things, that at least 25 teachers had not had their posts renewed.²³¹

In January 1988 a spokesman for the Department of Education and Culture (Indian own affairs) said that it was 'reaching saturation point' regarding the number of Indian teachers and that it might not be able to place all its loan students and other applicants.²³² Exact figures were not available. In April it was alleged that of 287 student teachers who had graduated at the University of Durban-Westville at the end of 1987, only 87 had received teaching appointments.²³³ The president of the Teachers' Association of South Africa (TASA) (see *Teachers' organisations* above), Mr Pat Samuels, said that TASA had tried several times to discuss the problem with the minister of education and culture (Indian own affairs), Mr Kassie Ramduth, but that there had been no response from him.

In May TASA said that it was 'astounded by the statement made by Mr Ramduth that if additional funds are not provided for his department,

365 teachers would be without jobs in January 1989'.²³⁴ It said further that 'it has been a gross insult to many young qualified diplomates or graduate teachers — more than 1 000 in all — that the new financial formula for education has been instrumental in keeping them in substantive posts only as temporary teachers or that the number of substantive posts have been made to correspond to the requirements of that very formula. This is a transgression of a promise of a permanent job made to students selected by the Department of Education and Culture for training as a teacher... The further insult is no less than that offer made by Mr Rajbansi that he could find work for the 365 teachers threatened with dismissal in jobs in other departments within the House of Delegates. It is worthy of note that if he could afford to place them in other jobs, he could offer to place them in education, except if he intended to give them jobs with much lower salaries'. TASA alleged that at no stage had the chairman of the ministers' council in the House of Delegates, Mr Amichand Rajbansi, questioned the adequacy of the financial formula for education. Instead, TASA said, he had 'indicated through the media that the government policy on education is the correct one and is to be followed'.²³⁵ Also in May the Natal School Grantees' Association called on the House of Delegates to ensure that every Indian teacher in training and qualifying at the end of the year was given a permanent teaching post.²³⁶

In September TASA's general secretary, Mr S Jaggernath, testified before the Commission of Inquiry into allegations concerning the involvement of any member of the ministers' council of the House of Delegates or any member of the House of Delegates in any irregularities (the James Commission), appointed on 24 June 1988.²³⁷ He told the commission that Indian education was characterised by, among other things, abuse of political power and favouritism. Mr Jaggernath said that investigations by TASA had revealed that officials victimised teachers whose views they disagreed with and favoured those whose views coincided with theirs.²³⁸ Both Mr Jaggernath and Mr H Saayman, an under secretary of the former Department of Indian Affairs, told the commission of the existence of two 'blacklists' of student teachers. Mr Saayman said that a blacklist of 69 student teachers had been drawn up on the instruction of Mr G Nair, former rector of the Springfield College of Education (Durban) and, at the time of the inquiry, chief director of the Department of Education and Culture. Mr Saayman also spoke of a second list of 11 student teachers which had been sent to the department in November 1983 to influence first-year teaching appointments in 1984. He alleged that Mr Rajbansi had instructed that a student at the top of the list, Mr I Naidoo, not be posted to a school in Lenasia (Johannesburg) but be 'shunted' instead to a school in the politically conservative town of Schweizer-Reneke (Transvaal).²³⁹

There was widespread press coverage of an 'exodus' of white teachers from schools all over South Africa, and especially the Transvaal, in 1987 and 1988.²⁴⁰ In September the chairman of the Teachers' Federal Council (TFC) (see *Teachers' organisations* above), Mr Dudley Schroeder, said

that a survey conducted in thousands of schools and colleges all over the country had shown that 2 574 teachers had already resigned in 1988 and that this figure was already higher than the figure of 2 303 teachers who had resigned in 1987. The number of resignations was expected to increase as only 72% of the schools and colleges had responded to the TFC questionnaire. Mr Schroeder also said that the survey revealed that salaries and conditions of service were the chief reasons for resignations.²⁴¹ In December Mr Schroeder said that in spite of a 7% increase in December and a further 15% increase in January, the 'whole system' needed to be investigated as soon as possible.²⁴²

The minister of education and culture (white own affairs), Mr Piet Clase, said in Parliament in February 1988 that 333 white school teachers had been made redundant in 1987.²⁴³

Teacher training

According to the annual report of the Department of Education and Training (DET), there were 14 teacher training colleges for Africans under its control in 1987 (two more than in 1986 and four more than in 1985). The report said that the department had 'committed itself to employ every means at its disposal to upgrade all facets of teacher education'. It stated that whereas the budget for this area of the department's operations had amounted to R35m during the 1985/86 financial year, it would run to R84m for the 1987/88 financial year, a percentage increase of 142%. In April 1988 the minister of education and development aid, Dr Gerrit Viljoen, said in Parliament that the combined capacity of the 14 teacher training colleges was 9 178 students. As at 31 March, there were 8 767 students enrolled at these colleges. Of this number, 3 507 students were enrolled for the first time.²⁴⁴ In reply to a question as to whether any qualified applicants had been refused admission owing to lack of facilities, Dr Viljoen replied in the affirmative but did not elaborate. He also said that he could not furnish the number of students who had been refused admission to teacher training colleges, because 'information about applications to colleges is not readily available and is unreliable, inter alia, because a student often applies to more than one college at the same time'.²⁴⁵ Also in April Dr Viljoen said that 1 786 students had graduated from the 14 teacher training colleges at the end of 1987, but that this figure did not include the results of supplementary examinations.²⁴⁶

There were another 27 teacher training colleges under the education department of the six non-independent homelands (as opposed to 24 in 1986). Enrolment at these colleges totalled 24 805 (20 817 in 1986). Bophuthatswana, the Transkei and Venda had 18 teacher training colleges between them in 1987, with 625 teachers and 9 209 students enrolled.²⁴⁷ Information regarding the Ciskei was not obtainable.

Teaching degrees and diplomas were awarded to African students in education at African universities in 1986 as shown in the table, *Teaching degrees and diplomas awarded to African universities: 1986*, overleaf.²⁴⁸

*Teaching degrees and diplomas awarded at
African universities: 1986*

<i>University</i>	<i>Degrees</i>	<i>Diplomas</i>	<i>Total</i>
Bophuthatswana		Not available	
Fort Hare		Not available	
The North	236	106	342
Transkei		Not available	
Vista	5	1 679	1 684
Zululand	141	173	314
Total	382	1 958	2 340

The following numbers of African students were enrolled in the education faculties at African universities in 1987:²⁴⁹

Student teachers at African universities: 1987

<i>University</i>	<i>Number of students</i>
Bophuthatswana	Not available
Fort Hare	Not available
The North	2 280
Transkei	Not available
Vista	15 875
Zululand	1 714
Total	19 869

In addition to the above, a number of African students enrolled for degrees in education at the University of South Africa and at some of the predominantly white universities.

There were 8 064 student teachers at 13 teacher training colleges falling under the Department of Education and Culture (coloured own affairs) in 1987. At the end of 1986, 1 192 coloured students at these colleges qualified as teachers. Information was not obtainable on the number of coloured student teachers at universities.

There were 1 174 student teachers enrolled at the two teacher-training colleges for Indians, and at the Natal Technikon and the University of Durban-Westville in 1987. At the end of 1986, 898 Indian students qualified as teachers.²⁵⁰

There were 8 487 white students enrolled in 15 colleges of education in 1987.²⁵¹ Information was not obtainable on the number of student teachers enrolled at universities. The minister of education and culture (white own affairs), Mr Piet Clase, said in April that 2 457 student teachers had graduated from teacher training colleges while 2 224 had graduated from universities. These figures, he said, included all student teachers who had completed their initial studies by obtaining either a diploma or a degree.²⁵² In March Mr Clase said that there were 4 137 vacant places at white teacher training colleges.²⁵³

In a study published in January 1988 and entitled *Race Against the*

Ratios: The Why and How of Desegregating Teacher Training, a researcher for the South African Institute of Race Relations (SAIRR), Ms Vanessa Gaydon, calculated that the government would save about R40m if it allowed black student teachers to fill empty places in white teachers' training colleges. Speaking in Parliament in April 1988, Mr Ken Andrew, MP (Progressive Federal Party), said that if African student teachers were allowed to fill the empty places in white teachers' training colleges, the number of African student teachers would be increased by almost 50% without any additional capital cost.²⁵⁴

In June a motion proposing that the white Edgewood Teachers' Training College admit students of all races was passed unanimously at the annual general meeting of the Natal Teachers' Society in Durban.²⁵⁵ In August an executive of Unilever, Mr B Dalberg, addressing a gathering at the Springfield College of Education, said, 'To build a new college for 2 000 Africans would cost over R15m, but allowing just 200 African students into Springfield on a student/teacher ratio of 10 to 1 would cost [only] R3 000 per student per year.' He added that since he was an optimist, he predicted 'the day when the inevitability of the arithmetic will supervene over the policies of ethnicity'.²⁵⁶

In July, a report entitled 'Teacher Education for the 21st Century' and written by several senior members of the Natal Education Department (NED) was circulated to teacher training colleges, university departments of education and state education departments throughout South Africa. The report stated, among other things, that by the turn of the century, there would be 'no legal restriction on the integration of schools' and that teachers should be trained with this in mind. It recommended, therefore, that teacher training colleges be opened to all races immediately. The deputy director of the NED, Mr John Deane, said that the fact that senior members of the NED had submitted the report did not mean that the NED was proposing any of the ideas contained in it.²⁵⁷

Special education

In 1987 there were 41 special schools for Africans (40 in 1986) outside the 'independent' homelands, made up of 32 in the white-designated areas and nine in the non-independent homelands. Some of these schools made provision for more than one category of disabled children. Nineteen of them provided for the severely mentally disabled, 12 for the aurally disabled, nine for the physically disabled, eight for the visually disabled, two for the cerebral palsied and one for epileptics. They employed 544 teachers and had 4 551 pupils.²⁵⁸ In Bophuthatswana there were 18 special schools in 1987, 15 for the mentally handicapped and three for the physically disabled. They employed 220 teachers and had 1 678 pupils.²⁵⁹ There were two special schools in the Ciskei in 1987, one for the physically disabled and one for the deaf. The number of pupils enrolled was not obtainable.²⁶⁰ There were six special schools in the Transkei in 1987, one for the blind and deaf, one for the aurally and visually impaired, two for mentally disabled children, one for the cerebral palsied and orthopaedically disabled children and one for physically

disabled children. They had 104 staff members and 770 pupils.²⁶¹ There was one special school in Venda, catering for aurally, physically and visually handicapped children, with 52 staff and an enrolment of 324.²⁶²

There were nine special schools for coloured pupils in 1987, one for the aurally impaired, one for autistic children, one for the blind, two for the cerebral palsied, one for the deaf, one for epileptics, one for physically disabled children and one for the physically disabled and cerebral palsied.²⁶³ There were also two classes for the aurally impaired at a primary school in Port Elizabeth and 13 special schools attached to hospitals. Altogether these schools had an enrolment of 2 055 pupils.²⁶⁴ The number of teachers was not obtainable.

The total number of special schools for Indian pupils, and the number of teachers at such schools, were not obtainable. However, these schools had an enrolment of 1 412 pupils.²⁶⁵ The Department of Education and Culture (Indian own affairs) also reported an increase in the number of special schools in 1986 and 1987.²⁶⁶

There were 34 special schools for whites in 1987, 11 for the cerebral palsied, six for pupils with serious specific learning disabilities, six for the aurally impaired, four for the physically handicapped, three for epileptics, two for autistic children and two for the visually handicapped.²⁶⁷ In addition, training was provided for mentally retarded children at 35 state and state-aided training centres.²⁶⁸ The total number of white pupils, and the number of teachers employed at these schools, were not obtainable.

Adult education

According to the annual report of the Department of Education and Training, there were 371 adult education centres and satellites in 1987 (112 more than in 1986) in the white-designated areas of South Africa as follows: Cape province 62, Highveld 84, Johannesburg 75, Natal 39, Northern Transvaal 48, Orange Free State 29, and Orange Vaal 34. These centres employed 5 126 teachers (against 3 585 in 1986) and had 84 010 adults enrolled: 29% in primary, 58% in secondary and 13% in literacy courses. In addition 2 356 teachers were enrolled as students at these centres. During 1987, the department's adult education section, working with the white Transvaal Women's Agricultural Union and funded in part by the Urban Foundation, also trained 296 women to teach literacy to about 4 000 farm labourers. The department provided assistance in the form of training for study leaders, remuneration for tuition and the supply of free study material to women who wished to teach labourers employed on their farms how to read and write.²⁶⁹

In 1987 there were 65 adult education centres and satellites in Kwa-Zulu (as against 71 in 1986 and 94 in 1985) with 519 teachers and 6 674 students. An additional 672 teachers were enrolled as students in adult education centers in KwaZulu in 1987.²⁷⁰ In 1987 there were 236 adult education centres in Bophuthatswana (eight more than in 1986 and 35 more than in 1985) employing 1 850 teachers (as against 1 783 in 1986) and with an enrolment of 27 067 (including teachers enrolled as students).²⁷¹ In Venda there were 52 literacy centres in 1987 with an

enrolment of 352 students (against 554 in 1986) and 14 continuation centres with an enrolment of about 260 students (292 in 1986). Very few of these literacy and continuation centres were in operation, owing to 'most adults having joined employment'.²⁷² Information on the Ciskei was not obtainable.

In 1987 the Department of Education and Culture (coloured own affairs) ran 637 adult education classes with an enrolment of 1 508 primary and 9 185 secondary students.²⁷³ The Department of Education and Culture (Indian own affairs) operated 13 adult education centres for Indians in 1987 (five more than in 1986) with 1 066 adults enrolled.²⁷⁴ According to the annual report of the Department of Education and Culture (white own affairs), 148 072 persons attended 1 488 projects in the fields of family education, the human and natural sciences, and homemaking in 1987.²⁷⁵

Pupils' organisations

The **Azanian Students' Movement (AZASM)** had both pupils and students as members. For information on AZASM see *Student Organisations* below.

In February 1988 a new national pupils' organisation, the **South African Students' Congress (SASCO)**, was launched following a secret conference in Cape Town on 15 January. SASCO was the first national pupils' organisation to be formed since the banning of the Congress of South African Students (COSAS) in August 1985 (see 1985 *Survey* p386). An interim body, the National Students' Co-ordinating Committee (NASCOC), which had filled the role of national organiser since the banning, organised the January meeting²⁷⁶ and said that this was the first time school pupils had been sufficiently organised to consider launching a national organisation.²⁷⁷ Priorities of the new organisation included the restructuring of the regions that had been most severely affected by the state of emergency and the search for new leadership. A representative of SASCO said that 'half the pupil leadership has been forced into exile, expelled, detained or have completed their studies'.²⁷⁸ NASCOC also claimed that some of the most outstanding leaders had been killed by police, gunned down by unknown persons, or had disappeared.²⁷⁹ Like COSAS, SASCO said that it would endorse the Freedom Charter and would fight for the introduction of a uniform nonracial system of education.²⁸⁰ By the time it addressed the press in February SASCO had formulated several grievances against the system of education and was planning several campaigns. It also said it would create links with certain other pupil and student organisations. A spokesman for the Department of Education and Training (DET) said in February that he could not yet comment on SASCO but that his department was determined to prevent any attempt to politicise African schoolchildren.²⁸¹

Also in February the **South African Youth Congress (SAYCO)** — one of the organisations with which SASCO planned to create links — was banned together with another 16 organisations, including the **Soweto Youth Congress** (see also chapter on *Political Developments*).²⁸²

In June the **Southern Transvaal Students' Congress (STRASCO)** was launched to 'provide a political home' for African pupils in the southern Transvaal region.²⁸³ According to executive members, it consisted of the student congresses of the eastern Transvaal (ETRASCO), the east Rand (ERASCO), Lenasia (LESCO), Pretoria (PRESCO), Soweto (SOSCO) (see below) and the western Transvaal (WESCO). STRASCO's publicity secretary, Mr Mbango Xaba, said that the new organisation identified itself with the 'broad, nonracial, democratic movement' and was an affiliate of the banned United Democratic Front (UDF) and of NASCOC.²⁸⁴ Mr Xaba also said that a northern Transvaal student's congress was being organised in the northern half of the province (see below).²⁸⁵

The **Northern Transvaal Students' Organisation (NOTSO)** was formed in October. The elected executive asked not to be named for fear of reprisals from the Venda authorities.²⁸⁶

In May Mr Moses Mseko, publicity secretary of the **Soweto Students' Congress (SOSCO)**, said that more than 100 Soweto pupils, most of them members of his organisation and of various student representative councils (SRCs), had been detained. He said that some of the pupils had been released within the same day of being arrested while others had been held for 'long periods'. He added that some SOSCO members were in hiding while their houses were being visited daily by the police.²⁸⁷ In August the president of SOSCO, Mr Kgotso Chikane, in a letter to *The New Nation*, condemned the 'uncalled for closure' of several schools by the DET and said that such closure 'makes us panic'.²⁸⁸

On 25 October SOSCO was effectively banned in terms of Regulation 7(1) of the emergency regulations.²⁸⁹ A statement from the ministry of law and order said that since its inception in 1985, SOSCO had been responsible for the planning, execution and enforcement of several school, consumer and rent boycotts.²⁹⁰ The statement further claimed that 'SOSCO even considered murdering South African Police members to obtain firearms'.²⁹¹ It also criticised SOSCO's involvement in the promotion of 'people's education' (see *Curricula* above).²⁹² The banning was condemned by STRASCO's president, Mr Rickey Richmond Jele, who expressed the opinion that the government should ban organisations which were a threat to racial integration and not those which opposed racism.²⁹³

In December 1988 two other pupils' organisations were effectively banned in terms of the emergency regulations. They were the **Mitchell's Plain Student Congress (MSC)** and the **Western Cape Students' Congress (WCSC)**.²⁹⁴ A spokesman for the minister of law and order said that the organisations had been banned because of their involvement with 'people's education' and the fact that 'both are busy politicising and organising students in the western Cape, which would result in the escalation of school boycotts, terror, unrest and strikes'.²⁹⁵

Student representative councils

In response to a question in Parliament in March 1988 the minister of

education and development aid, Dr Gerrit Viljoen, said that 89 secondary schools falling under the control of his department had student representative councils (SRCs) as follows: Cape 0, Highveld 28, Johannesburg 36, Natal 18, northern Transvaal 0, Orange Free State 0, and Orange-Vaal 7.²⁹⁶ The number of secondary schools without SRCs was 320.²⁹⁷ In 1987, 123 schools had SRCs while in 1986 there were 191 schools with SRCs. SRCs are constituted each year at schools. Thus a school which has an SRC one year may not have one in another year.

School boycotts and other disturbances

In response to a question in Parliament in February 1989, the minister of education and development aid, Dr Gerrit Viljoen, said that 917 schools, including 662 primary and 255 secondary schools, were affected by boycotts in 1988 (as opposed to 147 in 1987). He said that 420 801 secondary school pupils had been involved but that it was impossible to ascertain how many primary school pupils had stayed away during the boycotts. Dr Viljoen also said that the figures relating to the absence of pupils from school during boycotts were mostly related to two stayaway actions, the first in response to a call by the Congress of South African Trade Unions (6-8 June 1988) and the second in response to the municipal elections (24-26 October 1988).²⁹⁸ Dr Viljoen also said that 142 secondary schools, out of a total of 432 registered secondary schools, had been subject to unrest other than boycotts in 1988²⁹⁹ (as opposed to 97 schools out of a total of 368 registered secondary schools in 1987).

TECHNICAL EDUCATION AND INDUSTRIAL TRAINING

Legislation and policy

The **Technikons (National Education) Amendment Act**, passed during 1988, amended the **Technikons (National Education) Act of 1967**. Provision was made for the transfer of the administration of certain provisions of the principal act to the minister of education and culture (white own affairs); the declaration of an institution as a sub-division of a technikon; the altering of the names of certain technikons; and the conducting of examinations subject to the Certification of Technikon Education Act of 1986.

In response to a question in Parliament in August 1987 the minister of education and culture (white own affairs), Mr Piet Clase, said that he was holding talks with the rectors of the eight white technikons to formulate a policy regarding the admission of black students, which would be in keeping with the provisions of South Africa's constitution and which would at the same time serve the interests of the country.³⁰⁰

Replying to a question in Parliament in February 1988 Mr Clase said

that the race quotas at white technikons had been abolished in 1987.³⁰¹ He also stated that admission policies at white technikons had been discussed on the basis of proposals submitted by the councils of the technikons concerned. Those councils were now able to formulate their own policy concerning the admission of students of other race groups. However, this policy had to be formulated 'in consultation with' the minister of education and culture (white own affairs). He also said that he would not disclose any information concerning admission policies at the various technikons but that the technikons could decide whether or not they wanted to divulge this information.³⁰² Mr Clase said in Parliament in March that no students except white students were allowed to reside in the hostels at white technikons. He also said no consultation on the issue had been necessary because the existing policy was one of 'retaining the status quo'.³⁰³

In March 1988 the chairman of the Committee of Technikon Principals (CTP), Dr Isak Steyl, said that cuts in the state subsidy to technikons had been as drastic as those to universities (see *University education* below) and posed a threat to the quality of technikon education. He said that the cuts varied from 16% to 29%.³⁰⁴ Moreover, the recent transfer to the new subsidy formula for tertiary educational institutions had meant an effective 'double cut' for technikons.³⁰⁵ Several components of the subsidy formula did not take into account the different type of education offered by technikons, Dr Steyl said. For instance, the new subsidy formula did not allow sufficient funds for the salaries of teaching staff at technikons. The practical orientation at technikons, together with the necessity of teaching students in small groups, and longer teaching hours, required more teaching staff and a higher staff/student ratio than in the universities.³⁰⁶

A study commissioned by the Committee of University Principals (CUP) and made public in January 1988 said that something had to be done about the disproportionate growth in the number of university students in South Africa (see section on *University Education*). The chairman of the year-long investigation, Professor P J de Lange, stressed the need to channel students to other tertiary institutions such as technikons.³⁰⁷

Also in January, the Human Sciences Research Council (HSRC) released the results of a two-year study on the 'image' of technikons, which was based on prospective and first-year technikon students of all race groups and their parents.³⁰⁸ According to the study, 'About 40% of the standard 10 pupils involved associated technikon training with persons who had an aptitude for manual dexterity, whereas about the same percentage believed that only pupils who were incapable of achieving better than average symbols at schools should go to technikons.'³⁰⁹ About 60% of the white parents involved in the HSRC study preferred a university to a technikon education for their children because they felt that the former ensured higher salaries and a higher status.³¹⁰ According to the study, far more Afrikaans-speaking people held these views than did English-speaking people, and this was reflected in the presence of

proportionately more English- than Afrikaans-speaking students at technikons.³¹¹ The HSRC investigation also pointed out that there was widespread ignorance concerning the training offered by technikons. As many as 80% of parents said they were poorly informed about the provision of technical education in general.³¹²

A researcher for the South African Institute of Race Relations (SAIRR), Ms Monica Bot, said in a publication entitled *Training on Separate Tracks* that though it was widely acknowledged that the number of people receiving technical training in South Africa was far too small, far too little was being done to remedy the situation.³¹³ Quoting from other sources, Ms Bot said that by the year 2000 there would be a shortage of 200 000 workers with a degree, diploma or comparable skill level. There would also be a surplus of 3,8m workers with standard 8 to 10 or a comparable skill level, and a surplus of 5,6m workers with lower than standard 8 or a comparable skill level.³¹⁴ These figures were calculated in the context of an economic annual growth rate of only 2%.

Owing to the economic recession in South Africa, serious skills shortages were being experienced only in some industrial sectors. However, Ms Bot said, a sustained upturn in the economy would uncover significant shortages in several industries. Employers interviewed anticipated shortages in their industry even if the economy improved only marginally.³¹⁵

Despite the underprovision of technical colleges for African students in certain areas, their admission to white technical colleges remained an exception. The Department of Education and Culture (coloured own affairs) and the Department of Education and Culture (Indian own affairs) had adopted a more open admissions policy whereby students from other race groups could be admitted, providing coloured and Indian students were not deprived of a place.³¹⁶ One of the chief reasons for the continued segregation of technical colleges, Ms Bot said, was that 'colleges are regarded as "post-secondary institutions"; this partly secondary status is a severe obstacle to desegregation as the government continues to insist that secondary education remains segregated.'³¹⁷

Some of the problems identified in *Training on Separate Tracks* concerning segregated theoretical training were:

- the inconsistency of segregated theoretical education with integrated practical training and a nonracial labour market;
- the variation in standards from institution to institution;
- the wasteful expense of providing separate facilities for different race groups, compounded by a shortage of qualified staff;
- where there were no facilities available to certain race groups in the surrounding area, employers either did not train workers or were forced to send trainees further away, which increased travel and accommodation costs; and
- the sometimes lengthy admission procedure for students of other race groups.

Ms Bot also said, 'Many options for change have not been attempted or have been tried only in a limited way, mainly because of the decline in skills training and the lower interest shown by large employers in technikons and technical colleges thus far, compared with universities... Many changes are taking place which directly or indirectly could open up more possibilities for influencing admission policy; these include the increasing autonomy of technical colleges regarding the management and control of their affairs and finances, the linking of state subsidies with student numbers and pass rates, government's attempts to rationalise facilities and the establishment of industrial training boards, which give industry greater control over training.'³¹⁸

Speaking in Parliament in March 1988, Mr Roger Burrows MP (Progressive Federal Party), said that technikons, like other tertiary educational institutions, should fall under the minister of national education. Technikons were meant to serve their local communities in response to the requirements of commerce and industry, and an 'own affairs' policy could not serve these requirements, he said.³¹⁹

In February 1988 the minister of agriculture and water supply, Mr Greyling Wentzel, said in Parliament that not one of the 293 African students who had applied for admission to the five agricultural colleges under the control of his department had been enrolled because the department was responsible for the training of white farmers only.³²⁰ Five coloured students had also applied for admission and been refused in 1987.³²¹ However, in Pietermaritzburg (Natal), the Cedara Agricultural College allowed Indian students entrance for the first time in 1988. The principal said that the decision had been made because of the large Indian farming community in Natal.³²² The two Indian students who were admitted to the college had to commute every day as there were no residential facilities for Indian students on the premises.³²³

In the first quarter of 1988 the Department of Education and Training (DET) released a model for career education for all race groups, which centered on technical education and aimed to increase the proportion of pupils trained in technical skills. The DET said that the current education system was inadequate and under strain owing to an explosion in the school population and the fact that nearly all pupils were following a purely academic route. If this latter trend went unchecked, the huge demand for academic tertiary education could not be met and the universities would be producing thousands of graduates qualified for jobs which did not exist. The object of the model was to raise to 21% the proportion of all pupils who received technical training, with the long-term goal of increasing this proportion to more than 40%. At the time the model was released, the DET said that less than 1% of African secondary pupils and only 2% of all primary school pupils were receiving technical education.³²⁴

The model was designed with a base of 100% pupils, which tapered off to 21% at senior secondary level. The first phase of technical schooling, from sub A to standard 3, was referred to as the 'technical moulding phase'. During this phase, a new subject, 'skills and techniques', would

teach the skills needed in a technological environment. The second stage, called the 'transition phase', would apply to standard 4 pupils and would serve to round off basic education as well as provide exploration of a wide range of career directions. This would be followed by the 'exploratory phase', for pupils in standards 5 to 7. At the end of this third phase, pupils might choose a specific course of study. The final phase, for pupils in standards 8 to 10, would be known as the 'specialisation phase', during which pupils with the required interest and aptitude would receive training in a specific career direction. The department was considering accredited training in this final phase so that school leavers could enter the workforce with a marketable skill.³²⁵

Speaking in Parliament in April 1988, the minister of education and culture (coloured own affairs) in the House of Representatives, the Rev Allan Hendrickse, said that a start had been made in his department concerning the provision of an education system which was more career-orientated, and which offered more commercial and technical subjects at secondary schools. A standard 8 to 10 computer-studies syllabus was being prepared for 1990, Mr Hendrickse said.³²⁶

Secondary school technical training

The total number of schools offering practical, technical and commercial subjects was not available.

In 1987 a total of 590 576 African pupils in standards 6 to 10 in the white-designated areas and non-independent homelands were involved in practical subjects (as against 517 003 in 1986), 18 556 (19 849 in 1986) in technical subjects and 314 276 in commercial subjects (268 621 in 1986). A further 86 321 pupils in standards 4 to 6 were involved in technical orientation subjects (as against 111 889 in 1986).³²⁷ There were also 18 training centres in 1987 (three less than in 1986) run by the Department of Education and Training. They employed 344 teachers (as against 360 in 1986 and 372 in 1985) and had 43 506 pupils (as against 42 681 in 1986 and 48 652 in 1985). There was one training centre in QwaQwa (as in 1986). It employed 30 teachers and had 3 605 pupils (2 261 in 1986).³²⁸

According to the executive director of education and culture (coloured own affairs), a total of 2 021 coloured pupils (1 405 in 1986) were involved in technical studies at comprehensive secondary schools controlled by his department in 1987.³²⁹ The number of schools was not obtainable. According to the director general of education and culture (Indian own affairs), four secondary schools, three in Natal and one in the Transvaal offered technical secondary education for Indians in 1988. Altogether 1 479 pupils were enrolled (1 402 in 1987) in these schools.³³⁰ Information on the number of schools offering technical subjects for white pupils was not obtainable.

Technical colleges and industrial training

In 1987 there were 20 technical colleges for Africans (one more than in

1986) in the white-designated areas of South Africa, employing 34 African and 433 white staff.³³¹ One of these came under the jurisdiction of Lebowa in January 1988.³³² Only two of these technical colleges had hostel facilities.³³³ In June 1988 the minister of education and development aid, Dr Gerrit Viljoen, said in Parliament that new college buildings would replace those at the existing Manu Technical College (Soweto) and would accommodate about 400 additional students.³³⁴ In May Dr Viljoen said that three new technical colleges for Africans were to be built to replace existing temporary facilities at Bloemfontein (Orange Free State), Springs (east Rand) and Witbank (eastern Transvaal), at a cost of R23m.³³⁵ There were 19 technical colleges and industrial training centres in the non-independent homelands, as follows: one in Gazankulu, one in KaNgwane, one in KwaNdebele, nine in KwaZulu, five in Lebowa and two in QwaQwa. They employed 136 African and 251 white staff. In 1987, 3 367 African students (2 533 in 1986) were enrolled in technical colleges in the white-designated areas on the block release system, 1 741 were enrolled for pre-service trade training (1 497 in 1986) and 401 were enrolled in part-time classes. A further 1 831 (1 393 in 1986) were enrolled for commercial and general courses. Altogether 2 259 students were enrolled in pre-service trade training courses in the non-independent homelands and a further 236 students were enrolled in commercial courses.³³⁶

In 1986 there was one vocational school for coloured people, with a student enrolment of 26. This school was closed in 1987. There were 13 technical colleges throughout the country for coloured people in 1987, with an enrolment of 2 668 fulltime-equivalent students.³³⁷ In April 1988 the minister of local government, housing and agriculture in the House of Representatives, Mr David Curry, said that sketch plans had already been approved for a new technical college in Bethelsdorp (Port Elizabeth). The college would cost about R42m, he said.³³⁸

There were three technical colleges for Indians in 1988 (one more than in 1987). The Northdale Technical College had an enrolment of 2 566 students, while the Sastri Technical College in Durban (Natal) and the St Oswald's Technical College in Newcastle (Natal) had respective enrolments of 4 075 and 563 students. There were no vocational schools for Indians in that period.³³⁹

In 1986 a total of 113 686 full-time and part-time students were trained at 72 technical colleges for whites throughout South Africa.³⁴⁰ In 1987 there were 71 such colleges in South Africa. The minister of education and culture (white own affairs), Mr Piet Clase, said in Parliament in March 1989 that 374 African, 355 coloured, 181 Indian and 53 010 white students were studying at technical colleges under the control of his department in June 1987.³⁴¹ There were also two trade training centres for whites: the Vereeniging Trade Training Centre (southern Transvaal) which had an enrolment of 51 in 1987 (81 in 1986) and the Westlake Trade Training Centre (western Cape) which had an enrolment of 247 (273 in 1986).³⁴² The Technical College of South Africa (TECHNISA), which offered courses mainly through correspondence, had an enrol-

ment of over 5 000 students. Of this number, 2 186 were African, coloured and Indian students.³⁴³

Advanced technical education

There were two institutions for the advanced technical education of Africans in 1987: the Technikon Northern Transvaal under the Department of Education and Training, and the Mangosuthu Technikon under the KwaZulu Department of Education and Culture. In 1987 these technikons employed 171 staff (187 in 1986) and had an enrolment of 1 759 (as opposed to 949 in 1986 and 1 604 in 1985).³⁴⁴

The Peninsula Technikon continued to provide advanced technical education for coloured people. In 1987 the enrolment figures were 2 354 full-time and 495 part-time students.³⁴⁵ There was one technikon for Indians – the M L Sultan Technikon – in 1988. The enrolment at this technikon included 3 107 full-time (2 797 in 1987) and 1 262 part-time students.³⁴⁶ There were eight technikons for whites, with an enrolment of 45 661 students in 1987. Of these students, 2 591 were African, 1 374 coloured, 1 204 Indian and 40 492 white.³⁴⁷

Industrial training schools

In the white-designated areas of South Africa, there was only one industrial training school for adults in 1987, at the George Tabor Technical College (Soweto). It offered a one-year intensive trade training course and placement with employers for a further period of training. The total enrolment in 1987 amounted to 56 students.³⁴⁸

Four industrial schools in KwaZulu and one in QwaQwa offered mostly intensive 13-week courses in a variety of trades. In 1987, 48 teachers were employed at these schools.³⁴⁹ Approximately 800 adults received training at the industrial training schools in KwaZulu,³⁵⁰ while about 150 adults were trained at the industrial school in QwaQwa.³⁵¹

Group training centres

In 1987, 23 038 people of all race groups received training at these state-aided centres (as against 12 599 in 1986).³⁵² A group training centre is a centre established by a group or an association of employers in a particular industry or area.

Private in-service training

In 1987, 110 917 people of all races received training at training centres (as against 126 347 in 1986) and 140 201 through training schemes (132 968 in 1986).³⁵³

Technical education in the 'independent' homelands

Statistics on technical education in **Bophuthatswana** in 1987 could not,

on the whole, be obtained independently of information concerning commercial education. According to the Bophuthatswana Department of Education's annual report, technical and commercial courses of study 'represent simply a choice of subjects at post-primary school level, which leads to the same senior certificate and matriculation exemption as any other course'.³⁵⁴ There were only two schools specialising in technical and commercial education. The President Mangope Technical and Commercial High School at Tlhabane, which offered standard 8 to 10 classes, was reported to be producing about 40 technical and 100 commercial matriculants a year. The Baitiredi Technical and Commercial High School at Mothibistad, opened in 1986, had an enrolment of 120 pupils in standard 6 and 100 in standard 5 in 1987.³⁵⁵

The Ciskei had one technical college in 1987 and 1988. In 1988 it employed 19 lecturers and had an enrolment of 190 students.³⁵⁶

In 1987 seven technical and vocational schools operated in the Transkei (as against four in 1986). They employed 150 teachers (34 in 1986) and had an enrolment of 356 pupils in vocational training and 2 011 pupils in technical training (as against a total of 254 pupils in both categories of training in 1986). In 1986 the Umtata Technical College and the Teko and Ngqungqushu technical institutes employed 41 teachers and had an enrolment of 1 020. Figures for 1987 for these centres were not available. According to the Transkei Department of Education's annual report, three new technical colleges were established in 1987: Ezibeleni Technical Institute, Sterkspruit Senior Secondary School, and the H B Tsengwa Technical Institute. The Ezibeleni and Ikhwezi technical skills centres continued to offer instruction in technical and vocational subjects to secondary school pupils. The exact number of pupils and staff involved was not known.³⁵⁷

There were three technical training centres in Venda in 1987: The Finyazwanda Technical College, the Mashamba Training Institute and the Mavhoi Technical Institute. They employed 46 staff and had 356 pupils. The Thohoyandou Technical High School was due to start operating at the beginning of 1988.³⁵⁸

UNIVERSITY EDUCATION

Legislation

The Education Laws (Education and Training) Amendment Act of 1988 amended, inter alia, the Medical University of Southern Africa Act of 1976, the University of the North Act of 1969, the Vista University Act of 1981 and the University of Zululand Act of 1969, so as to delete the requirement that the designation of degrees should be as prescribed by statute. The Medical University of Southern Africa Act was further amended through the following: the term 'rector' was replaced by 'principal'; provision was made for the principal and vice principal by virtue of

their office to be members of committees of both the council and the senate; and the constitution of the senate was to be regulated anew.

Policy

In 1987, in terms of the Universities Act of 1955, the government sought to make university subsidies dependent on 'effective measures to maintain good order and discipline' (see 1987/88 *Survey* pp177-180). Several universities protested against the conditions stipulated by the minister of national education, Mr F W de Klerk, for the continuation of government subsidies. In January 1988 Dr Stuart Saunders, vice chancellor of the University of Cape Town (UCT), stated that the purported disciplinary reasons were 'nothing of the kind'. He added that they would 'curb freedom of expression, dissent, and the ability to express that dissent'.³⁶⁰ He said further that the proposals had the potential to harm the universities both at home and abroad.³⁶⁰ The out-going vice chancellor at the University of the Witwatersrand (Wits), Professor Karl Tober, said in February that in the past 11 years the university had lost only one teaching day and that it had never experienced examination boycotts. He asked why Wits had never been given credit for this. He said that depictions in the media of Wits as a 'campus in flames' and as a university where 'radical students disrupted the institution on an on-going basis and dictated the university policy' were a 'damned lie'.³⁶¹

Speaking in February on the government's proposed new conditions on subsidies, the new vice chancellor at Wits, Professor Robert Charlton, said that although the council of the university had expressed strong opposition to the new conditions as an invasion of university autonomy, the question of how to handle them still had to be dealt with.³⁶² However, he said that 'incidents' involving students and staff would be handled 'as in the past'. The university would not report its disciplinary actions to the minister, thereby placing the onus on the minister to act first.³⁶³ Professor Charlton also said that there was a strong possibility that the university would take legal action against the minister once the conditions had been imposed.³⁶⁴ In the same month the rector of the University of Durban-Westville, Professor Jaap Greyling, stated that he would continue to opt for a method of 'quiet negotiation' with regard to the De Klerk proposals. The student representative council (SRC) responded by saying that the council's silence in respect of curbs meant approval and consent. The combined staff association expressed disappointment at the choice of strategy.³⁶⁵ In September lecturers in English at Wits and at the University of the Western Cape boycotted a conference held at the Potchefstroom University for Higher Christian Education in protest over that university's endorsement of the De Klerk proposals.³⁶⁶

Following an application by the universities of Cape Town and the Western Cape in the Cape of Good Hope Provincial Division of the Supreme Court, the subsidy conditions were declared invalid in February 1988. In March the conditions were again declared invalid, this time by a Supreme Court judge in Pietermaritzburg, following an application by

the University of Natal. The university's application, which closely resembled that of UCT, contended that the conditions were of no force and effect on the grounds that they were ultra vires in that they constituted an attempt by the minister of education and culture to use his powers for purposes other than those for which they were given. It was contended also that the conditions were inconsistent with the statutory provisions governing the university, that they were vague, and that they involved unreasonably oppressive or gratuitous interference with the rights of those to whom they were intended to apply.³⁶⁷ Early in April the Cape of Good Hope Provincial Division of the Supreme Court dismissed a state application for leave to appeal against its earlier judgement. Delivering the judgement, Mr Justice C T Howie said that there was no reasonable prospect that an appeal would succeed and the application was withdrawn.³⁶⁸

On 19 April Mr De Klerk said in Parliament³⁶⁸ that the government still intended to achieve the goals set out in its subsidy preconditions, despite the Supreme Court decisions declaring the conditions ultra vires. Mr De Klerk said that the courts had ruled against the government's method and not its goals and that the government now had different options: to appeal against the courts' decision, to amend legislation, to seek consensus with the universities, or to leave the matter alone.³⁷⁰ He said, however, that the unrest situation at certain universities had not 'abated sufficiently' for the government to leave the issue alone.³⁷¹ The vice chancellor at Wits said in response that there was absolutely no reason why the minister should contemplate further action at Wits to achieve the disciplinary goals.³⁷² In May Mr De Klerk said in Parliament that a round table conference between the universities and the three own affairs ministers of education should be held as a matter of urgency on the disciplinary measures/subsidy question. He said that the own affairs ministers had 'agreed to withdraw the letters' to universities outlining the subsidy conditions. Each minister, together with Mr De Klerk, would consult universities under his control on measures on which there was already a large degree of consensus. Mr De Klerk said that it was important to remove tensions between the government and universities without losing sight of the four goals to which the government remained committed. These were uninterrupted tuition and study for students, the constructive and educationally sound application of the taxpayers' money, the implementation of effective measures for good discipline, and the maintenance of traditional academic values and standards.³⁷³

UCT's acting principal, Professor John Reid, said that the university was 'very glad to hear of the minister's intentions'.

Finance

A report released in January shortly before the start of the new academic year by the committee of university principals (CUP) described the financial position of the universities as 'serious' and stated that there was an urgent need for rationalisation in order to make the best use of

resources. The report, entitled *Macro-Aspects of the University within the Context of Tertiary Education in the RSA*, also said it was in 'the national interest' that the government urgently act to increase funds to universities. The serious financial position of the universities was largely due to the fact that the government-approved subsidy formula introduced in 1984 had never been received in full by the universities. It was vital, the CUP said, that full funding of the subsidy formula be introduced 'as a priority'. Moreover, universities did not know from one year to the next what subsidy they would be receiving. Uncertainty over available funds made planning impossible, even in the short term.

The CUP identified the following areas, among others, as requiring urgent attention:

- the heavy demands made on universities as a result of a dramatic increase in the number of students with different academic and scholastic backgrounds and thus with differing learning needs. Student enrolment in 1985 was almost four times what it had been in 1965. The number of African students had grown and there was a need to create more effective mechanisms to bridge the gap between school and university for those students who had been given poor preparation at primary and secondary school level;
- the 'alarming' decrease in the lecturer/student ratio. Existing salary structures and the political situation had resulted in teaching staff leaving South Africa and in a drop in the recruitment of foreigners. The salaries of academic staff had fallen so far behind those in the public and private sectors that it was difficult to attract high-quality academics. In real terms professors earned what lecturers had earned in 1981. There had been a mere 1% annual increase in teaching and research staff from 1980 to 1985, while during the same period student numbers had increased by 6% annually. The teaching staff was ageing and universities were finding it more and more difficult to support young researchers, to supplement postgraduate bursaries and to create assistantships or research fellowships for postgraduate students; and
- the high cost of research equipment. The unfavourable exchange rate of the rand had resulted in universities increasingly falling behind in the acquisition of research equipment and essential library materials.³⁷⁴

The outgoing chairman of the CUP and rector of the University of Pretoria, Professor Danie Joubert, told a press conference in Pretoria in January that universities would rather rationalise themselves than be forced to do it.³⁷⁵ He said that the CUP hoped to clarify the relationship of universities with both the government and the private sector and that the report would form the basis for negotiations with the government. Professor Joubert stressed that the crisis surrounding South African universities was a question of finance rather than the result of politics.³⁷⁶

In February 1988 the government informed the universities that it was making substantial cuts in their subsidies, although it did not immediate-

ly provide official confirmation of the subsidy reductions.³⁷⁷ This was the first year that the government did not apply uniform cuts to all residential universities and the reductions ranged from 20% to 29%.³⁷⁸ Even those universities which had not protested against the subsidy conditions in October 1987 were affected.³⁷⁹ Professor Charlton described the 29% cut at Wits as 'more savage than most' but said he did not believe that Wits was being penalised for political reasons.³⁸⁰ He said, however, that he was forced to conclude that Wits's recent growth in student numbers or its financial stability had been felt by the government to justify the differentiation. If the latter reason applied, it was 'indeed a poor reward for prudent financial management'.³⁸¹

The cut of 25% imposed on the University of Natal was described by the principal, Professor Peter Booysen, as 'a crippling blow'. The university raised its fees by an additional 5% in April, the only university to raise its fees in 1988.³⁸² Most universities responded by saying that they had been introducing and/or would introduce plans for rationalising their finances.³⁸³ Measures taken by the universities included the freezing of vacant posts, a decrease in the purchase of new equipment for teaching and research, the retrenchment of general staff³⁸⁴ and the delaying of building projects. The University of Durban-Westville said that one of the projects which was likely to be delayed for a few years was the new R38m dental faculty which was to have admitted its first students in 1988.³⁸⁵

In March the CUP met Mr De Klerk to discuss the 'general despondency aroused by the sheer size of the cutbacks, the delay in announcing them and the differentiation between universities'. Inadequate staff salaries were also discussed.³⁸⁶

In June and August the issue of academic salaries was again raised when the Wits vice chancellor stated that the greatest threat to academic standards in South Africa was the 'deplorable depths' to which the salaries of academic and support staff had been allowed to sink. He said that the state subsidy to universities, which was supposed to provide 80% of the running costs, had not been paid in full since 1984 (see above) and that the 1988 subsidy for Wits was R47m short. Without the assistance of the private sector, Wits would barely be able to carry on.³⁸⁷ At the end of August, the Committee of University Teachers' Associations (CUTA) said, following a meeting with Mr De Klerk, that the minister had given his assurance that he would campaign for adjustments to the financial position of educators, including university lecturers.³⁸⁸ In September the CUP announced that Mr De Klerk had agreed to appoint a joint task group to investigate the funding of universities. The task group would consist of officials of the Department of National Education and of individuals appointed by the CUP and its report would be submitted to Mr De Klerk at the end of January 1989.³⁸⁹

Also in September the University of the Western Cape (UWC) said that it had been informed by the Department of National Education that its government subsidy would be cut by 50% in 1989.³⁹⁰ The vice rector of UWC, Professor Jaap Durand, said that although the university was

used to being discriminated against, it had planned for the eventuality.³⁶¹ He said that suggestions in the Afrikaans press in previous weeks that UWC was bankrupt were nonsense.³⁶² Professor Durand said that there was a two-year lag before the subsidy allocations, based partly on student enrolment figures, were awarded. UWC had experienced a rapid growth in students between 1987 and 1989 and this was not being reflected in the 1989 subsidy. Moreover, he said, the subsidy formula was 'a farce' and was not being applied. According to Professor Durand, the authorities were 'simply looking at how much a university was getting the year before and increasing it by a marginal amount'.³⁶³

In October the CUP requested an urgent interview with Mr De Klerk and the minister of finance, Mr Barend du Plessis, to discuss recently announced staff salary increases. The CUP said that the subsidies, which the state never could manage to pay in full (see above), made it difficult for the universities to finance the announced salary increases for their staff. The universities would have to bear 37% of the total cost of the 7% salary increase on 1 December 1988 and of the 15% increase on 1 January 1989.³⁶⁴ The CUP's director, Professor Jos Grobbelaar, said that the minister had agreed to fund an additional portion of the salary increases.³⁶⁵ In December Professor Grobbelaar said that Mr De Klerk had approved a grant for universities which to some extent offset the harsh subsidy cuts announced earlier in 1988. He said that he expected the grant to be substantial. Mr De Klerk had agreed partly to reimburse planned subsidy cuts for 1989 and there was a possibility that funds would be allocated on a pro-rata basis, Professor Grobbelaar said.³⁶⁶

Between September and December, most universities announced average increases in fees for 1989 ranging from 10% to 25% for tuition fees and from 10% to 20% for residence fees.³⁶⁷

Internal policy

Addressing new students and their parents at Wits's inauguration ceremony in mid-February the vice chancellor, Professor Robert Charlton, referred to the recently announced cuts in government subsidy and drew the students' attention to the rules for student conduct. He said that while it was not customary to welcome new students 'by harping on what will happen to them if they misbehave', 'malicious representations' of Wits in the media made it necessary to spell out that there were rules to be obeyed and that students had to learn to give opponents a chance to be heard. This applied even to people who were themselves denied freedom of speech when their meetings were prohibited and their speakers detained.³⁶⁸ The disciplinary procedures, Professor Charlton also said, 'are applied with due regard to the principles of natural justice and in a collegial way, rather than by arbitrary administrative action, and it may be for this reason that some people, who have come to regard detention without trial and bannings as the norm, feel that what we do is not sufficiently strict'.³⁶⁹

In March news was leaked to the Transvaal daily, *Business Day*, of a

confidential Wits document in the form of draft proposals aimed at ensuring freedom of speech and controlling meetings and functions at the university. According to Wits's deputy chancellor (student affairs), Professor M Shear, who drafted the document, the wide-ranging proposals had been sent for discussion to numerous groups and organisations on campus.⁴⁰⁰ The draft document stated that academic freedom should be exercised responsibly and that Wits would 'not tolerate racism or violence or the advocacy thereof'.⁴⁰¹ Contained in the document was a 'code of practice' for the booking and holding of meetings or functions; for the erection of tables or boards; and for the displaying or issuing of pamphlets, posters and photographs.⁴⁰² The draft proposals detailed the following procedures:

- an application for a venue on campus had to be submitted to the office of the deputy registrar (administration);
- in cases where permission was sought for an outside speaker to address a meeting or function or where the material to be discussed was of a political or potentially contentious nature, at least three working days had to elapse before the day of the meeting;
- application had to be in writing and had to include the date of the meeting and the time and exact place requested; the name of any speaker and his/her expected time of arrival and departure; the subject and nature of the meeting; the number of people expected to attend; the name, designation and address of the organiser; indications as to whether the meeting should be open to the public and the media; and details of any concern experienced by the organisers concerning possible disturbance; and
- any meeting, function or display considered by the deputy registrar (administration) to be in conflict with university principles had to be referred to the deputy vice chancellor. If the latter felt that there was likely to be a conflict with university principles, he should call to a meeting a special panel constituted for this purpose.⁴⁰³

The new rules, with slight amendments, were approved by the university senate in June and were circulated to student and staff organisations for comment before coming before the university council in July. The president of the SRC, Ms Rosemary Hunter, said that the SRC executive generally found them 'very useful'. A statement by the university stated that though Wits was committed to freedom of speech, it accepted that there might be circumstances when this freedom should be curtailed: this applied particularly to the advocacy of racism, sexism or violence. The special 'freedom of speech' panel would consist of the chairman of the senate academic freedom committee, three people from among the vice chancellor and deputy vice chancellors, two members of the senate nominated by the vice chancellor, the chair of the academic staff association, the president of the SRC, the chair of the student academic freedom committee, and other persons nominated by the deputy vice chancellor at his discretion.⁴⁰⁴

The freedom of speech rules, unlike similar draft rules being considered by UCT, did not make specific provision for election meetings on campus. The university said that the issue had not been considered. Prior to the general election in May 1987 Mrs Helen Suzman of the Progressive Federal Party had been prevented from addressing students at Wits (see 1987/88 *Survey* p183). A clause in the UCT draft rules stated that the university would not allow meetings held by or on behalf of candidates following the gazetting of an election. However, provision was made for students and other bodies to arrange debates between candidates as long as they kept to a policy of 'equal platform' in terms of which candidates were given equal time.⁴⁰⁵

In June the vice chancellor at Wits said that it was deplorable that African people occupied so few senior positions at the university and none on the university council and pledged that the administration would work to correct the imbalance.⁴⁰⁶

Student enrolment

Enrolment figures for 1988, as supplied by the registrars of the universities, were:

Student enrolment at universities: 1988

<i>University</i>	<i>African</i>	<i>Chinese</i>	<i>Coloured</i>	<i>Indian</i>	<i>White</i>	<i>Total</i>
Bophuthatswana	Breakdown according to race not available					2 511
Cape Town	906		1 708	399	10 501*	13 514
Durban-Westville	1 551		174	4 728	281	6 734
Fort Hare	3 279		20	12	46	3 357
MEDUNSA	1 208	1	8	79	176	1 472
Natal	465		64	419	3 502	4 450
The North	8 827		2	3	35	8 867
OFS	97		147		8 973	9 217
Port Elizabeth	79	37	350	30	4 056	4 552
Potchefstroom	263		109	13	8 815	9 200
Pretoria	61		77	23	22 815*	22 976
Rand Afrikaans	130		307	12	7 868	8 317
Rhodes	477		156	163	2 940	3 736
Stellenbosch	44	4	506	12	13 450	14 016**
Transkei	Breakdown according to race not available					4 230
UNISA	31 962	209	4 754	10 287	52 204	99 416
Venda	3 882		1	1	22	3 906***
Vista	21 495		182	16	44	21 737
Western Cape	1 363		8 809	349	41	10 562
The Witwatersrand	1 987	105	259	1 316	14 951	18 618
Zululand	5 108		2	14	26	5 150
Total	83 184	356	17 635	17 876	150 746	276 538

* Chinese included

** Including four students from Namibia, with race not ascertainable

*** Including five foreign students, with race not ascertainable

Of a total of 40 318 students in 1988 at the English-language universities of Cape Town, Natal, Rhodes and the Witwatersrand, 3 835 (10%) were African, 2 187 (5%) coloured and 2 297 (6%) Indian. The remaining 79% were white, making the student composition of the universities predominantly, though not exclusively, white. The five Afrikaans-language universities had 1 801 (3%) African, coloured and Indian students out of a total of 63 726. The University of Port Elizabeth, a dual-language university, had 496 (11%) African, Chinese, coloured, and Indian students out of a total enrolment of 4 552. At the University of Durban-Westville there were 2 006 (30%) African, coloured and white students out of a total enrolment of 6 734, the remainder being Indian. Of the students at the University of the Western Cape, 1 753 (17%) were African, Indian and white, the remainder being coloured. The six African universities (excluding the universities of Bophuthatswana and Transkei for which a breakdown according to race was not available) had 689 (2%) coloured, Indian and white students out of a total enrolment of 44 489.

Student organisations

In January 1988 Mr Holly Kekana, publicity secretary of the **Azanian Students' Movement (AZASM)**, condemned attacks on members of the organisation. One of these attacks had left one member dead and another seriously injured. Mr Kekana said that attacks on black consciousness organisations had gone too far and that 'violence among black organisations was the product of political idleness and lack of definite programmes of action'.⁴⁰⁷ Later in January AZASM claimed that a rival student body had threatened school pupils belonging to the movement with 'necklacing' if they came back to Ibhongo Secondary School in Soweto. AZASM warned that it would retaliate but the Department of Education and Training (DET) denied any knowledge of the incident. About the same time, Ms Tenjiwe Leeuw, former national minute secretary of AZASM, claimed that she had narrowly escaped death when she was fired at by three unknown men in Soweto.⁴⁰⁸

In March a Pretoria police spokesman confirmed that Mr Mxolisi Mswela, national organiser of AZASM, was being held under the Internal Security Act of 1982 after being arrested at his home on 22 February. Mr Mswela had spent six months in detention after the declaration of the state of emergency in 1986.⁴⁰⁹

In July AZASM again called for unity amongst black students. The call, made at a seminar attended by more than 200 delegates from AZASM's two regions – central and southern Transvaal – made reference to the common problems experienced by black students at both secondary and tertiary institutions.⁴¹⁰ The movement also pledged solidarity with 14 students expelled from a school in Soshanguve (Pretoria).⁴¹¹

The Black Students' Movement (BSM) at Rhodes University and the **Black Students Society (BSS)** at the University of the Witwatersrand

(Wits) were effectively banned by the minister of law and order, Mr Adriaan Vlok, on 8 December 1988. A proclamation in the *Government Gazette* prohibited the organisations from performing any activities.⁴¹²

In March the **National Students' Federation** (NSF) accused the National Union of South African Students (NUSAS) of 'calculated hypocrisy'⁴¹³ when NUSAS refused to allow members of the NSF to join its delegation at the Union Buildings (see below). In June the NSF organised a demonstration of about 20 people at Jan Smuts Airport (near Johannesburg) to protest against the pro-sanctions stance of the archbishop of Cape Town, the Most Rev Desmond Tutu. Archbishop Tutu was returning to South Africa after attending ecumenical celebrations of the thousandth anniversary of Christianity in Russia.

The past president of the NSF, Mr Philip Powell, said in an interview in August that he estimated that between 10% and 15% of students on white campuses were signed-up members of the organisation. However, no national figures were available. Mr Powell said that the NSF had shaken off its earlier links with the National Party and had become more philosophically sophisticated. He claimed that many members would term themselves 'militant free-enterprisers' and that his social ideas 'would be very worrying to 90% of people who saw themselves as right-wingers in the South African context'.⁴¹⁴

On 30 March 1988 about 70 delegates representing a broad spectrum of faculty and religious and social organisations on eight campuses submitted written protests at the Union Buildings (Pretoria) against the De Klerk subsidy conditions (see *Policy* above) and the banning in February of 17 organisations (see chapter on *Political Organisations*).⁴¹⁵ The banned organisations included the South African National Students' Congress (SANSCO) (see below). The protest was organised by the **National Union of South African Students** (NUSAS) under a national 'Ban Apartheid, Not Democracy' campaign. NUSAS's president, Mr Steve Kromberg, said that the protest had received 'unprecedented' support from over 200 student organisations and was an 'historical moment' for NUSAS.⁴¹⁶ The following campuses were represented: Cape Town, the Pietermaritzburg and Durban campuses of the University of Natal, Pretoria, the Rand Afrikaans University, Rhodes, Stellenbosch and Wits.⁴¹⁷

Several members of the NSF were also present and handed in petitions (see above). An NSF spokesman, Mr Mark Heaton, said that his organisation wanted to participate in the event because, although it was fundamentally opposed to the actions and ideology of the banned organisations, the NSF was 'committed to the right of freedom of expression'.⁴¹⁸

Following a referendum held at Rhodes University in 1987 (see 1987/88 *Survey* p182), Rhodes was reaffiliated to NUSAS. In July 1988 the chairman of the **Moderate Students' Organisation** (MSO) (an NSF affiliate) at Rhodes said that although the MSO had gathered the necessary number of signatures, it would not stage a 'disaffiliation from NUSAS's campaign' for 'various reasons', which it refused to disclose.

According to Mr Patrick Tandy, a NUSAS member and president of the Rhodes student representative council (SRC), the MSO could not challenge the (NUSAS) SRC as the council had fulfilled the promises it had made in 1987. Moreover, the MSO was likely to be found guilty of breaking the code of the university by defaming NUSAS and some of its members in two pamphlets brought out some time previously. The hearing was due during the projected disaffiliation campaign and the MSO would lose face if found guilty as it would have to make a public apology to NUSAS.⁴¹⁹

On 22 September NUSAS launched a national campaign to focus on government repression during the run-up to the October municipal elections (see chapter on *Government and Constitution*). At a press conference at Wits in September, a NUSAS executive member and Wits SRC president, Ms Bettina von Lieres, said that NUSAS saw the elections as a danger to the future of all South Africans. They should be seen as upholding the system of apartheid. Those people who exercised their vote as a way of preventing the Conservative and National parties from consolidating their position should 'consider the nature of the candidates, their ability to influence the outcome of the elections and the power of the city councils to effect change in their cities.'⁴²⁰ On 15 October NUSAS-affiliated campuses held protests against the conditions under which the municipal elections were being held. About 1 200 students at Wits reiterated their call for one person, one vote in a unitary South Africa. The Wits mass meeting stipulated several prerequisites before the elections could be called fair: the scrapping of the Group Areas Act of 1966, the release of all political prisoners and detainees, the lifting of the ban on all banned organisations, the repeal of laws restricting freedom of association and freedom of the press, the lifting of the state of emergency, the withdrawal of the South African Defence Force (SADF) and the South African Police from the townships, and the dismantling of apartheid.⁴²¹

In November the NUSAS offices at Wits were set alight. A police spokesman stated that the fire was not caused by an explosive device but by flammable liquid. The national president of NUSAS said that the attack was 'obviously aimed at intimidating us and disrupting our anti-apartheid work'.⁴²²

On 24 February 1988 the **South African National Students' Congress (SANSCO)** was banned (see 1987/88 *Survey* p183). A month prior to the banning, SANSCO had branches on 85 university, college and technikon campuses.⁴²³

The president of NUSAS (see above), Mr Steve Kromberg, said that the banning was a serious blow to the nonracial student alliance between SANSCO and NUSAS and to the long struggle that had been waged to create nonracial campuses.⁴²⁴

In March 1988, the press secretary of the Afrikaner Weerstandsbeweging (AWB), Mr P W Bingle, said that some youth members would apply for recognition of the AWB as a student organisation at the universities of Potchefstroom and Stellenbosch. AWB youth members

were meeting in residence rooms and would continue to do so if the applications were turned down. Mr Bingle further said that the organisation would 'go ahead' on campuses irrespective of whether it was allowed there. These statements came in the wake of a decision by Pretoria University's SRC not to grant the AWB the status of a formal student organisation.⁴²⁵

Incidents on various campuses

Students at the **University of Bophuthatswana** (UNIBO) celebrated the short-lived coup to topple Bophuthatswana's president, Chief Lucas Mangope, on 10 February 1988 (see chapter on *The Homelands*). The students, who had previously planned to take action against the university administration because of strict security rules, took over the campus and sent the staff home. They said that nine out of ten people welcomed the coup. When Mr Mangope was returned to office on 11 February, the students damaged and looted university property, burnt the national flag and tore up portraits of the president. According to a university official, the damage would run into hundreds of thousands of rands. Three staff members were suspended and arrested by the police, 750 students were evicted from their hostels and the university was closed down indefinitely. Residence students were given one hour to vacate the hostels. A large police contingent, armed with machine guns and sjamboks, closed the premises. Scores of students — many of them from outside Bophuthatswana — were left stranded with their luggage.⁴²⁶

In May more than 500 students at UNIBO presented a list of 15 grievances to the acting vice chancellor. Among the demands were those for the re-opening of the residences closed on 11 February and for the reimbursement of residence fees.⁴²⁷ Early in June the university authorities announced that the residences would be reopened 'on a trial basis'.⁴²⁸ On 28 September the hostels were once again closed following several days of demonstrations and boycotts of lectures over rules stipulating that students wear registration cards. Several students were arrested and one injured when police fired rubber bullets and live ammunition at stone-throwing students protesting against the closure of the hostels at the entrance to the university. On 29 September and 4 October students blockaded the gates to prevent the entry of other students wanting to attend classes.⁴²⁹ The newly elected student representative council (SRC) spearheaded the boycott and said that it would continue until all demands had been met. In mid-October 123 UNIBO students appeared in court on charges under the Internal Security Act of 1979. The charges referred to illegal demonstrations the day before, when police armed with batons, staves and sjamboks had chased 200 demonstrators through the campus. The university council then asked the police to patrol the campus for the following three weeks to prevent intimidation of students wanting to attend classes.⁴³⁰ On 25 October the vice chancellor, Professor M R Malope, declared that all lectures had been made compulsory and that failure to attend could lead to students being banned from the

examinations on 15 November.⁴³¹ The SRC replied that it was 'educationally unsound' to expect students who had nowhere to live to write examinations on the date scheduled.⁴³² By 4 November 50% of students were still boycotting lectures.⁴³³ According to a statement by the university's press liaison department, only 1 245 of the 2 296 students were eligible to write all subjects for which they had registered.⁴³⁴ On 17 November students won a Supreme Court application to have the hostels reopened. However, the court rejected their application to postpone the examinations.⁴³⁵

In July a music festival attended by about 700 people and organised to celebrate the 70th birthday of Mr Nelson Mandela, a jailed leader of the African National Congress (ANC), was held on the campus of the **University of Cape Town (UCT)** in defiance of a blanket ban on all public celebrations of Mr Mandela's birthday. A large contingent of riot police declared the gathering illegal and told people to disperse within 15 minutes. Black, green and gold balloons were released by members of the crowd, who left peacefully. A police video crew filmed those departing and plainclothes policemen intercepted foreign newsmen and confiscated a video film.⁴³⁶

In October police sealed off the UCT campus, allowing only students carrying registration cards entry. Police action coincided with a rally held on campus to oppose the municipal elections (see chapter on *Political Developments*).⁴³⁷ Police apparently anticipated a large number of students from the University of the Western Cape, the Peninsula Technikon, training colleges and high schools. UCT made an urgent application to the Supreme Court to force the minister of law and order to remove the blockades but police withdrew half an hour before it was due to be heard.⁴³⁸

In March a meeting called at the **University of Durban-Westville (UDW)** by the SRC resolved that students would not attend classes on Friday 18 March in sympathy with the 'Sharpeville Six' and that they would stage a total stayaway from the campus on 21 and 22 March to commemorate Sharpeville Day and show solidarity with the call for a national stayaway.⁴³⁹ Allegations were made of grave intimidation, threats, taunts and physical violence against Indian students who defied the boycott.⁴⁴⁰ A minority of students blamed the violence on the increasing number of African students and some parents asked that the university revert to its former 'Indian only' status.⁴⁴¹

In a move described as 'unprecedented', four senior staff members including the rector, Professor Jaap Greyling and the vice rector, Professor Mike Smout, were subpoenaed in June after they had refused to make a statement to the police concerning alleged illegal events on campus from 17 to 22 March. They had also refused to provide any details concerning the activities of three student leaders. The four staff members said in court that they were aware of events, but had either not witnessed them or had been too busy to pay much attention.⁴⁴²

Five plainclothes policemen interrupted a theatre performance during the university's cultural festival in August. Minutes after the play had

begun, policemen came in carrying video equipment which they started to set up in order to record it. The performance was cancelled but the policemen said they would return to film any other performances. Professor Smout said that a member of staff who was present at the time 'was given the impression that a heightened police presence could be the pattern for the future'.⁴⁴³ Professor Smout also said that three SRC students, one of them Ms Urmilla Bob, chairwoman of the South African National Students' Congress (SANSCO) (see *Student organisations* above) had been detained.⁴⁴⁴ In December students protested against the continued detention of SRC president, Mr Kovin Naidoo; vice president, Mr Dennis Nkosi; and ex-treasurer, Mr Abin Badal, who had been detained without trial for over six months.⁴⁴⁵

In August Mr Sanele Madiba, a member of the Azanian Students' Movement (AZASM) (see *Student organisations* above) was stabbed to death during a sports trip to the University of the Witwatersrand. An SRC member, Mr Xolani Sotsaka, was also stabbed.⁴⁴⁶ The incidents were attributed to a continuing struggle between AZASM and the SRC,⁴⁴⁷ whose membership was mostly SANSCO-based.⁴⁴⁸ At a meeting of 3 000 students to discuss Mr Madiba's death, the SRC's proposal for a commission of inquiry was overwhelmingly accepted. However, it was alleged that members of AZASM started behaving violently and rushed at students with chairs and knives.⁴⁴⁹ During the disturbances, it was reported that students went to lectures armed amid widespread intimidation. There were also reports of non-students entering the university and becoming embroiled in fights and of tribal rivalries among African students.⁴⁵⁰

At the end of August students staged a boycott of lectures following the deregistration of 180 students who had not paid their fees.⁴⁵¹ On 29 August police entered the campus and sprayed students with teargas and purple dye. At a meeting of about 2 000 people the SRC and the Combined Staff Association called for a full university assembly to be held to discuss why the police had come on to campus and students resolved to stay away from lectures until the university had resolved the matter.⁴⁵² One of the issues was addressed following an announcement that students who had been deregistered could reregister and write examinations and students voted to return to class.⁴⁵³ In September Mr N V Hurt SC was appointed to conduct an inquiry into campus incidents in 1988.⁴⁵⁴ The SRC said that it would not participate in the inquiry.⁴⁵⁵ By the end of November, very little evidence had been received.⁴⁵⁶

On 28 April students at Ciskei's **Fort Hare University** went on a six-day boycott of classes following the detention of a first-year BA student, Mr Sicelo Hela, who was detained in terms of section 26 of the Ciskei National Security Act of 1982, which provides for indefinite detention. A spokesman for Fort Hare alleged that the university had been informed through anonymous notices that students were being forced under threat to take part in the boycott. The boycott was called off following a circular issued by the rector, Professor A J Lamprecht, which the university said contained no conditions or ultimatums.⁴⁵⁷

A large contingent of riot police and security force soldiers raided the **University of Natal's** Allan Taylor residence on 27 February, three days after the banning of SANSKO (see *Student Organisations* above).

At the end of March the university released a report of its own investigations into separate fires on 21 March 1986, in which the offices of the Department of Political Science and those of the director of the Centre for Applied Social Sciences, Professor Lawrence Schlemmer, were gutted (see 1986 *Survey* pp474-475). The report, released to the *Sunday Tribune*, could not offer a full explanation of events, though it found that the arson was planned and almost certainly committed by a group. The report stated that students outside Memorial Tower Building shouted 'No Indaba' when the fire department arrived; the same words were found written outside Professor Schlemmer's office; another group of students moved from building to building photographing the damage; fire hoses had been slashed and windows, doors and fittings smashed; a student was seen dancing in the flames that swept Shepstone Building and had to be removed forcibly from the roof; and the key to Professor Schlemmer's office, which disappeared two months before the fire and was replaced with an ill-fitting replica, was used to open the office door on the night of the fire. Other evidence included strips of ANC film bearing detailed plans of electrical sub-stations found outside Memorial Tower Building on the night of the fire; the passport of a masters student found in a burnt-out political science study; the blasting by gunfire of the door to an airconditioning plant three levels above the fire; and an anonymous caller who phoned the SRC offices the day after the fire, told an SRC member that 'last night was a sample of things to come' and shouted 'Amandla, you white pigs, you racist bastards'. The report said that the university had not liaised with the police in its investigations as it had felt that it could 'have led to harassment of members of the university community'. Police said that they had investigated the white student whose passport had been found. He had left and re-entered the country several times since the fire but these investigations had not led to any conclusions. The *Sunday Tribune* said it had established that he was the son of a university employee and that he had been described as a 'model' student with no obvious political inclinations.⁴⁵⁸

In January a number of students at the **University of the North** (QwaQwa campus) were refused readmission. The president of AZASM (see above), Mr Thami Hlekiso, said that the organisation had received reports that some students, including members of AZASM, had not been allowed to return because of their alleged involvement in political activities in 1987. The allegations were denied by the university's public relations department, which stated that the university could admit only 1 400 students out of over 4 000 applicants. This represented twice the number admitted in 1987 and the new campus did not have room for more.⁴⁵⁹

In February 1987 a confidential report drawn up by the university authorities and leaked to the *Sowetan* had contained strict measures to control student and lecturer activities on the Turfloop campus (see

1987/88 *Survey* p185). In March 1988 the rules for university residences were set out in a 13-page document which banned the presence of stoves, hot plates, refrigerators, and perishable foodstuffs. In 1987 many students had decided to prepare their own food after complaining about the quality of food supplied by a catering company. According to the document, students found guilty of contravening the rules could face the following measures:⁴⁶⁰

- an investigation by a disciplinary committee during which legal representation for students would not be allowed;
- expulsion from the university, either permanently or for a specified period;
- limitation of the student's freedom outside the hostel;
- recommendations that a bursary holder's bursary be reduced or cancelled; and
- the forfeiture of all paid fees for students expelled permanently.

The regulations also stated there could be no contractual or any other judicial tie between these students and the university. Also in March the Stofberg Theological School at the university was closed down following a boycott of classes over food allowances which had been reduced by more than 50%.⁴⁶¹

On 21 March students defied the rector, Professor P C Mokgokong, and boycotted lectures to commemorate the anniversary of the Sharpeville shootings. They also stayed away from classes the previous week on the day the 'Sharpeville Six' were due to hang. At the time of the second boycott Professor Mokgokong issued an ultimatum that they return to lectures or face expulsion. He said that the allocation of accommodation at the hostels remained subject to attendance of the academic programme and that all sporting and cultural activities would be suspended for the duration of the boycott. Moreover, no university facilities, including transport, would be available for 'any student-organised activity'.⁴⁶² On 22 March the entire student body returned to lectures.⁴⁶³ The following day the hostels were closed indefinitely on the grounds that students were continuously causing damage to university facilities. On the night of 22 March, campus security officers allegedly raided women's residences and some students claimed that they had forcibly removed electrical appliances from rooms.⁴⁶⁴ On hearing of the raid, male hostel students marched to the women's hostels singing freedom songs and shouting 'no hot plates, no school'.⁴⁶⁵ On 23 March the students stayed away from lectures and university authorities sent out notices stating that all hostels would be closed from 12 noon but that academic programmes would continue as usual.⁴⁶⁶ According to a university statement, the hostel students' behaviour provided ample proof that the hostels were being used as a base for disrupting academic programmes.⁴⁶⁷ The rector also said that accusations of 'stale and rotten food' in dining halls had been addressed.⁴⁶⁸

The hostels were reopened on 28 March.⁴⁶⁶ Meanwhile, many students who could not afford to go home sought accommodation in Mankweng township, where security forces increased the number of patrols.⁴⁷⁰ Many township dwellers were afraid of giving students shelter owing to similar events during a hostel closure in October 1987 when students who went to churches for accommodation were raided and arrested by police for trespass.⁴⁷¹ Students slept under trees and several women students said that they had suffered sexual harassment.⁴⁷² The Northern Transvaal Council of Churches provided food to destitute students.⁴⁷³ In June the hostels were again closed following a three-day boycott of lectures over students' demands for the establishment of a student representative council (SRC) and the immediate removal of army personnel from the campus.⁴⁷⁴ The closure left almost all the students without accommodation.⁴⁷⁵

A spokesman for the university said that because of violence, arson and looting since the state of emergency declared on 12 June 1986, army personnel had been present on campus. However, he said, their presence had been phased out after negotiations in December 1987.⁴⁷⁶ Nevertheless, students claimed that soldiers had maintained a very strong presence on campus since March. They alleged that their dormitory rooms had been raided almost daily and that no visitors were allowed on to the campus. Students also accused the soldiers of harassing them.⁴⁷⁷ A meeting was held with students concerning the two issues. A university statement said, 'In response to the university stand that the SRC was never banned and could be elected anytime, students insisted that this was impossible, unless the university guaranteed that SRC members would not be detained for their activities.'⁴⁷⁸ It was reported that the vice rector, Mr John Malatji, told students at the meeting that the university authorities were busy with arrangements for the withdrawal of soldiers.⁴⁷⁹

On 14 September the hostels were closed for the third time in 1988 after a three-day boycott of classes called over the same two issues and to honour the deaths in police custody of black consciousness leader Mr Steve Biko in 1977, and of trade unionist Mr Alfred Makaleng in August 1988. The university appointed an ad-hoc committee to organise and supervise elections for an SRC and called on students to return to lectures. A meeting between the committee and university authorities ended in deadlock on the morning the hostels were closed. Residences were reopened on 19 September.⁴⁸⁰ In October a member of the newly elected SRC, Mr Abbey Dlavane, was seriously injured when he jumped from a second-floor window during a security police raid on his room. The police raid occurred only one day after the inauguration of the first SRC in almost three years.⁴⁸¹ In November the SRC issued a statement condemning alleged police harassment of students and of four SRC members.⁴⁸² They further alleged that Mr Dlavane had been interrogated by the police on the spot where he had fallen and that he had been kept at the campus security control for two hours before he was taken to hospital.⁴⁸³

In October a group of some 40 Afrikaner Weerstandsbeweging

(AWB) supporters disrupted a conference to discuss the Freedom Charter at the **University of the Orange Free State**, in protest against the presence of Dr Beyers Naudé, former general secretary of the South African Council of Churches, who was the key-note speaker. The university authorities reminded the protesters that the AWB leader, Mr Eugene TerreBlanche, had been allowed to address a student audience earlier in the year even though many people had objected, and ordered them to leave the hall. They refused to do so, even though police fired teargas. The local police, previously informed that trouble was expected, promised a 'special task force' but were absent when AWB members entered the hall 45 minutes before the meeting.⁴⁶⁴

In February a Labour Party (LP) MP, Mr Sam Louw, said that he totally rejected the erection of a hostel in the township of Promosa for coloured students at the **Potchefstroom University for Christian Higher Education**. He said that he saw no reason why all students were not accommodated at the university. He criticised the Promosa management committee, which had a 3-2 LP majority, for having granted permission for the building of the hostel despite the LP's rejection of the Group Areas Act of 1966. The committee's chairman replied that the committee did not see its decision as having any political significance and said that the students were welcome to boycott the residence and 'leave it as a white elephant' if they chose. In mid-March, at a discussion of the Group Areas Act organised by a group of students calling themselves 'Plato-vorm', the head of the student affairs division, Professor CJ van der Watt, said that no provision for the accommodation of black students had been made or discussed by the university. All black students who applied for admission knew in advance that there was no accommodation for them on campus. The hostel was situated at Promosa, he said, because the Noord-Suitland Synod had requested that the university erect buildings for their theology students in the township so that the students could be nearer the churches they were serving. The students housed at the hostel allegedly said that their studies and extra-curricular activities were adversely affected by their having to use infrequent public transport to the university, 10km away.⁴⁶⁵

In January the **University of Stellenbosch** opened its two hostels on the Tygerberg campus to medical and dental students of all races. The rector, Professor M J de Vries, said that the hostels had been opened owing to an accommodation crisis and would not serve as a precedent for the integration of residences at the main campus. Any further moves to open residences there would depend on the outcome of the President's Council report on the Group Areas Act.⁴⁶⁶

In February a meeting which was to have been addressed by a conscientious objector, Dr Ivan Toms, was banned by the university's director of student affairs and by the SRC.⁴⁶⁷

In March the SRC voted in favour of opening all residences to all races, and of academic merit as the sole criterion for admission to the university.⁴⁶⁸ The Black Students' Organisation (BSO) at the university said that the vote was an 'insult to black students'. The chairwoman of

the BSO, Ms Loretta Ferris, stated, 'Any initiative to open residences should come directly from the university authorities. It is an insult to black students that white students should decide if we can live in their residences or not.' The local branch chairman of the National Union of South African Students (NUSAS) (see *Student organisations* above), Mr Mark Behr, said that while he welcomed the decision 'in principle', it was a 'patronising' gesture and an attempt 'to broaden the SRC's quasi-liberal veneer'. He added that it was 'contradictory for the SRC to support the removal of racial discrimination on one hand and to support the government clampdown on 17 anti-apartheid organisations on the other'.⁴⁸⁸

In May the SRC, following a countrywide tour during which talks were held with members of the United Democratic Front and Inkatha (see chapter on *Political Organisations*), called on the government to begin negotiations towards a new multiracial dispensation within a year. A motion supporting the KwaZulu Natal indaba (see chapter on *Political Developments*) and urging the government to establish the Indaba's proposed national council was passed by 12 votes to one. The SRC said that it would soon meet with the minister of constitutional development and planning, Mr Chris Heunis, to discuss the issues raised by the motion.⁴⁸⁹

Also in May, the SRC said that it planned to meet the Inkatha Youth Brigade in an attempt to improve relations which had become strained two years previously when a group of Stellenbosch students had tried to hold talks with the African National Congress (ANC) in Lusaka.⁴⁹¹

In September the chairman of the NUSAS branch at Stellenbosch (see above) was elected to the SRC.⁴⁹² Later that month, a group of ten student leaders from Stellenbosch, together with one student from each of the universities of the Free State, Port Elizabeth and Pretoria, held informal discussions with ANC representatives and senior Soviet officials in Maputo (Mozambique) as part of a nine-day fact-finding visit. The group, which included the BSO and NUSAS chairmen (see above), said that after discussions with numerous groups and individuals, it had come to the conclusion that 'South Africa is still actively engaged in the destabilisation of Mozambique'.⁴⁹³ The group's visit coincided with talks in Mozambique between the state president, Mr P W Botha, and the Mozambican president, Mr Joaquim Chissano, on better relations between the two countries. The students' visit was planned in secret owing to the fact that the passports of another group of Stellenbosch students, who had planned to meet with the ANC in Lusaka in 1986, had been withdrawn.⁴⁹⁴ One of the students, Mr Daniel Malan, said that while the majority of the visiting group could not condone the ANC's strategy of violence to achieve its aim of a nonracial South Africa, most had 'sympathy with that idea'.⁴⁹⁵

According to a statement issued by the principal at the **University of Transkei**, Professor W L Nkuhlu, in June, the university's academic programme had been interrupted on three occasions during March and April owing to students boycotting lectures.⁴⁹⁶ Professor Nkuhlu said that

those boycotts had taken 'the form of peaceful stayaways of a short duration and each had ended after consultation between university administration and students'⁴⁹⁷ and had not seriously disrupted the university's main function of teaching. However, he strongly condemned the events that had taken place on campus during a boycott of lectures which had begun on 6 June in sympathy with the call for a three-day stayaway from work in South Africa in protest against proposed changes in labour legislation (see chapters on *Labour Relations and Political Developments*).

On 7 June the vice principal, Professor Lucas Mbadi, issued a statement criticising various peaceful protests by students the previous day. That evening, about 400 students disrupted all lectures, stopped a test and tore up and burnt test papers. Stones and bottles were thrown and windows and furniture damaged. A senior university official was hit by a stone and at least three campus security guards were injured.⁴⁹⁸ Professor Nkuhlu said in a statement that the violence had been the work of residence students and that all residences had been closed indefinitely from the morning of 8 June.⁴⁹⁹

All students expelled from their residences were later asked to re-apply by 14 July for the next semester. Professor Nkuhlu said that he doubted that the incidents were part of the progressive struggle for freedom and justice in South Africa. Applications for readmission to hostels would be scrutinised to ensure that only those students who wished to study were allowed back.⁵⁰⁰ The rooms would be searched to ensure that there were no squatters present and students found accommodating squatters would be expelled from their residence.⁵⁰¹ The SRC said that Professor Nkuhlu had failed to address the 'nitty gritty' of the reasons for the expulsion.⁵⁰² In his end-of-year message to students, Professor Nkuhlu announced that the university council and senate had agreed to observe 21 March and 16 June because both bodies agreed that a stay-away from classes was the appropriate manner to commemorate the anniversaries.⁵⁰³ Unfortunately, he added, the events which students wished to commemorate seemed to increase every year and it was becoming difficult to extend the academic year to compensate for loss of teaching time.⁵⁰⁴

The **University of Venda**, together with at least three teacher training colleges and the majority of schools in the Sibasa area of Venda, was closed early in August following boycotts by students and pupils protesting against the alleged killing of 15 people for ritual purposes. Students called for the immediate dismissal of the minister of justice, Mr A Tshivhase, who resigned shortly thereafter.⁵⁰⁵ On 17 August the university was once again closed in the middle of a two-week class/two-day work stayaway by students and workers. During the previous week, university and high school students had marched to government offices to demand the scrapping of the homeland policy in general and the dissolution of the Venda administration in particular. They said that the administration did not recognise democratic SRCs, parent/teacher/student associations or trade unions. They accused the authorities of working with school

principals, teachers and parents to break the school boycott. The march was stopped by police who teargassed and sjambokked pupils and students. Almost 100 students were injured and some were detained.⁵⁰⁶ One pupil lost an eye, while another had a piece of one ear torn off.⁵⁰⁷ It was reported that the students had gained widespread support for their demands and students claimed that some civil servants were willing to resign their posts in sympathy.⁵⁰⁸ University lectures officially resumed on 23 August but many students continued the boycott.⁵⁰⁹ On 25 August AZASM (see above) condemned the violent suppression of pupils and students and said that the assaults would help students and the community in Venda 'understand the forces at work in order to find more rational and lasting solutions to the problems that confront black people in South Africa'.⁵¹⁰

On 21 March about 350 students at the **University of the Witwatersrand** (Wits) gathered to commemorate the anniversary of the Sharpeville shootings and to acknowledge the 'Sharpeville Six' on death row.⁵¹¹ The president of the SRC, Ms Rosemary Hunter, was detained under emergency regulations in one of three raids on student homes on the same day.⁵¹² Her arrest followed that of a former president of the Black Students' Society (BSS) (see *Student organisations* above), Mr Tiego Moseneke. The university said that it deplored the arrests and began legal proceedings.⁵¹³ Ms Hunter was released on 28 March.⁵¹⁴ A meeting of 1 000 students held in protest against the continued detention of law lecturer, Mr Raymond Suttner, and of several students, was addressed by Mrs Winnie Mandela, wife of a jailed ANC leader, Mr Nelson Mandela, who called for an end to petty ideological differences in the struggle against apartheid.⁵¹⁵ Mr Suttner was released in September after two years in detention, during which time the university had continued to regard him as a paid employee.⁵¹⁶ Mr Moseneke was only released in February 1989, and was unable to return to Wits to study as he was restricted to the area of Pretoria.⁵¹⁷

Also in March, the National Students' Federation (NSF) (see *Student organisations* above) accused the SRC of banning one of its pamphlets in an attempt to prevent opposition points of view on campus. The SRC denied the allegation, saying that it had merely asked for the correction of a factual error before the pamphlet could be distributed.⁵¹⁸ A few days later the Wits administration defended a referendum, held by the SRC to ascertain the extent of the support it had from students on campus, against allegations of voting irregularities, which were carried in an advertisement placed by the NSF in *Business Day*.⁵¹⁹

In May 52 people, most of them Wits students, claimed R245 000 from the minister of defence, Mr Magnus Malan, in the Johannesburg magistrate's court, for physical ailments and emotional distress suffered when they were allegedly teargassed by South African Defence Force soldiers while attending a May Day rally in Soweto in 1986.⁵²⁰

On 8 December 1988 the BSS was effectively banned (see *Student organisations* above).⁵²¹ The university condemned the banning as 'short-sighted'⁵²² and said that actions such as this made 'increasingly difficult

the task of the university to maintain harmony on the campus'.⁵²³

End of year examinations were postponed for three days at the **University of Zululand** following a flight from campus by the majority of students at the end of October. The SRC advised students to leave the campus after some student leaders had been threatened with reprisal for having organised a service to commemorate the death of five students in October 1983, during violent disturbances which also left more than 100 injured, some seriously (see 1983 *Survey* pp474-476 and 1984 *Survey* p703).⁵²⁴ A single-member commission of inquiry, which published its report on the 1983 disturbances in January 1986 (see 1986 *Survey* Part 2 pp478-479), said that the violence had come in the wake of a pamphlet war on the campus between anonymous groups supporting and opposing the appearance of the KwaZulu chief minister and university chancellor, Chief Mangosuthu Buthelezi, as a speaker at an Inkatha ceremony to commemorate the centenary of the death of King Cetshwayo.

An anonymous letter posted at the nearby township of Esikhawini informed the SRC president, Mr Joseph Nalani, that he would not see out 1989. On the morning of the fifth anniversary of the 1983 violence, several hundred Zulus armed with sticks stood outside the university gates. Security men said that the campus was empty of students and King Zwelithini was going to hold a meeting.⁵²⁵

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THE ECONOMY AND BUSINESS

THE MACROECONOMIC PICTURE

The period under review was marked by an upsurge in consumer and investment spending which led to a higher economic growth rate than anticipated. The higher growth rate was initially accompanied by a decline in the inflation rate. However, increased consumer spending also put more pressure on the current account of the balance of payments and thus brought about a reduction in the surplus on current account. Since the net outflow of capital exceeded the current account surplus, there was also a decline in the country's gold and other reserves. This was accompanied by a drop in the dollar price of gold towards the end of 1988 and a deteriorating R/\$ exchange rate. Although monetary policy was tightened progressively throughout the year, general opinion was that monetary policy should have been tightened much earlier to stop increases in bank credit, the money supply, total spending, and imports.

According to the group economist of Rand Merchant Bank, Mr Rudolf Gouws, '1988 was marked by several of the typical precursors of business cycle downswings'. He identified the following indicators:¹

- the country's gold and foreign exchange reserves fell sharply;
- bank credit extension to the private sector 'surged';
- the inflation rate started to accelerate on a month-on-month basis from July onwards;
- the growth in total domestic demand outstripped that in domestic output by a large margin; and
- as a result of these factors, economic policy tightened, as evidenced by four increases in the bank rate, tighter hire purchase restrictions, the institution of import surcharges, and the announcement of a petrol price levy.

Growth rate

According to the Central Statistical Service (CSS) real economic growth as measured by the gross domestic product (GDP) at constant 1985 market prices was 3,2% in 1988, compared to rates of 2,1% in 1987 and 0,3% in 1986.² The governor of the South African Reserve Bank, Dr Gerhard de Kock, said that he viewed the performance of the economy as 'magnificent' as South Africa's access to foreign loans and credit had been cut off. He expected the growth rate to decline to 2% in 1989.³

The annual growth rate in 1985 (as reflected by the estimates of the

GDP at constant 1980 prices and published by the CSS in August) for the non-independent homelands was 8,6%. The relative percentage shares of the total geographic products of the various non-independent homelands were as follows: Gazankulu (10,8%), KaNgwane (5%), KwaNdebele (3,6%), KwaZulu (52,4%), Lebowa (22,9%) and QwaQwa (5,3%). The growth rates for these homelands in previous years were: 19,9% in 1981, 11,1% in 1982, -3,6% in 1983 and 19,7% in 1984.⁴

A 'very significant development' during 1988, the CSS said, was the upsurge in the output of the manufacturing industry, especially during the third quarter. Mining production increased only moderately.⁵

Growth in 1987 and 1988 should be seen against the background of the recession in 1985 and 1986. The CSS commented that the total growth in GDP from 1985 to 1988 was only 4,8%.⁶ On average, since 1985, real growth per year was 1,4% and that, compared to the estimated population growth of 2,3%, showed a decline in average per capita living standards.⁷

A lecturer in the Department of Economics of the University of Stellenbosch, Mr Servaas van der Berg, said that during the 1960s the economy grew at an average of 5,9% a year, during the 1970s at 3,3% and in the 1980s at 1,7%. Because this average growth rate was 0,5% lower than the population growth rate, he concluded that the average South African got 0,5% poorer yearly. According to Mr Van der Berg political unrest was one of the main causes of economic stagnation.⁸

The chief economist of Econometrix, Dr Azar Jammine, said that firm steps would be needed to break South Africa's 'historically deteriorating pattern' economically. He compared the periods 1946-1971, 1972-1979 and 1980-1988 to show change in various economic indicators.⁹

Average annual growth

	1946-1971	1972-1979	1980-1988
GDP	4,9%	3,7%	1,4%
Private consumption	4,3%	3,2%	2,3%
Fixed investment	6,9%	2,2%	-3,0%
Government consumption	4,4%	12,3%	3,5%
Gold price (US\$/oz)	\$35	\$274	\$421
Money supply (M1)	4,3%	13,5%	27,4%
Inflation (CPI)	3,1%	11,6%	14,6%

According to the minister of finance, Mr Barend du Plessis, South Africa needed a growth rate of about 5% 'to start catching up with certain backlogs'. He said, 'We simply cannot sit back and accept a growth rate of 2% to 3%. But adjustments will take some time to be effective. This means that, for some considerable time to come and until we have changed the structure of our economic growth, many South African workers will have to be self-employed. In terms of that, it makes eminent good sense to promote the process of deregulation as rapidly as

possible.¹⁰ The chairman of the Anglo American Corporation of South Africa (Anglo), Mr Gavin Relly, also said that a growth rate of 5% would have to be attained to absorb new job seekers and reduce the number of unemployed. He said, 'So if the attainment of a 5% growth rate is seen, as it should be, as a fundamental under-pinning of South Africa's future as a peaceful, prosperous state, we have no option but to remove or significantly modify the constraints and distortions resulting from our political policies. They too should have to pass the test of affordability.'¹¹

South Africa was in the 'catch-22' position of needing sustained growth to provide employment and raise standards of living for its growing population, but not being able to afford this while it was a net exporter of capital and unable to borrow overseas, the chief economist of Old Mutual, Mr David Mohr, said.¹² The director general of finance, Mr Chris Stals, acknowledged in August that the South African economy could not afford to grow by more than 2% or 3% a year. Because the population was growing at a faster rate, this implied that a rise in average living standards could not be expected.¹³ Some economists predicted that the 1988 growth rate of 3.2% might thus lead to further rises in interest rates to curb domestic economic demand.¹⁴

The Association of Chambers of Commerce and Industry of South Africa (ASSOCOM) said in May that political unrest and sanctions continued to frustrate the efforts of policy makers and of the business community to return South Africa to a growth trend in line with its real potential.¹⁵

Gross domestic fixed investment

Gross domestic fixed investment (GDFI) at constant 1985 prices was R24,7bn in 1988. This was about 6% higher than the GDFI of R23,2bn in 1987. This increase followed declines of nearly 18% and 3% in 1987 and 1986 respectively.¹⁶

Gross domestic expenditure

At R126,9bn, gross domestic expenditure was almost 7% higher in 1988 than in 1987 when it was R118,7bn. The 1987 figure represented an increase of 4% over the 1986 figure of R114bn.¹⁷ The South African Reserve Bank said that this rise in consumer and investment spending was the 'main driving force' behind the higher growth rate in 1988.¹⁸

Balance of payments

The unavailability of foreign loan finance to help fund South Africa's growth requirements continued to be a major constraint on the economy.

South Africa's capital outflow in 1988 amounted to R6,7bn, bringing the total outflow in the four years since 1985 to R25bn. The outflow in 1988 can be compared to an outflow of a broadly similar amount of R6,1bn in 1986 but with a much smaller outflow of R3,1bn in 1987. The surplus on the current account of the balance of payments for 1988 was

R2,9bn.¹⁹ In 1985, 1986 and 1987 the surpluses on the current account were R5,9bn, R7,2bn and R6,2bn respectively. According to the reserve bank the reduction in the current account surplus was accounted for mainly by the sharply higher level of merchandise imports. The governor of the bank, Dr Gerhard de Kock, expected the current account surplus to be between R4bn and R6bn in 1989. The Bureau for Economic Research at the University of Stellenbosch said in its *Economic Update* for January 1989 that a sustained surplus in the current account was necessary to cover the continuous net outflow of foreign capital.²⁰

According to the bank the fact that capital outflows were in excess of current account surpluses caused a decline in the country's gold and foreign exchange reserves. Total reserves declined from R8,2bn at the end of January 1988 to R6,5bn at the end of November, a drop of 1,7bn. A marked moderation in capital outflows after November led to a rise in total reserves of R251m in December to R6,7bn. By the end of February 1989 foreign reserves had risen by another R160m. The gold component of the reserve bank's foreign reserve holdings strengthened from 3,4m fine ounces at the end of November to 3,6m fine ounces at the end of February 1989.²¹

South Africa's foreign debt at the end of 1988 was \$21,5bn — down from \$24bn in August 1985, when foreign banks cut off loans to the country. At the end of both 1986 and 1987 the foreign debt stood at \$22,6bn.²² During a trip to Europe in October, the state president, Mr P W Botha, held talks with bankers in Switzerland.²³ Dr De Kock said in February 1989 that South Africa should not have problems in repaying its foreign debt. Repayments were expected to total a maximum of R1,7bn in 1989.²⁴

South Africa was expected to have especially heavy debt repayments in 1990 and 1991. The chief economist of Nedbank, Mr Edward Osborn, calculated that net debt repayments of all sorts could be at least \$2,2bn in 1990 and \$2,5bn in 1991, unless South Africa could secure an agreement to delay repayment of some items.²⁵

The gold price

In 1987 the gold price averaged \$447, while in 1988 the average price for gold per fine ounce was \$437. While gold was sold in London for \$477 at the beginning of 1988, the price had dropped to \$419 by December 1988. In February 1989 the gold price fell further to \$388, its lowest level since August 1986. In rand terms, the gold price averaged R909 for 1987 and R992 for 1988.²⁶ According to Sanlam, the falling gold price was to be expected as it tied in with the following factors: lower international oil prices, relatively low inflation rates in the major industrial countries, the reasonably sturdy performance of the American dollar, high real interest rates in the leading industrial countries, a decline in gold purchases by countries in the East and an increase in the production of gold.²⁷

The *Financial Mail* said that 'a \$10 difference in the average annual gold price means R200m a year to South Africa in forex earnings' to

illustrate what the falling gold price meant to South Africa. It said, 'With South Africa on the margin in securing enough forex to meet foreign debt repayment obligations and to prop up precarious gold and foreign exchange reserves, that difference in the gold price is crucially important. Should gold drop even further below \$400 and remain depressed into 1989, the squeeze must become painfully tight.'²⁸

The total rand value of South African gold output increased to R19,6bn in 1988 from R17,8bn in the preceding year.²⁹

The exchange rate

After trading at 53 American cents in November 1987, the commercial rand dropped gradually, to 46 American cents at the end of 1988 and then to 44 American cents in February 1989. During 1988 as a whole the effective exchange rate weakened by 13,1% against the American dollar.³⁰ The Standard Bank said that although the exchange rate depreciation would in the short term cause the current account surplus to worsen, it would bring an improvement in the long term as it should benefit exports and curb imports.³¹ This view was also held by the minister of finance, Mr Barend du Plessis, who said that a lower rand 'enables us to do something positive about our balance of payments because we are able to maintain and increase penetration in our export markets'.³² The financial rand, which traded at 35 American cents at the beginning of 1988, dropped to trade at 25 American cents in February 1989.³³

The inflation rate

According to the Central Statistical Service (CSS) the average inflation rate for 1988 as measured by the consumer price index was 12,9%. This was substantially lower than the corresponding rates for the preceding three years, namely 16,1% for 1987, 18,6% for 1986 and 16,2% for 1985.³⁴ Dr De Kock expected inflation to rise to approximately 15% in 1989.³⁵

The leader of the Progressive Federal Party (PFP), Mr Zach de Beer, said that although the inflation rate was lower than in the previous year it remained three times that of South Africa's trading partners.³⁶

The Johannesburg Stock Exchange (JSE)

The Johannesburg Stock Exchange (JSE) crash in October 1987 (see 1987/88 *Survey* pp408-409) was followed by a period of limited recovery.³⁷ The JSE Actuaries Overall Index started the year at 1 568 in January but stood at 1 984 in December. Although this represented a rise of 27% during the year, the December figure was still 29% lower than the peak of 2 804 reached on 19 October, the day before the crash.³⁸ Liberty Life's *Investment Communiqué* stated that by the end of March the JSE had not recovered to the same extent as the major international markets.³⁹

Share trading activity on the stock exchange for the year 1988, at

R11,2bn, was down by 43% on the total turnover of R19,5bn in 1987.⁴⁰

During 1988, 41 companies obtained listings on the JSE, bringing the total number of companies listed to 844. In 1987 a record 211 companies obtained listings on the JSE (see 1987/88 *Survey* p408).⁴¹

The JSE's 42nd transaction study, conducted in January 1988, suggested that individual investors' participation in the stock market had declined, while stockbrokers had done more trading on their own accounts in the wake of the crash. In January 1988 private individuals accounted for only 21% of share purchases compared to 35% in July 1987. Individuals made up only 19% of share sellers in January 1988, whereas this figure was 26% in July 1987. According to the study, institutional investors, such as pension and provident funds, insurance companies and mining finance houses, were consistently the largest category of stockmarket traders.⁴²

Business and consumer confidence

According to the Association of Chambers of Commerce and Industry of South Africa (ASSOCOM) business confidence had improved since 1985 as ASSOCOM's business confidence index (BCI) for 1988 was 97,5, compared with 95,5 in 1987, 84,3 in 1986 and 79,1 in 1985.⁴³

Sequestrations and liquidations

According to the CSS, 3 883 private individuals and partnerships were declared insolvent in 1987, while there were 2 491 insolvencies of private individuals and partnerships in 1988. In 1988, 1 563 companies and close corporations were liquidated, compared with the 1 809 liquidated in 1987.⁴⁴

Trade statistics

South African imports increased by 38% in 1988 to reach R39,5bn compared to R28,7bn in 1987. Exports totalled R48,8bn in 1988. This represented an increase of 13% over the total exports of R43,2bn in 1987 (1987 figures are not comparable to figures published in the 1987/88 *Survey*, as those were the preliminary figures for 1987).⁴⁵

Economic sanctions

Disinvestment

In 1988 the United Nations identified 520 multinational companies which had sold all their equity in South Africa and/or Namibia to date. The UN also identified another 43 multinational companies which had reduced their equity interests in South Africa and/or Namibia and 37 which were in the process of disposing of that equity. A report by the International Confederation of Free Trade Unions stated in June 1988 that 1 267 multinationals continued to do business in South Africa in May 1988.⁴⁶

The countries of origin of the 520 companies which had sold all their equity in South Africa and/or Namibia were as follows: Australia (17), Belgium (1), Canada (21), Finland (2), France (6), Federal Republic of Germany (10), Italy (4), the Netherlands (3), New Zealand (3), Norway (3), Sweden (6), Switzerland (2), United Kingdom (92), and United States of America (US) (350).⁴⁷

The cost distribution of sanctions

The group economics consultant of the Johannesburg Consolidated Investment Company (JCI), Dr Ronnie Bethlehem, in his book, *Economics in a Revolutionary Society*, argued that the most important matter to consider when the effects of sanctions were dealt with was how the cost was to be distributed.

Dr Bethlehem stated that neighbouring African states would carry part of the cost. 'This could happen in a number of ways but the most dramatic would concern the repatriation of migrant workers as South Africa moved to protect its own citizens from the threat of unemployment,' he said.⁴⁸

Dr Bethlehem said that sanctions would cause 'the dividing line between the haves and the have-nots to be less along the white-black demarcation line than it is today although the massive, and increasing number of have-nots would still be black'.⁴⁹

'Sanctions would certainly inflict costs on whites too, but their generally higher levels of saving give them a safety net which quite simply does not exist for blacks,' the executive director of the South African Institute of Race Relations, Mr John Kane-Berman, said during a visit to the US in March.⁵⁰

Testifying at the invitation of two congressional committees, Mr Kane-Berman argued that the pro-sanctions argument 'fails to take account of the damage that sanctions might do to the process of black empowerment, which is crucially dependent on growing black participation in the economy as both workers and consumers. The risk inherent in sanctions is that they will slow down the pace at which the balance of economic power is shifting in favour of black people. This is the single most important strategic objection to economic sanctions'.⁵¹ Should black people lose their jobs as a result of sanctions, it could be said that sanctions also undermined the most important non-violent weapon black people had, namely their labour power, Mr Kane-Berman said. He said that this arose from the fact that black people constituted 65% of the economically active population and an increasing proportion of the workforce's skilled component.⁵² According to Mr Kane-Berman sanctions would result in the growth of a black underclass. 'The black underclass is the Achille's heel of black political and economic action. It undermines the bargaining power of trade unions because it creates a large pool of alternative labour. By lowering the rate of economic growth, sanctions will also slow down the pace of black penetration of skilled jobs and weaken black consumer leverage,' he said.⁵³

Effects on economic growth

Ms Merle Lipton, in a report for the London-based Economist Intelligence Unit entitled *Sanctions and South Africa: the Dynamics of Economic Isolation*, said that the sanctions adopted so far would not have an immediate effect on the South African economy. However, she said, combined with a loss of international business confidence, they did represent a continued narrowing down of the economic options and dampened long-term growth prospects.⁵⁴

Dr Bethlehem contended that it was certain that, by forcing South Africa to adopt a policy of inward industrialisation and import replacement, sanctions would weaken the competitiveness of the country's economy in a global context.⁵⁵

Both Ms Lipton and Dr Bethlehem argued that economic growth would engender change, and because disinvestment hampered growth, it also harmed chances of reform or change.

The director of the Community Agency for Social Enquiry (CASE), Mr Mark Orkin, argued that the thesis that investment furthered growth was true only if growth was defined narrowly, in terms of increasing gross domestic product (GDP). He said that workers and their families were more interested in development, 'which involves other achievements like job creation'. Mr Orkin added that although it was true that the expanding economy had demanded a more skilled, mobile and satisfied workforce, and that at the same time workers and their families had been battling for their rights, growing economic power had never been translated into political power. 'We have seen that such desultory growth as has occurred in recent years leads most businessmen only to demand the reform of the conditions of economic profitability; and that the government then provides these economic and social benefits, along with massive repression and some constitutional charades of its own devising, in the hope of distracting the black majority from the important issues of meaningful political representation and freedom under law.'⁵⁶

Effects on employment

Dr Bethlehem estimated that more than 2m unskilled jobs could be destroyed by sanctions by the end of the century. He worked on the hypothesis that 'South Africa, as a modernising western-type industrial state, has a limited job-creating potential' and that 'under sanctions, that potential would be greatly reduced'.⁵⁷

According to Dr Bethlehem the greatest proportion of jobs lost under sanctions would be in the unskilled category, for under sanctions 'the total number of skilled jobs would actually be increased as sanctions would necessitate more capital-intensive production to ensure a maintenance of competitiveness and profitability in export markets, and to ensure a continuity of supply of sophisticated products that could no longer be readily imported'.⁵⁸

The South African Federated Chamber of Industries (FCI) said in 1986 that if sanctions were 40% effective there would be a total of

600 000 extra unemployed people (that is people who would not have been unemployed under current trends) over a five-year period. Should sanctions be 80% effective, the FCI predicted that 1 135 013 extra people would be unemployed over a five-year period.⁵⁹

Mr Orkin said although the FCI's projection was a 'tough prospect', it should be seen in context. Not all the extra jobless would be black; at least 25% or 150 000 could be expected to be whites; thus there would be a greater proportional increase in white than in black unemployment.⁶⁰

Mrs Helen Suzman MP (Progressive Federal Party) and Mr Colin Eglin MP (PFP) said that there was no doubt that thousands of black workers would lose their jobs in the labour-intensive industries as a result of sanctions and disinvestment. This, they said, was 'a dire prospect in a country with no social security safety-net'.

They also said that disinvestment might simply result in a change of employers. 'The take-over by South African buyers of foreign enterprises at fire-sale prices can, and often does, mean that such firms will cut down on the social responsibility programmes which they implemented in their attempts to conform with the [Statement of Principles] and to reduce the hassle factor at home,' they said (see *Corporate social responsibility* below).

In a booklet *Sanctions and the Alternatives* published early in 1989 by the South African Institute of Race Relations, Mr John Kane-Berman said: 'Naturally all black South Africans want pressure against apartheid. Many have laid down their lives in the struggle against it. However, a steady stream of recent opinion surveys – 14 out of 14 – proves that most black people reject action by others that threaten their jobs... Some black leaders have called for sanctions, but none whose own jobs would be at immediate risk. Very few trade unions have ever put a pro-sanctions motion through their rank-and-file membership. Nor has any denomination of the church – not the Anglicans, not the Catholics, not the Methodists, not the Calvinists, not the African independent churches.

'If black people really wanted sanctions and disinvestment, they could bring both about themselves... Black workers are not afraid to strike. In the last 10 years they have done so more than 4 000 times. But there has never been a strike demanding disinvestment. There has never been a strike against loading goods for foreign markets. But there have been strikes by workers fearing they will lose out because of disinvestment.'⁶¹

In a report commissioned by the Congress of South African Trade Unions (COSATU), the Community Research and Information Centre (CRIC) said that the impact of sanctions on economic growth would have a 'crucial' effect on future levels of employment and underemployment. 'Regardless of whether sanctions amount to the "worst case" or turn out to be rather ineffectual, the effects on employment levels will come on top of the already devastating retrenchment policies pursued by employers in recent years,' CRIC said. The general secretary of COSATU, Mr Jay Naidoo, reaffirmed COSATU's commitment to 'all forms of international pressure'.

The general secretary of the National Council of Trade Unions (NACTU), Mr Piroshaw Camay, said that it was 'mischievous' to link unemployment with sanctions. 'It is important to recognise that the whole economy creates jobs, and that unemployment or otherwise is scarcely determined by whether a few multinationals pull out of South Africa or not. The simple fact is that not enough jobs have been created in our society over a long period of time,' Mr Piroshaw said. He said that to the extent that sanctions and disinvestment might mean some job losses, members of NACTU were prepared to sacrifice their employment in the broader interest of the community.

Effects on the government's reform programme

'Continued incremental sanctions seem unlikely to unseat the government and more likely to impede than accelerate reform (that is, deracialisation)', Ms Lipton said. The effect had to be 'adjudged very uncertain' even if 'in the long run' it did contribute to the erosion of white rule over South Africa.⁶² Dr De Kock said in January that 'sanctions have not turned out to be the quick fix that people thought they would be'.⁶³ He said, 'If anything, sanctions had helped to slow down the cautious reforms implemented by the state president's government' at the beginning of the decade.⁶⁴

The president of the Southern Africa Black Taxi Association (SABTA), Mr Thupane Ngcoya, told the United States Congress in March that if the Conservative Party came to power, 'and sanctions will certainly help them to do so, the black people will have even less hope than now'.⁶⁵

MONETARY POLICY

During the period under review a tightening of monetary policy led to several rises in interest rates, which were stable in 1987. The bank rate, which was set at 9,5% in May 1987, was increased to 10,5% in March 1988 and was adjusted three more times during 1988 to end the year at 14,5%. In January 1989 the Bureau for Economic Research (BER) said that it expected that if an early election (see chapter on *Government and Constitution*) were to be called, the bank rate could stay at 14,5% to put the electorate at ease.⁶⁶ On 23 February 1989 the bank rate was raised once again, this time to 16%. This was the highest rate since August 1985, when it was also 16%. As a result of the increasing bank rate, the banks' prime overdraft rate was also adjusted often during the period under review. The rate was 12% at the beginning of 1988, but was increased five times and ended the year at 18%. On 28 February the rate was raised to 19% as a result of the increase in the bank rate on 23 February.

Monetary expansion during the period under review contributed to pressure on both domestic resources and imports. The broad money supply (M3) increased by 26,5% between the fourth quarter in 1987 and

the fourth quarter in 1988, thereby overshooting the upper limit of the target range of 12%-16% by 10,5 percentage points. The effective broad money supply or MV (ie M3 adjusted for changes in its velocity of circulation) increased by about 17%.⁶⁷

A Standard Bank economist, Mr Nico Czipionka, noted in September that there was a continuing rapid increase in money supply and a decline in gold and foreign reserves. He said, 'If the monetary authorities do not allow interest rates to reflect the continuing rapid rise in demand in the face of obvious pressures in the financial markets and on the balance of payments, they may force measures later in the year which could be labelled "too much, too late".'⁶⁸

Later in the year the governor of the South African Reserve Bank, Dr Gerhard de Kock, commented, 'It is clear that the monetary authorities, in common with other observers, underestimated both the vigour and the duration of the economic upswing during 1988. Accordingly, although monetary policy was progressively tightened during the course of 1988, the "mix" of monetary and fiscal policy on balance remained too accommodative and expansionary during most of the year.'⁶⁹ In August, after the bank rate had increased from 11,5% to 12,5% on 29 July, he said, 'In retrospect there can be little doubt that monetary policy should have been tightened earlier and that the bank initially created too much central bank credit and in this way facilitated the excessive increases in bank credit, the money supply, total spending and exports.'⁷⁰

After the adjustments in the bank rate in February 1989 Dr De Kock said that monetary policy had been 'tightened' again so as to reduce the rates of increase of bank credit and the money supply. He said that the need to 'tighten' monetary policy was mainly brought about by three developments:⁷¹

- the decline in the gold price (see *The Gold Price* above);
- the further rise of interest rates in Europe and the United States of America 'to levels that in real terms greatly exceed those in South Africa'; and
- the further rise in the money supply during January 1989.

FISCAL POLICY

The government's fiscal measures during the period under review should be seen against the background of a new economic policy, outlined by the state president, Mr P W Botha, in his opening of Parliament speech on 5 February 1988. These initiatives centred on privatisation and deregulation (see *Privatisation* and *Deregulation* below). The major announcements were:

- some major road networks, representing a potential investment of more than R2bn, would be privatised and become toll roads;

- large state undertakings, including the South African Transport Services (SATS), Posts and Telecommunications and Eskom would be re-organised, either wholly or in part, to become profit-making bodies;
- all state spending would be re-examined with a view to paring expenditure. In the process the costs and standards of services to the public would be reviewed;
- public servants would receive normal incremental increases in pay but there would be no across-the-board increases. The private sector was also asked to curb excessive pay increases; and
- privatisation would be extended to state corporations such as Foskor, Iscor and the Mossel Bay gas project.

In March this speech was followed by a major advertising campaign in which Mr Botha emphasised the importance of economic growth. In the advertisement he said, 'We have to tighten our belts. We have to control government expenditure. We have to tackle inflation. We have to exercise self-discipline with our demands and our prices.'⁷²

The mini-budget

On 15 February a Part Appropriation Bill (or mini-budget) was tabled in Parliament by the minister of finance, Mr Barend du Plessis. He said that the bill 'seeks to authorise the financing of expenditure to be incurred by both the central authority and the four provinces on services already approved, until such time as the Appropriation Act of 1988 is promulgated'. The mini-budget was made up as follows:⁷³

Mini-budget: 1988

	<i>Rbn</i>
General affairs department ^a	13,0
Transvaal provincial administration	1,1
Natal provincial administration	0,6
Orange Free State provincial administration	0,4
Cape provincial administration	0,9
Total	16,0

a Including the administrations for own affairs

The main budget

The 1988/89 budget was the second budget to incorporate the five-year plan of the Central Economic Advisory Service (CEAS). This plan committed the government to certain fiscal objectives, such as not raising the tax burden, avoiding funding current expenditure through loans and reducing the public sector's share of the economy to 34,5% of the gross domestic product (GDP) (see 1987/88 *Survey* pp421-422).⁷⁴

Mr Du Plessis said about the budget, 'A too speedy upswing at this stage can create excess demand, negate the good progress already made in containing inflation and at the same time put pressure on the balance of payments. The government's view is thus that in the present stage of the upswing consumption demand should not rise too rapidly and that the increase in state spending should be kept within reasonable limits this year.'⁷⁵

Central to the government's intention to curb state spending was the announcement of the state president, Mr P W Botha, in February that there would be a freeze on public sector pay increases and on the number of public sector jobs (see 1987/88 *Survey* pp325-326). The budget foresaw a 72% cut in the allocation for improvement of conditions of service. However, in September it was announced that public servants would get a 15% increase from 1 January 1989.

The printed estimates of expenditure for 1988/89 amounted to R52,93bn, which was 14% above the 1987/88 printed estimate of R46,32bn.⁷⁶ However, once additional proposals in the budget speech itself were taken into account, total estimated expenditure would be R53,97bn. This adjusted expenditure level represented an increase of 15% on the revised 1987/88 figure of R46,87bn.⁷⁷

In the printed estimate of revenue tabled in Parliament on 16 March provision was made for a total tax revenue of R42,84bn. According to Mr Du Plessis, this figure represented an increase of 13,3% on the 1987/88 revised estimate.⁷⁸ After the new tax proposals had been taken into account, the total revenue was estimated at R44bn. This figure represented an increase of 16% on the revised total revenue figure for 1987/88. The deficit before borrowing was calculated to be R9,86bn or 4,9% of estimated GDP.⁷⁹

The budgeted allocations of expenditure to the various government departments were as shown in the table, *The national budget* opposite.⁸⁰

The leader of the Progressive Federal Party, Dr Zach de Beer, said about the budget, 'One also notes with foreboding that defence expenditure is to increase by no less than 23% and it seems that we must expect to continue a life of conflict with our neighbours and others.'⁸¹

The outcome of the main budget

The main problem with the budgets remained that both actual expenditure and actual revenue varied significantly from the estimated amounts. The South African Reserve Bank said, 'The expected outcome of the main budget for the fiscal year 1988/89 as announced by the minister of finance in his budget speech of 15 March 1989 departed to an important extent from the original budget estimates of March 1988.' Exchequer issues to government departments in the 1988/89 financial year were estimated by the minister to amount to R56,6bn. This would exceed the original budget estimates by R2,6bn or 5%. Total revenue receipts in the same financial year were estimated by the government to amount to R47,5bn. This would exceed the original budget estimates by a

The national budget^a

<i>Vote</i>	<i>1987/88 Rm</i>	<i>Proportion of total</i>	<i>1988/89 Rm</i>	<i>Proportion of total</i>	<i>Increase</i>
State president	14	0,03%	15	0,03%	7%
Parliament	42	0,1%	51	0,1%	21%
Bureau for information	31	0,1%	32	0,1%	3%
Commission for administration	208	0,4%	291	0,5%	40%
Improvement of conditions of service	1 074	2,3%	353	0,7%	-67%
Development planning	6 514	13,9%	7 731	14,3%	19%
Foreign affairs	2 177	4,6%	2 530	4,7%	16%
National education	132	0,3%	123	0,2%	-7%
Development aid	3 030	6,5%	4 075	7,6%	34%
Education and training	1 488	3,2%	1 641	3,0%	10%
Defence	6 683	14,3%	8 196	15,2%	23%
Manpower	199	0,4%	225	0,4%	13%
Public works and land affairs	1 426	3,0%	1 733	3,2%	22%
Justice	240	0,5%	277	0,5%	15%
Prisons	490	1,0%	630	1,2%	29%
Agricultural economics and marketing	709	1,5%	316	0,6%	-55%
Trade and industry	1 045	2,2%	1 196	2,2%	14%
Mineral and energy affairs	768	1,6%	745	1,4%	-3%
Finance	7 397	15,8%	8 898	16,5%	20%
Audit	0	0,0%	0	0,0%	0%
Home affairs	149	0,3%	149	0,3%	0%
Transport	785	1,7%	1 428	2,6%	82%
Administration: House of Assembly	5 379	11,5%	5 398	10,0%	0,4%
Administration: House of Representatives	1 961	4,2%	2 323	4,3%	18%
Administration: House of Delegates	730	1,6%	836	1,5%	15%
National health and population	2 208	4,7%	2 323	4,3%	5%
Police	1 530	3,3%	1 945	3,6%	27%
Environment affairs	135	0,3%	150	0,3%	11%
Water affairs	324	0,7%	353	0,7%	9%
Total^b	46 868	100,0%	53 963	100,0%	15%

a Figures for 1987/88 and for 1988/89 are final estimates.

b Rounded; figures may, therefore, not add up.

substantial R3,5bn or 8%. The estimated deficit before borrowing and debt repayment for the 1988/89 financial year amounted to R9,1bn or to R764m less than in the original budget estimates. At R9,1bn the deficit amounted to 4,4% of the expected GDP, and not 4,9% as was originally predicted.⁸²

Despite the fact that Mr Botha announced a public sector pay freeze in January, the government announced in September that civil servants would get a 15% increase from 1 January 1989. This led to speculation about the R4bn financing of the increase and to widespread criticism of government spending.

An economist for the Bureau for Economic Research (BER), Mr Glen Moore, said that the increase would place an 'intolerable' strain on government funds. He said that government had four options, ie to increase general sales tax (GST), raise income or company tax or allow the deficit before borrowing to 'balloon'.⁸³ In reaction to the announcement of the pay increase an economist of Standard Bank, Mr Nico Czypionka, said that the government's share of the GDP was 'heading in the wrong direction'. This, he said, was emphasised by the fact that the share of public sector employees as a percentage of the total number of employed had risen from 28% in 1980 to 32% in 1987. According to Mr Czypionka this showed 'very clearly...that if fiscal responsibility is to be maintained a rationalisation of the civil service and a systematic elimination of wasteful expenditure are urgent necessities'.⁸⁴

The chairman of the Board of Trade and Industries, Mr Lawrence McCrystal, said that he believed that the economy's biggest problems were not debt and sanctions, but weak exports and a bloated and inefficient public sector.⁸⁵

Dr De Beer pointed out in Parliament in February 1989 that government expenditure was about 5% of the GDP in 1967 and 19% in 1987. He said, 'This represents a huge transfer of resources from the productive private sector to the unproductive public one, as government appoints new armies of penpushers — a great many of whom are needed precisely to administer the apartheid structure.'⁸⁶

The BER said about fiscal policy, 'At the moment fiscal authorities are apparently trying to prevent the deficit before borrowing to grow proportionately with the rise in government expenditure by raising additional revenue. This action of the fiscal authorities boils down to the fact that interest rates will need to be kept at fairly big levels for some time to curb demand.' According to the BER the rise in the petrol price from 16 January 1989 was an example of an attempt to raise additional revenue.

In August the government's increased import surcharges and tougher hire purchase restrictions came into effect. A 15% increase in the petrol price was also announced. These measures were seen as the government's attempts to avert a potential crisis in the balance of payments. The chairman of the Association of Chambers of Commerce and Industry of South Africa (ASSOCOM) said that although ASSOCOM welcomed the fact that import control had been avoided, it was 'not clear

to what extent the import surcharges address the basic problem of inadequate foreign exchange reserves and this will have to be carefully monitored'. A partner in Arthur Andersen and Associates, Mr Leo Fincham, however, felt that the introduction of direct import controls would have been more manageable in the long run. It was felt that the surcharge was discriminatory as people who could afford it would still be able to import goods.⁸⁷

Subsidiary budgets

The votes in the main budget for the three own affairs houses may be broken down as follows:⁸⁸

House of Assembly budget ^a

	<i>1987/89</i>	<i>1988/89</i>
	<i>Rm</i>	<i>Rm</i>
Chairman of the ministers' council	0	1
Agriculture and water supply	991	872
Education and culture	3 339	3 751
Local government, housing and works	294	294
Budgetary and auxiliary services	20	22
Improvement of conditions of service	198	46
Welfare	770	869
Health services	65	82
Total	5 677	5 937

House of Delegates budget ^a

	<i>1987/88</i>	<i>1988/89</i>
	<i>Rm</i>	<i>Rm</i>
Budgetary and auxiliary services	11	14
Local government, housing and agriculture	165	188
Education and culture	403	461
Health services and welfare	152	176
Improvement of conditions of service	28	7
Total	759	846

House of Representatives budget ^a

	<i>1987/88</i>	<i>1988/89</i>
	<i>Rm</i>	<i>Rm</i>
Education and culture	1 009	1 108
Budgetary and auxiliary services	27	49
Local government, housing and agriculture	394	429
Health services and welfare	550	757
Improvement of conditions of service	70	19
Total	2 050	2 362

a Figures for 1987/88 and for 1988/89 are final estimates.

The budgets of the ten homelands for 1988/89 and the percentage increase over the previous year are shown in the following table. (Further details of the homeland budgets are provided in the chapter on *The Homelands*.)

	<i>Homeland budgets</i>		
	<i>1987/88</i>	<i>1988/89</i> R	<i>Change</i> R
Bophuthatswana	1 662 317 990	1 745 591 000	5%
Ciskei	859 000 000	1 068 506 000	24%
Gazankulu	376 657 000	560 736 000	49%
KaNgwane	230 138 690	299 861 722	30%
KwaNdebele	180 545 500	294 030 000	63%
KwaZulu	1 295 862 836	1 967 549 907	52%
Lebowa	865 045 000	1 099 406 000	27%
QwaQwa	231 922 800	301 760 000	30%
Transkei	1 604 435 000	1 952 180 000	22%
Venda	492 041 600	590 179 400	20%
Total	7 797 966 416	9 879 800 029	27%

Revenue allocated to the various legislatures from the national budget for 1988/89 was as follows:

*Grants from central government to
various legislatures: 1988/89^a*

	R
Bophuthatswana	403 000 000
Ciskei	910 000 000
Gazankulu	407 707 000
KaNgwane	214 884 000
KwaNdebele	207 528 000
KwaZulu	1 462 545 000
Lebowa	859 636 000
QwaQwa	160 333 000
Transkei	660 246 000
Venda	281 860 000
Total	5 567 739 000

- a These figures do not include various transfer payments from the central government, so they do not necessarily reflect the full extent of revenue that the government provided to the homelands (see chapter on *The Homelands*)

Taxation

In August the minister of finance, Mr Barend du Plessis, said that the following amounts were paid in income taxes by each population group in each province in South Africa (excluding the 'independent' homelands) in the 1987/88 financial year:⁸⁹

Income taxes: 1987/88

Province	Population groups				
	Africans R	Asians R	Coloureds R	Whites R	Total R
Cape	29 582 973	21 565 158	309 653 553	2 403 962 178	2 764 763 862
Natal	24 072 735	222 672 796	21 063 643	1 236 736 743	1 504 545 917
Orange Free State	22 448 597	61 842 ^a	3 772 354	592 135 848	618 418 641
Transvaal	189 112 420	104 760 118	67 345 790	6 441 386 712	6 802 605 040
Total	265 216 725	349 059 914	401 835 340	10 674 221 481	11 690 333 460^b
Proportion of total	2,3%	3,0%	3,4%	91,3%	100,0%

- The amounts reflected under the Orange Free State in respect of Asians do not necessarily mean that they were resident in that province. According to Mr Du Plessis it appeared that they found it more convenient to conduct their tax affairs at the nearest Revenue Office which happens to be in this province.
- The above analysis does not take into account taxpayers who fall under the final deduction system (ie taxpayers who earned under R8 000 a year).

In the 1988/89 budget two main tax concessions were made to individuals: rates and rebates were changed and standard income tax on employees (SITE) was introduced. In terms of SITE men and single women earning less than R12 000 and married women earning less than R20 000 a year would pay tax only in accordance with the pay-as-you-earn (PAYE) system and would therefore not have to submit an income tax return. Married couples would also not be taxed jointly at the end of the tax year.⁹⁰

In 1987 the government accepted the recommendation of the commission of inquiry into the tax structure of the Republic of South Africa (the Margo commission) to replace general sales tax (GST) with value added tax (VAT) (see 1987/88 *Survey* p427). It was originally expected that a final VAT bill would be submitted to Parliament early in 1989 and that VAT would be implemented by July 1989.⁹¹ However, by the end of 1988 it was not clear when general sales tax (GST) would be phased out so that VAT could be implemented.

An advocate and chartered accountant, who was also a partner with Arthur Andersen and Associates, Mr Pierre du Toit, said that the 'tax

scene' in South Africa was disturbed and volatile. He said that the announcement of laws, such as VAT, was vague and details were not forthcoming at the time promised, which caused confusion in the business community.⁹² Mr Richard Rubin of the same firm said that the government should delay the introduction of VAT rather than implement a poorly planned system on time. He said, 'It would be a serious mistake to attempt to keep to a timetable at the expense of the quality of the eventual VAT system.'⁹³

An associate director of Deloitte, Haskins and Sells, Mr Des Kruger, wrote in January 1989 that the relationship between taxpayers and the fiscus was too tense. He said that general forces exacerbating the relationship were:⁹⁴

- taxpayers' perception that the tax system was 'burdensome and unfair';
- tax laws that were too complex, as taxpayers were expected to administer additional imposts such as SITE, minimum tax on companies (MTC) and regional levies;
- the evolution of a general disrespect for the political process and the public service; and
- the increasing politicisation of the tax system as 'more and more people oppose the payment of tax on the grounds that taxes are not being paid for a civilised society'. Studies had shown that taxpayers were more compliant if they were satisfied that their taxes were being used for 'the common good and not for government ineptitude'.

Regional levies

According to the tax director of Ernest and Whinney (the accounting firm handling the Central Witwatersrand Regional Services Council account), Mr Ken Walton, there was no empirical evidence that regional levies were having a negative impact on business in general. He said that this was because of the low rate and because the levies were tax deductible. All levies remained unchanged during the 1988/89 financial year: payroll levies were 0,25% and establishment levies were 0,1%.

The deputy minister of finance, Dr G Marais, said in Parliament in February that exemption from the regional services levy had been granted to religious and charitable institutions of a public character and any non-profitmaking organisation engaged in nature conservation or animal protection activities. These bodies were also excluded from 'the levy base on which the regional establishment levy is charged'.⁹⁵ It was also revealed that farmers usually got a discount of 25% on levies but that farmers in the northern Transvaal had negotiated a discount of 50%.⁹⁶

BUSINESS

Business policy

Desegregation of trading areas

At the end of December 1988 a total of 90 central business districts (CBDs) had been opened for trading by all races. The provincial distribution of these open areas was: Cape province 42, Transvaal 26, Natal 15 and the Orange Free State 7.⁹⁷

In October it was reported that the Sandton Town Council had called on the state president to declare the entire municipal area a free trade area. This request came after the gazetting of a proclamation in August declaring 13 free trading areas within Sandton. The minister of constitutional development and planning, Mr Chris Heunis, said that the proposal was unacceptable to his department 'in view of the government's policy to open only central business areas and regional centres which serve all the race groups'.⁹⁸

The proclamation to desegregate the CBD of Carletonville (western Transvaal), which was gazetted on 15 December, was published despite the Conservative Party (CP)-controlled town council's decision to reintroduce petty apartheid measures in the town (see chapter on *Social Segregation*, and *Consumer boycotts* below). Mr Arrie Paulus, MP (CP) for Carletonville, said that this move insulted the Carletonville municipality. He rejected the proclamation, saying that the new Carletonville town council had revoked the decision of the previous town council with regard to free trade areas and had already asked Mr Heunis to repeal the proclamation.⁹⁹

In January 1989 it was reported that the Group Areas Board was expected to expedite an investigation into the establishment of a free trade area in Boksburg (east Rand). According to a spokesman for the Department of Development Planning, the board had heard representations from various groups and individuals in Boksburg and only one objection, from the CP-controlled municipality, had been received. The board's report would be submitted to Mr Heunis for a final decision and the spokesman predicted that the investigation would be dealt with quickly 'in view of the urgency of the matter and the problems being experienced in Boksburg'.¹⁰⁰

During the period under review it appeared that African businesses had shown a reluctance to trade in CBDs which had been declared 'free trading areas'. Among the reasons cited for this were the decline in consumer numbers (as more shoppers patronised suburban stores, in areas where Africans were not permitted to trade) and the Group Areas Act of 1966, which prevented African business people from owning property in these areas. It was also said that many of the large buildings in the CBDs were inappropriate for business purposes and African businessmen often lacked the funds to convert them into suitable premises. The public relations manager of the National African

Federated Chamber of Commerce and Industry (NAFCOC), Mr Gabriel Mokgoko, said that high rentals in CBDs were also part of the problem. He also argued that there were political reasons for Africans not to trade in the CBDs: Africans were still not certain to what extent their freedom of movement was admissible in the CBD and they also felt that in the case of consumer boycotts and stayaways they would not feel the impact as much in the townships as in the CBD. Landmark Real Estates also identified as problems the attitudes of fellow tenants and the shortage of amenities. While the second problem could be solved by capital investment of landlords, the company said, the first problem was more difficult to solve.¹⁰¹

However, the chairman of the Johannesburg CBD Association, Mr Nigel Mandy, insisted that the CBD remained a vibrant and worthwhile retailing location. He said that higher rentals were justified by the better situation which the CBD offered. The availability of reliable telephone and other infrastructural services was also considered to be a positive aspect of operating in a CBD.¹⁰²

Mr Mandy argued that the number of African entrepreneurs operating in Johannesburg's CBD was higher than most people realised. He pointed out that the term 'open trading' did not apply only to shopkeepers but to the whole spectrum of business, including industrial, professional, educational and religious operations. He said that it had never been expected that large numbers of African shopkeepers would move into the city. While changes in legislation had allowed Indian business people to come out from behind their nominees, Africans lacked the experience and the capital to establish businesses in the CBD. Where small businesses were concerned, Mr Mandy contended, African people were moving to the city in large numbers. In the case of professional companies, there was a trend to establish multiracial partnerships.¹⁰³

After the municipal elections in October (see chapter on *Government and Constitution*), the leader of the CP, Dr Andries Treurnicht, indicated that the CP would try to close racially desegregated CBDs in the towns where they had won control. Municipalities with open CBDs which were controlled by the CP and would thus be affected should the CP carry out their threat were: Akasia (Pretoria); Brakpan, Germiston and Springs (east Rand); Delmas (central Transvaal); Krugersdorp (west Rand); Nigel (southern Transvaal); Pietersburg (northern Transvaal); Potchefstroom (western Transvaal) and Vanderbijlpark (south east Rand). Mr Heunis responded by pointing out that open trading areas were declared by central government and not by local authorities. Local authorities, he said, did not have the authority to close areas declared open by central government. In order for a decision to be reversed, a request from a local authority could be referred to a hearing of the Group Areas Board, but the minister was not bound by the board's recommendations. The minister took a decision in consultation with the state president, whose signature was necessary for any proclamation changing a decision.¹⁰⁴

The Association of Chambers of Commerce and Industry of South

Africa (ASSOCOM) reacted to Dr Treurnicht's threat by urging chambers of commerce in areas where deproclamation had been mooted to 'contact the councils concerned to persuade them not to proceed with what must ultimately be a fruitless and costly exercise in futility and a step which could even damage the economic viability of certain towns'. The association said it had to react as Dr Treurnicht's statements had adversely affected investment in certain areas. ASSOCOM said that should a local authority request the deproclamation of certain areas, other interested parties, such as the chambers of commerce, would also be given an opportunity to voice their opinions. In this way an open trading area could be established against the wishes of a local authority. ASSOCOM also commented on the 'astronomical' costs that compensating and/or relocating dispossessed or displaced traders in the event of a deproclamation of a free trading area would entail. ASSOCOM said that these costs would be beyond the means of most local authorities, without substantial or prohibitive increases in assessment rates or charges.¹⁰⁶

The CP spokesman on economic affairs and technology, Mr Clive Derby Lewis, in reaction to what ASSOCOM had said, challenged the organisation to state the grounds which permitted it to 'enter the political fray' and attack the CP over moves to carry out its 'mandate' from voters. 'Do they [ASSOCOM] think that the same type of financial bullying used to intimidate businessmen into toeing the liberal line will be permitted by the CP?' he asked.¹⁰⁶ In April 1989 no suburban shopping centres had yet been declared free trading areas in terms of the Group Areas Act of 1966. Although the legislation did not preclude this, a representative of the Department of Development Planning said that the department's policy was that a suburban shopping centre would have to function as a regional centre to qualify for consideration. Applications for the opening of shopping centres which catered for the local suburban community only would not be entertained. This meant, it appeared, that black traders would not be permitted to open stores in centres which served surrounding white residential areas only.¹⁰⁷

Decentralisation

According to the annual report of the Board for the Decentralisation of Industry for the period 1 April 1987 to 31 March 1988, at least 3 004 new industrial projects had been established since the inception of the decentralisation programme in 1982, while 153 188 job opportunities had been created. A total of R2,9bn had already been invested. The board said that in addition to this, since 1984, about 3 000 new job opportunities had been created by means of the simplified wage incentive system (see 1984 *Survey* p233).¹⁰⁸

Statistics provided for the period 1 April 1982 to 31 March 1988 are shown in the table, *Standard incentive package*, overleaf.¹⁰⁸ Jobs envisaged represented 348 816 job opportunities for Africans, 27 708 for Indians, 38 628 for coloured people and 27 279 for whites. Of the 442 431 job opportunities, 79% represented opportunities for Africans.

*Standard incentive package: 1982-1988**

	<i>Projects approved</i>	<i>Envisaged jobs</i>	<i>Expected investment (Rm)</i>
1982/83	774	63 729	1 198,7
1983/84	1 190	69 914	1 201,6
1984/85	1 216	77 486	1 176,7
1985/86	1 243	87 635	1 299,8
1986/87	1 027	68 780	1 262,7
1987/88	1 080	74 887	1 865,3
Total	6 530	442 494	8 004,8

a Excluding the 'independent' homelands

*Simplified wage incentive: 1984-1988**

	<i>Projects approved</i>	<i>Expected jobs</i>
1984/85	52	334
1985/86	62	617
1986/87	95	1 120
1987/88	163	1 601
Total	372	3 672

a Excluding the 'independent' homelands

In the period 1 April 1987 to 31 March 1988, the board gave consideration to the granting of a standard package of incentives in respect of 1 142 projects. Of these applications, 1 080 were approved, while 12 were held over with a view to obtaining further information or clarification in terms of certain policy guidelines. Fifty applications did not qualify for concessions and were not approved by the board.¹¹⁰

Of the approved applications 536 (more than 50%) were in respect of the establishment of new projects at identified development points in South Africa, while a further 286 applications represented the expansion of existing projects at such points. The balance of the approved applications was in respect of the relocation of 93 projects from foreign countries, 116 internal relocations and 49 applications for the support of industrial projects at non-identified points (or so-called ad-hoc cases).¹¹¹

Apart from the applications for the standard incentive package, 28 applications for long-term incentives for existing projects at development points and 163 applications for the simplified wage incentive for small industrialists were approved.¹¹²

A regional breakdown of the 1 080 approved applications, the expected employment to be created (percentage of expected jobs indicated in brackets), and total anticipated investment are shown in the table, *Application for decentralised benefits*, opposite.¹¹³

Application for decentralised benefits: 1987/88

<i>Region</i>	<i>Applications approved</i>	<i>Expected jobs</i>	<i>Expected investment</i>
Natal/KwaZulu (E)	248	21 037 (28,1%)	556,8
OFS */QwaQwa (C)	176	20 507 (27,4%)	275,1
Northern Transvaal parts of			
Lebowa and Gazankulu (G)	160	7 460 (10,0%)	131,9
Eastern Cape (D)	164	6 751 (9,0%)	464,5
Western Cape (A)	110	4 123 (5,5%)	108,8
Pretoria/Witwatersrand/Vereeniging/			
KwaNdebele (H)	98	9 594 (12,8%)	191,5
Eastern Transvaal/KaNgwane/			
parts of Lebowa and Gazankulu (F)	69	3 813 (5,1%)	58,7
Northern Cape/western Transvaal (B)	33	635 (0,8%)	28,8
Western Transvaal/parts of			
Bophuthatswana (J)	19	889 (1,2%)	47,5
Walvis Bay	3	78 (0,1%)	1,7
Total	1 080	74 887(100,0%)	1 865,3

a Orange Free State

Port Elizabeth/Uitenhage (eastern Cape) was once again the most popular development point (see 1987/88 *Survey* p395) as it received the highest number of applications (77). The next highest number of applications was at East London (eastern Cape) (69), followed by Ekangala (KwaNdebele) (66) and Botshabelo (Orange Free State) (53).¹¹³

The largest number of jobs was expected to be created at Botshabelo (12 386), followed by Isithebe (KwaZulu) (6 638), Ekangala (6 590) and Ezakheni (KwaZulu) (4 358).¹¹⁵

The highest capital investment was expected in Port Elizabeth/Uitenhage (R312m), then Isithebe (R205m), followed by Botshabelo (R154m).¹¹⁶

During the period under review the policy of decentralisation was again strongly criticised by business, politicians and academics.

The manager of urban development at the Development Bank of Southern Africa, Dr Stef Coetzee, said that too many growth points trying to serve too many people had been created. This had spread scarce capital too thinly. According to him the government was revising the policy.¹¹⁷

An economist of ASSOCOM, Mr Bill Lacey, said in May that ASSOCOM had agreed at its last conference that the policy of decentralisation should be reviewed in terms of cost-benefit criteria. He said that the establishment of viable job-creating businesses, regardless of geographic location, should be encouraged.

In September the South African Federated Chamber of Industries (FCI) issued a report in which it severely criticised the government's

policy of decentralisation. The report, written by an FCI consultant and lecturer at the University of Pretoria, Professor Piet Haasbroek, said that jobs created through the government's decentralisation policy had not replaced the number of jobs lost in industrialised areas. The decentralisation programme was described as an indefensible waste of economic resources which had done little to encourage development. Professor Haasbroek recorded that the cost of decentralisation incentives awarded since the latest scheme was introduced in 1982 amounted to R1,6bn. The report said, 'The FCI questions whether the issues of regional development and industrial decentralisation are consistent with the policy for urbanisation and inward industrialisation. The policy of decentralisation should focus on the utilisation of existing regional comparative advantages in underdeveloped parts of the country, but it should not be used to restrict economic development and growth in the urban areas. Workseekers who do not find jobs in the rural areas should be allowed to migrate to the urban areas where they can be employed in the formal or informal sectors.' The FCI said that the question remained whether the absolute decline in employment would have been so high if the same new investments and government expenditure on incentives were allocated to the existing metropolitan areas, with their higher multiplier effect and agglomeration economies.¹¹⁸

In an article criticising the decentralisation of industry in South Africa a former MP (Progressive Federal Party), Mr Andrew Savage, made the following points:¹¹⁹

- the incentives were ill-conceived and did not select or reward the organisations capable of self-sustaining growth;
- the concept of differential incentives was wrong in principle;
- the scale and cost of incentives were beyond all reason and beyond what the country could afford;
- incentives led to a misallocation of scarce development resources;
- consequent inefficiencies eroded South Africa's competitive position as a trading nation;
- the effect of the incentives was seriously undermining existing unsubsidised industry;
- they were consequently destructive of growth and employment;
- incentives were conducive to inflation in that they entailed the spending of large amounts of money without an adequate return in the form of goods and services produced; and
- this could have serious political implications. Increasing poverty among whites influenced them to view the economy in simplistic zero/sum terms. Money seen as spent for the benefit of blacks with no return encouraged them to see political power-sharing as entailing the division of their dwindling resources among a growing and insatiable multitude. They would decide to hold on to political and economic power at all costs.

Privatisation

In August 1987 the *White Paper on Privatisation and Deregulation in the Republic of South Africa* was published. The white paper gave the following guidelines and criteria for privatisation:¹²⁰

- each case of privatisation would have to be considered individually. This might require that a public enterprise would first have to be made more efficient and profitable in order to obtain the best benefits from privatisation;
- concentration of economic power and possible foreign control of strategic industries should be avoided;
- privatisation should be integrated with a total economic strategy;
- it should be applied on a continuous basis in respect of existing and contemplated future public-sector activities; and
- funds which became available as a result of privatisation should be applied judiciously and subject to strict requirements for capital or development projects.

In his speech opening Parliament on 5 February 1988 the state president, Mr P W Botha, outlined economic policy changes and said that in pursuance of the white paper of 1987, 'significant progress has been made with investigations into privatisation'. He specifically announced some changes with regard to privatisation (see *Fiscal Policy* above).¹²¹

Following the state president's speech, a new ministerial portfolio, that of administration and privatisation, was announced. Dr Dawie de Villiers was appointed to this portfolio and also became chairman of the cabinet's committee for privatisation, with the responsibility 'to promote, monitor and co-ordinate the privatisation process in general'.¹²²

The purpose of privatisation

Dr De Villiers said in May that the main aim of privatisation was not to raise money, but to improve the performance of the economy by improving the efficiency of public-sector commercial activities and industries. Moving these government undertakings to the private sector would expose them to market forces and political and bureaucratic interferences with them would be reduced, the minister said.¹²³

Later in the year he also said that with privatisation the government wanted to create more opportunities for private enterprise. He said that the fact that from 1970 to 1985 more than 64% of all net fixed investment was made in government services or state corporations showed 'clearly' that the government's share in the country's economy had become too extensive, while that of the private sector had become too small. 'Private enterprise is the dynamo of any healthy economy and therefore a drastic decrease in the state's share in the economy has become imperative,' he said. According to him another important benefit of privatisation would be a broadening of the tax base which would contribute to economic development.¹²⁴

Another important factor to be considered, Dr De Villiers said in October, was the fact that capital had become a very scarce commodity and that an average of 20% of all net fixed investment in South Africa was due to foreign capital. Privatisation, he said, did not only offer investment opportunities for financial institutions, it also provided the authorities with capital to invest in areas in which it was needed most urgently, such as housing, education, social and medical services, and provision of water, electricity and sewerage.¹²⁵

The chief economist of Econometrix, Dr Azar Jammine, singled out three important effects that privatisation would have. 'Firstly, it reduces public expenditure, thereby negating the need to keep raising taxes. Secondly, it shifts the operation of several key activities into the hands of shareholders who are motivated by profit and are, therefore, wont to make such activities run more efficiently, imaginatively and productively. Thirdly, it makes funds available for government to devote to badly needed structural projects instead of to wages of workers who are employed unproductively in jobs where no jobs are needed.'¹²⁶

The group economist of First National Bank, Dr Cees Bruggemans, said that he did not think that the main aim of privatisation was that it would make state corporations more productive. According to him the most important objective of privatisation was to reduce low priority government spending while generating resources to fund more 'essential' spending. 'Eskom, the South African Transport Services (SATS) and Iscor started to trim their work forces four years ago, and the process is largely complete. A monopoly, whether private or publicly owned, is as efficient as its masters want it to be,' he said.¹²⁷ This viewpoint was reiterated by the honorary president of Sanlam, Dr Andreas Wassenaar, who said, 'The decision to privatise springs apparently not from a private-economy philosophy, but from the necessity to get hold of cash by the selling off of some of the state's assets which have been built up over years.'¹²⁸

The proceeds of privatisation

Regarding the proceeds of privatisation, Mr Botha said that they would be allocated to the state's capital revenue fund and that they 'will not be used to finance current expenditure'. Funds would be utilised, 'as a first choice', for the redemption of public debt, he said. In the second place, Mr Botha said, the capital income would be utilised for basic infrastructure and services in developing areas and for the creation of capital funds for the development of small industries and small business enterprise by the Industrial Development Corporation and the Small Business Development Corporation.¹²⁹

The timing of privatisation

Dr De Villiers said that although the government was in the process of drawing up a timetable for privatisation, the programme of privatising each undertaking 'might well need to be unique'.¹³⁰

By the end of 1988 there had been no announcement yet from the

government, or expectation in the market, that an offer of shares in any state enterprise was imminent. In December Dr De Villiers said that no decision had yet been made on the first corporation to be privatised because 'every report completed revealed that further investigation was needed in areas such as restructuring or regulation'.¹³¹ At the opening of the 1989 parliamentary session privatisation was only briefly mentioned by the acting state president, Mr Chris Heunis. He said that the government would proceed with the privatisation of Iscor in 1989.¹³² Dr De Villiers said in March 1989 that 'unless something quite unforeseen happens, a first tranche of Iscor's shares will be offered to the market this year'. He said that Iscor was chosen because 'it has proved itself ready for the market, making profits and likely to continue doing so'.¹³³

In March 1989 a survey conducted by Markinor and Bates Wells, in which 2 300 people in metropolitan areas were questioned about their attitudes to privatisation and deregulation, found that whites thought that SATS should be privatised first, while blacks wanted hospitals to be first.¹³⁴

Effects of privatisation on employees

In February three public sector trade unions, the Post and Telecommunications Workers' Association (POTWA), the South African Railways and Harbours Workers' Union (SARHWU) and the National Education, Health and Allied Workers' Union, rejected the state's privatisation plan and the reasons the government had given for privatisation as 'all this was done without consultation with worker organisations'. The unions said that while privatisation promised 'greater profits for big business', it did not guarantee job security for public sector workers. According to the joint statement the proposals were 'a clear demonstration of the alliance between the state and big business against workers'.¹³⁵

The two major trade union groupings, the Congress of South African Trade Unions (COSATU) and the National Council of Trade Unions (NACTU), were opposed to privatisation and deregulation in principle. The national organiser of the National Union of Metalworkers of South Africa (NUMSA), Mr Bobby Marie, said, 'In the climate of privatisation unions will naturally be suspicious of retrenchments. Public companies, who have been retrenching heavily, are getting the process going before it is properly negotiated. The issue is not so much whether or how people are fired but rather the number of jobs lost'.¹³⁶

In September, Dr De Villiers said that it was reasonable to accept that privatisation could result in job losses.¹³⁷ However, in November, he argued that privatisation strengthened employment indirectly through encouraging a more efficient economy and directly through the 'creation of thriving industries'. Dr De Villiers said, 'Privatisation has important implications for workers. By exposing the provision of as many goods as possible to market forces, greater efficiencies in the allocation of capital and human resources must result'.¹³⁸

In December, commenting on the effects of privatisation on job secur-

ity, Dr De Villiers said that it was possible to reduce the number of employees without making people redundant. Jobs could be reduced through natural attrition; employees could be retrained, reallocated or be transferred; or the new owner might take over many of the employees and 'make them attractive offers', he said. He also pointed out that a project, which should be completed by the end of 1989, was under way to examine every function of every government department, eliminating or privatising functions wherever possible.¹³⁶

Comments on privatisation

Mr Robin McGregor, in a book called *Privatisation in South Africa*, said that it was necessary for privatisation to meet certain criteria if it was to represent an advance in South Africa. The criteria he identified were as follows:¹⁴⁰

- further concentration of control in the private sector among the large institutions should be prevented, and ownership of state assets spread as widely as possible;
- competition should be maximised or, at least, the absence of competition should not be exacerbated;
- the privatised operation should provide the public with at least the same standard of service at no higher cost;
- the state should be adequately remunerated for its assets; and
- present state employees should be given a fair chance to improve or at least maintain their positions.

A lecturer in the Department of Political Studies at the University of Bophuthatswana, Mr A Matheba, argued that the privatisation programme seemed irrelevant and ill-advised to blacks as it did not address the root cause of the country's economic ills. The programme would further enrich the wealthy, he said, and this would happen at the expense of less fortunate whites and blacks. He explained how private institutions which had acquired ownership of government enterprises would want to eliminate inefficiency and over-employment. To keep pace with other competitors, they would try to employ as many capital-intensive business practices and as much skilled labour as possible. The latter, according to Mr Matheba, were usually white people: people with knowledge either acquired through job training or formal educational centres.¹⁴¹

In July the executive director of the National African Federated Chamber of Commerce and Industry (NAFCOC), Mr Sam Molebatsi, said that NAFCOC was negotiating with government agencies on behalf of the African community to purchase some of the industries due to be privatised. He said, 'I don't think there is anybody involved in business who will be against privatisation. It is a move away from state control towards a free economy.' According to him African people would benefit from privatisation as government ownership had not been conducive to efficiency. Privatisation would raise the level of the African's involvement 'slightly higher than it is at the moment', he said. Mr Molebatsi said

that NAFCOOC would consult financial institutions, including the African Bank, to finance the purchasers, who, he said, could be either individuals or stokvel associations.

The president of the National Stokvels Association of South Africa, Mr Andrew Lukhele, said that his association had not been approached by NAFCOOC and that it did not support privatisation. He said, 'As long as apartheid is there, privatisation on its own will not make black people change their attitudes about capitalism.' Stokvels were born out of sharing, he said, and 'sharing is lacking in capitalism'.¹⁴²

When asked to comment on the privatisation of the sorghum industry, Mr Van Huyssteen said that the government did not only want share ownership to be as wide as possible, it would actively try to encourage people involved in an industry to become shareholders. He said, however, that other factors, such as commercial stability within certain industries, should also be taken into consideration. He said that for this reason larger shareholders would also be invited to take part in the privatisation of state enterprises. This was the policy for all the enterprises, including the sorghum industry, he said.¹⁴³ The African Council of Hawkers and Informal Business (ACHIB) also came out against privatisation when the president of ACHIB, Mr Laurence Mavundla, said that privatisation was a negative step. He said that even if blacks took over big industries exploitation would continue. 'Exploitation by the black retailer is the same as that of the white retailer,' he said. 'The government wants to change black people and put them into capitalism.' The executive director of the National Black Consumer Union, Mr Eldridge Mathebula, said that he felt that privatisation was going to create monopolies and that would result in bigger companies growing faster. 'Privatisation would not change anything for small business,' he said. 'It only makes the rich richer and the poor poorer.'¹⁴⁴

The managing director of the Small Business Development Corporation (SBDC), Dr Ben Vosloo, said in September that the benefits of privatisation could come about only if it was to be accompanied by competition so that privatised concerns could not dominate markets by creating artificial entry barriers; if there was procurement assistance so that a certain percentage of government contracts would be awarded to small business; and if there was small business deregulation.¹⁴⁵

Dr Wassenaar said that he thought that the major stumbling blocks for privatisation would be a lack of capital, personnel and bureaucratic resistance and a lack of strong, capable and inspired financial leadership.¹⁴⁶

Privatisation in the 'independent' homelands

In April it was reported that both the Ciskei People's Development Bank (CPDB) and the Transkei Development Corporation (TDC) had launched campaigns to sell off businesses and industries to the private sector. The CPDB had already begun selling off some of its businesses and intended to offer its 'prestige ventures' (like the Katberg Hotel and the Mpekwani marine resort) for sale by public tender. The TDC was to

launch a public investment company which would enable Transkei citizens to buy shares in 'the most successful business ventures' in the Transkei.¹⁴⁷

Deregulation

During the period under review the government reiterated its commitment to deregulation. Its deregulation programme was initially set out in a report of the President's Council, entitled *A Strategy for Small Business Development and Deregulation*, which was published in 1985 (see 1985 *Survey* p99).

The minister of administration and privatisation, Dr Dawie de Villiers, said in February 1989 that more than 900 small businesses had been deregulated in 1988 and with the 'planned streamlining' of the licensing system, this process should be sped up in 1989.¹⁴⁸

The following restrictions, applying solely to African business people, were repealed in 1988:¹⁴⁹

- section 24(3) of the Development Trust and Land Act of 1936. According to this section of the act all African professionals were required to obtain the permission of the minister of constitutional development and planning, on an annual basis, in addition to having to obtain a trading licence, before they could commence carrying on business. This section was repealed by the Development Aid Laws Amendment Act of 1988;
- section 11(2) of the Development Trust and Land Act. This section prohibited African-controlled companies and partnerships of more than six Africans (except a tribe) from acquiring land or holding land without the minister's permission. It was also repealed by the Development Aid Laws Amendment Act of 1988;
- Proclamation 264 of 1968. This proclamation prohibited an African or his/her spouse from obtaining a second trading site within a radius of 20 miles from his/her existing business. It also prohibited or restricted other forms of business such as bartering, and the exhibition of films and advertisements without permission. The proclamation was repealed by Proclamation 31 of 1988;¹⁵⁰
- Regulation 1036 of 1968, which applied in the urban areas. Regulation 1036 made it illegal for any person to trade on any site other than a specially allocated trading site as African areas were intended as residential areas only. A person could not choose a suitable location on which to trade, but had to wait for a site to be allocated at the discretion of the township manager. The site was then tenable only subject to certain conditions and was allocated for a particular type of business. Only six or eight categories of trade were permitted. An African was prohibited from raising capital from or from sharing profits with a non-African without permission; he/she could not employ people of other race groups; had to submit to a medical examination and keep his/her books of account open for inspection not only by tax inspectors but by township managers. He/she could not

dispose of the business without permission and was vulnerable to the possibility of having his/her trading rights cancelled. A trader's permit could be cancelled if he/she was convicted of certain criminal offences. A trader who contravened any regulation, traded outside the prescribed business hours or who failed to vacate trading site on a cancellation of a permit to carry on business, was liable to conviction for a criminal offence.

Regulation 1036 was repealed by the Conversion of Certain Rights to Leasehold Act of 1988.¹⁵¹ This act was important in that it made provision for the conversion of the old site permits and certificates of grant to 99-year leasehold title, thus replacing statutory controlled occupation with the common law of lease (see chapter on *Housing*). In terms of this act business people who built or purchased business premises on state land would also obtain leasehold title. No racially discriminatory provisions were contained in this act and it did not make provision for criminal offences. Although there were no special provisions governing business activity as such, it had the effect of deregulating business activity; and

- Proclamation 293 of 1963, which applied in the homelands and trust-owned townships. The contents of this proclamation were very similar to that of Regulation 1036 and contravention of certain sections also constituted a criminal offence. This proclamation was repealed by Regulation 29 of 1988, Regulation 402 of 1988 and Regulation 30 of 1988, which also contained no discriminatory provisions and made no provision for criminal offences. It also had the effect of deregulating business activities.¹⁵²

In June the Temporary Removal of Restrictions on Economic Activities Act of 1986, which was set to expire at the end of March 1989, was amended so that it would expire only at the end of March 1994. The amendment act was gazetted on 17 June and came into operation on 29 June.¹⁵³

Dr De Villiers announced in July that the Competition Board would assume the new function of evaluating legislation that hampered new business and would advise government on economic deregulation. Dr De Villiers also authorised ten working groups to address specific legal issues affecting small businesses, such as licensing and taxation.¹⁵⁴

Deregulated zones

In February the country's first deregulated zone was created when a site in the industrial area of Kew (Johannesburg) was exempted from some licensing restrictions and municipal bylaws. The zone was exempted from building regulations; minimum wage regulations; labour legislation, such as the Labour Relations Act of 1956, the Basic Conditions of Employment Act of 1983 and the Machinery and Occupational Safety Act of 1983; the Transvaal Licensing Ordinance; and municipal bylaws which controlled business activity.¹⁵⁵

The managing director of Job Creation South Africa, Mr Ian Hetherington, said that the restrictions had been lifted only temporarily by the state president and that businesses at the Kew site were still subject to 'unnecessary legislation' such as compulsory Unemployment Insurance Fund payments. He also said that the application to deregulate Kew had taken more than a year to process.¹⁵⁶

The Kew project had been opposed both by the Steel and Engineering Industries Federation of South Africa (SEIFSA) and NUMSA. SEIFSA felt that its members, which had to abide by regulations, would face unfair competition, while NUMSA said that the project would lead to reduced employment, a fall in wages and a decline in health and safety standards and would be a 'setback for collective bargaining'.¹⁵⁷ The senior manager of development services at the SBDC, Mr Johan Naudé, responded by saying that there were differences between businesses in the formal sector and businesses operating in deregulated sites. He said that these 'semi-formal' businesses were still in an elementary phase of development and needed to become established in an 'incubator environment'. Ultimately, Mr Naudé said, these businesses would 'graduate' to the formal sector where they would have to adhere to the same rules as everyone else.¹⁵⁸

A report on the Kew project noted that the site was already fully occupied in April 1987: deregulation did not therefore lead to the establishment of new businesses, but lifted restrictions on some which were already operating. Businesses at the site employed on average three people each and employee wages varied from R50 to more than R100 per week.¹⁵⁹ The executive officer of the Law Review Project, Professor Louise Tager, said in October that the Kew project had 'proved to be a great success'. She said that approximately 100 new jobs had been created by the project.¹⁶⁰

It was reported in July that the SBDC was in the process of negotiating the deregulation of 45 other sites. In September a draft proclamation was gazetted, announcing the state president's intention to free 22 sites within industrial areas from certain restrictions on business activity. The draft proclamation was issued in terms of the Temporary Removal of Restrictions on Economic Activities Act (see above). Objections to this proposal had been invited and these would be considered before a final decision was made.¹⁶¹

The SBDC was not told why 23 of the 45 industrial parks had been rejected. The SBDC would administer the sites and the draft proclamation gave the SBDC authority over the entrepreneurs who would lease premises from it. Although affected businesses were exempted from certain legislation, they were required to undertake, in their leases, that they would not conduct activities detrimental to the health and the safety of their employees, and that they would pay wages which the SBDC considered reasonable. According to Mr Naudé, the SBDC interpreted this to mean that pay should be as close as possible to market rates.¹⁶² About 900 businesses with 4 000 employees would be affected by the draft proclamation.

Comments on deregulation

Professor Tager said in February that the government alone could not be blamed for over-regulation, because it frequently passed laws in response to the demands of the business sector, which sought the protection and shelter of laws. According to Professor Tager, opposition to deregulation also came from the public sector, where employees feared that they might lose their jobs. Although small business was the sector most likely to flourish with deregulation, Professor Tager felt that the process of deregulation was intended to benefit the whole economy. She also said, 'The two essential criteria applied in the process of deregulation are health and safety. But, in applying them, we must not confuse desirability with need.' Professor Tager also made the point that deregulation in South Africa was 'more meaningful, more complicated, more far-reaching and very much more important' than in other countries as South African laws and regulations, 'with their heavy racial content, regulate and control the activities of the African community to the extreme'.¹⁶³ Professor Tager said that unfortunately these changes in legislation did not apply throughout South Africa as the 'independent' homelands and non-independent homelands still had the legislative power to deal with 'a multitude of matters' (see chapter on *The Homelands*). Professor Tager said, 'Each area will have to take the initiative to change the laws for its own territory. The process has commenced but the number of legislative bodies result in the multiplication of legislation and effort that could have been achieved by a single act.'¹⁶⁴ According to Professor Tager the Group Areas Act of 1966 was the major government measure directly restricting African business activity. She also noted that local authorities still had the power to impose discriminatory bylaws (see *Hawkers* below). Local authorities also had the power to take decisions which affected African business, eg they controlled the allocation of African taxi ranks.¹⁶⁵

In June Mr Naudé criticised the government's deregulation strategy saying that it was not far-reaching enough for the government to instruct state departments, provincial and other statutory authorities to examine the legislation under their control in order to identify its restrictive effect on small business. In the first place, he said, local authorities also had a key role to play and thus should also have been involved. Secondly, he felt that authorities should be compelled to report on what progress actually had been made in amending rules and procedures. Mr Naudé said, 'Deregulation takes place in stages and in South Africa's case one would now like to see movement from the stage of educating authorities and other interested parties about the key issues, to the implementation of the necessary changes.'¹⁶⁶

In June a coalition of corporations and associations acting on behalf of small business interests, the Sunnyside Group, demanded the following of the government:¹⁶⁷

- all new legislation should be tested for its possible impact on small business and the legislator should publish an accompanying report analysing this impact. The draft bill and impact analysis should be

communicated to small business lobbies at least 180 days prior to promulgation;

- all departments and divisions administering legislation, including provincial and local authorities, should, within 180 days of commencement of an act, submit proposals for a compulsory public review of the legislation they administered. The onus would be on the administering authority to justify the application of legislation to small business; and
- the appointment of a small business commissioner, with assistants, to monitor central and local government laws, examine their impact on small enterprises and recommend improvements. The commissioner should report to the state president.

According to *Social and Economic Update* 6, published by the South African Institute of Race Relations, a lack of finance and skills (see chapter on *Labour*) had become a more important constraint on African business than the law (see also *African Business* below). 'The removal of restrictions cannot, on its own, remove these obstacles,' *Update* said.¹⁶⁸

Other legislation

On 24 June 1988 the Harmful Business Practices Act of 1988 was gazetted 'to provide for the prohibition or control of certain business practices'.¹⁶⁹ The bill was drafted as the government, after the emergence of milk culture schemes during 1984, felt that the legal protection of the consumer provided by common and statutory law was inadequate. The director general of trade and industry, Mr Stef Naudé, justified the new legislation by saying that meaningful consumer protection was not in conflict with a market-orientated economy; it contributed to its health and survival.¹⁷⁰

The act provided for the establishment of an independent statutory body, the Business Practices Committee, which would advise the minister of economic affairs and technology on 'harmful business activities'. Three types of investigation could be conducted in terms of the act: investigation into a specific 'harmful' business practice; investigation into any particular type of agreement, scheme or business practice which was considered to be 'harmful'; or investigation into any price increase. The minister could not act without the recommendations of the committee; the committee had to submit written reports, which had to be tabled in Parliament; and there was a right of appeal to a special court. In terms of the act a 'harmful business practice' was defined as any business practice which, directly or indirectly, had the effect of harming relations between business and consumers, of unreasonably prejudicing any consumer or of deceiving any consumer.¹⁷¹

The *Financial Mail* reported in May that the final draft of the Harmful Business Practices Bill 'initiated more confused reaction, perhaps, than any other bill in living memory'.¹⁷² The Consumer Council, in a statement representing the South African Co-ordinating Consumer Council, the

South African National Consumer Union, the Housewives' League and the Consumer Foundation, said that the legislation was an 'urgent necessity'. According to the statement the organisations saw the legislation as providing for 'a well-balanced system with the necessary safety measures to restrict consumer exploitation at all levels'.¹⁷³ An official ASSOCOM statement said, '[The act] runs counter to the whole philosophy of deregulation and commitment to market-related policies.' A spokesman for the FCI reiterated ASSOCOM's view that the act was contradictory to a policy of deregulation and reduced expenditure.¹⁷⁴ The *Financial Mail*, which strongly criticised the bill, said that it could cite many judicially decided cases which showed that day-to-day 'harmful business practices' were 'controlled' by existing law.¹⁷⁵

Small business and the informal sector

Statistics

During the period under review there were many different estimates of the size of the informal sector and of its contribution to gross domestic product (GDP). It was reported that the South African Reserve Bank and the Central Statistical Service were combining on a project to ascertain the impact of the sector.¹⁷⁶

According to estimates of the Small Business Development Corporation (SBDC) there was a total of 1m business enterprises in South Africa in 1988. This figure comprised the following:¹⁷⁷

- 100 giant holding companies;
- 600 companies listed on the Johannesburg Stock Exchange (see *Macro-economic picture* above);
- 175 000 non-listed registered corporations;
- 200 000 registered and lawful sole proprietorships, close corporations and section 21 companies; and
- 625 000 unrecorded, unlicensed, non-taxable informal sector businesses.

In May a researcher at the Development Bank of Southern Africa, Ms Marie Kirsten, said that in a study of 44 communities undertaken in 1985, she had found that 22% of the potentially economically active African population or about 2m Africans were involved in informal sector activities in 1985. The following subsectors were identified: trading and hawking (55%), production and construction (23%), services (16%) and illegitimate activities (6%). She found that Africans earned 26% of their personal income, or R7,2bn, informally, nearly as much as they earned on the mines. This, she estimated, amounted to 6,5% of the GDP of South Africa in 1985. Although it varied widely according to subsector, season, sex, experience, demand, location, etc, she found that the average African employee in the informal sector earned R350 per month or R4 200 annually.¹⁷⁸

During the period under review the regional director of the western Cape branch of the SBDC, Mr Wolfgang Thomas, estimated that about 3,5m to 4m people (or just under a third of the labour supply) in the whole of South Africa were engaged full time or part time in the informal sector. Of the 350 000 people entering the job market every year, the segment taken up by the informal sector might be as high as 150 000 or 42%, he said, while about 100 000 entered the more formal small business sector. According to Mr Thomas about 100 000 people started working in the formal sector every year.

Mr Thomas also said that the unmeasured economy had grown from 20% of the GDP in the 1970s to more than 30%. He provided the following breakdown of contributions to the GDP: the black informal sector (10%-12%), the white informal sector (8%-10%), the criminal economy such as drug trafficking and prostitution (6%-7%) and the formal sector understatement (4%). Mr Thomas's estimates were based on models of international economies and he contrasted South Africa with other countries.¹⁷⁹

The head of the Department of Economics at the University of Cape Town, Professor Brian Kantor, who followed a monetary approach and focused on notes in circulation relative to the GDP, estimated the contribution of the unmeasured economy to the GDP to be as high as 40%.¹⁸⁰

The managing director of Job Creation South Africa, Mr Ian Hetherington, said in November that the informal sector accounted for at least 25% of real economic activity in South Africa. According to him it was growing four or even five times faster than the formal sector.¹⁸¹

According to statistics released by the Self-Employment Institute, nearly 300 000 white households ran businesses from home, earning R148m a month. At least 1,5m similar businesses were run by people in black communities.¹⁸²

In August the minister of finance, Mr Barend du Plessis, said that the informal sector could become the largest single employer before the end of the century.

Commenting on these figures, the senior economist at the South African Reserve Bank, Mr Joseph van Dyk, said in December that preliminary indications were that the informal sector was contributing considerably less than 40%. Dr Gert Erasmus of the Business School at the University of Stellenbosch said that he was of the opinion that the size of the black informal sector was being overrated, while that of the white informal sector was being underrated.¹⁸³

Statistics compiled by Market Research Africa indicated that 11% of all urban working Africans were self-employed in 1987, compared with 10% in 1986. The proportion in formal private employment declined from 63% to 59%, while the proportion in state employment increased from 28% to 30%. According to a publication of the South African Institute of Race Relations, 'Self-employment's role in creating metropolitan African jobs has thus grown slightly as the proportion of working Africans in formal private sector employment has declined. The state added double the number of people to its employ than

the self-employment sector did in 1987.¹⁸⁴

A director of Markinor, Mr Peter Scott-Wilson, said in November that the informal sector comprised 1m people who generated an annual turnover of about R20m.¹⁸⁵

Developments in the informal sector

The growth of the informal sector should be seen in the context of certain structural changes taking place in South Africa, Mr Thomas said. He identified the following changes:¹⁸⁶

- the rapid rural–urban shift of the African population;
- the decline in agricultural employment and the stagnation in mining employment which led to people looking for jobs in the manufacturing and service sectors, where ‘self-employment and informal sector activities offer wider scope’;
- the decline in real earnings among many lower- and middle-level white employees, which had forced households to look for supplementary earnings, much of which came from the informal sector; and
- cyclical unemployment.

Volkscas in its *Economic Spotlight* of January 1989 said that it was a myth that the per capita wealth of the nation could be increased by promoting the informal sector. It said, ‘The problem we have is that some individuals and organisations are asking that the informal sector be “promoted” as it would help to solve the grave problem of unemployment and impoverishment. This is a little difficult to understand. Especially when one considers that growth in the informal sector is “promoted” by the insufficient growth in the formal or quantifiable sector of the economy. In fact, the informal sector grows precisely because there is nothing better. This implies a subsistence economy, lack of specialisation and a very low level of technology. It must be borne in mind that strong growth in the informal sector is only the second best that can be achieved. This sector is a ready refuge for the unemployed and its importance grows as people grow poorer.’¹⁸⁷

Mr Thomas thought that the ‘formalisation’ of the informal sector was inevitable as he had observed that street vendors were linking up to win purchasing discounts and independent taxi drivers were forming fleets.

The commissioner of inland revenue, Mr Clive Kingon, said that a key reason for the proposed move to valued added tax (VAT) was to broaden the tax base by capturing sales in the informal sector. While general sales tax (GST) only taxed at the point of sale, VAT would tax at each step in the value added chain except the final retail sale.¹⁸⁸

The managing director of the SBDC, Dr Ben Vosloo, said that 55% of all new small businesses failed within their first five years and that nearly 140 were liquidated every month. He ascribed the high failure rate to bad management and the location of industrial parks.¹⁸⁹

Big business and the informal sector

Speaking at an informal sector conference held in November, Mr Hetherington contended that the interface between big and small businesses was of the utmost importance. He said, 'There are profit opportunities if the big business sector will reconsider, modify and adapt to the small business sector. Despite all efforts to crush and restrict it, the people's economy is here to stay. It has taken on a life of its own. It has an enormous contribution to make to our single, integrated, inter-dependent economy.'¹⁹⁰

Dr Vosloo said in June that he saw small business as the most important generator of economic activity and innovation. He pointed out that 'it is important not to contrast, in a competing sense, the small and big business sectors. They are partners in the overall economic system, each with their own strengths and weaknesses. That gives them a mutually supportive interaction'. He said that it was important that small business was a valuable motivator, or initiator, of growth, and that it also adjusted quickly to changes in economic conditions. According to him large business, in contrast with this, rather strengthened an existing growth pattern, 'simply because it is more efficient and powerful than small business'.¹⁹¹

The publicity secretary of the African Council of Hawkers and Informal Businesses (ACHIB), Ms Vicki Sussens, said in June that the formal sector needed to change radically if it was to share in the growth of the informal sector. She said that the sector had to educate itself about how the informal sector worked and then it should restructure its systems to cope with the demands of small-time entrepreneurs. She also said that the formal sector had to accept that the the informal sector was made up largely of disadvantaged people. 'There has to be a certain amount of social responsibility, for instance in helping traders run their books.'¹⁹² In the same month a director of the Anglo American Corporation of South Africa (Anglo), Mr Clem Sunter, said that big business should find a symbiotic relationship with small businesses in the informal sector. 'That relationship must be based on pure commercial considerations and not on outdated patronage and charity,' he said.¹⁹³

The Small Business Development Corporation (SBDC)*Statistics*

In 1988 the SBDC granted direct loans totalling R114m to 6 107 entrepreneurs. This total represented a decrease of 36% over the 1987 total of R177m, while there was also a decrease of 13% in the number of entrepreneurs to whom loans had been granted. From March 1982 to March 1988 the SBDC had granted loans to 19 429 entrepreneurs totalling R461m. The SBDC also disclosed in its annual report for 1988 that since 1 April 1985 information and advice had been provided to more than 546 140 business people. The SBDC said that enquiries were being received at a rate of 24 000 per month or 1 200 per working day. By the beginning of March 193 505 employment opportunities had been

promoted — ie either maintained or created — by the SBDC. The average cost of each job opportunity promoted was approximately R2 400.¹⁹⁴

Bad debts among small businesses were a problem for the SBDC during the year under review. The minister of economic affairs and technology, Mr Danie Steyn, said in Parliament in June that in the 1987/88 financial year the state channelled R29m to the SBDC. Of the R114m the SBDC lent to businesses in this financial year, R31m had been written off as irrecoverable debt. Of the total amount of R461m lent to entrepreneurs since the inception of the SBDC, R44m could not be recovered. This represented about 10% of the total loans granted since the inception of the SBDC.¹⁹⁵

Comments on the SBDC

During the period under review the SBDC was accused of being racist. Mr Justice Masinga of the Witwatersrand Centre for Developing Business said that the corporation was viewed as a 'disguised Bantu Investment Corporation'.¹⁹⁶ Dr Vosloo replied that it was the SBDC's mission to 'to promote entrepreneurship amongst all population groups in the country'. He said that in order to give credence to the nonracial character of its operation, the SBDC had, from the outset, promoted the concept of racial equivalence in all matters relating to business. He said that most of the SBDC's clients were black.¹⁹⁷ The SBDC was also criticised for 'developing into a sizeable bureaucracy (the staff grew from 193 in 1982 to 540 in 1987) and that most of the major corporations in the country are shareholders — interested primarily in the profits they can make from investing in the SBDC'.¹⁹⁸ Dr Vosloo said that there was nothing sinister about the corporation making a profit. He said, 'More than 125 private-sector companies are shareholders in the SBDC. These companies, who exercise control through a board of directors, have not required a cash dividend payment since the SBDC's inception. All profits have been ploughed back to fund the SBDC's capital growth. Without capital growth the SBDC cannot afford to expand its support services.' He also commented that the SBDC's 'highly qualified management and staff are regarded as the major strength of the organisation'.¹⁹⁹

Dr Vosloo said in June that he believed that the SBDC was the most successful small business development exercise in the world. He said, 'The SBDC is absolutely unique in being a joint public-private sector enterprise in its field. All other institutions of this kind are entirely government-owned and operated. But our operations are constantly being subjected to the scrutiny of a board of directors of business people, and our accounts are drawn up according to the disciplines imposed by the Companies Act of 1973.'²⁰⁰

Hawkers

Statistics

The chief economist of Simpson McKie, Mr John Banos, estimated in

September that there were more than 1m hawkers in South Africa and that they had a combined buying power of over R2bn.²⁰¹

In *Social and Economic Update 5* it was reported that there were an estimated 900 000 hawkers throughout the country, each employing an average of three people.²⁰²

Legislation

The executive officer of the Law Review Project, Professor Louise Tager, speaking at an informal sector conference in November, argued that laws should apply to all businesses equally and should not place bigger restrictions on street vendors than on businesses on fixed premises. She said, 'There is no doubt that the laws treat the street vendor unfairly. He has to take out a new licence every year, it is not a question of renewing his existing licence. Then each local authority has special bylaws governing street vending and hawking. The laws are harsh and oppressive and certainly have a racial bias.'²⁰³

In February the general manager of development services of the SBDC, Mr Mike Smuts, asked the government to introduce a special 'business charter' to protect small entrepreneurs in the informal sector from harassment by bureaucracy. He said, 'There are still many incidents of harassment by bureaucrats at municipal level using antiquated bylaws to order the removal of street traders on one excuse or another — such as causing litter problems, or stepping across a particular invisible boundary, or offences under obscure traffic laws. Sometimes there is also harassment by vested interests inside the established formal sector which resent competition, and cause hassles to street traders who venture into what they regard as their own sales territory.'²⁰⁴

In March it was reported that white local authorities continued to restrict and to act against black hawkers, despite concessions which allowed hawkers to trade in specially designated areas. As an example, some of the regulations controlling hawkers in Johannesburg are quoted:²⁰⁵

- unlike other business people hawkers had to renew their licences (which were obtainable from local authorities) annually;
- hawkers were required to move every two hours (previously they had to move every hour);
- hawkers were not allowed to congregate closer than 10 metres to an intersection or obstruct a sidewalk;
- hawkers were not permitted to trade on pavements outside business premises unless they paid a fee to the store owner concerned;
- hawkers were allowed to trade only 100 metres or more from competing shops; and
- the existence of hawker squads. Professor Tager said, 'In Johannesburg we have a fraud squad, a drug squad and we also have a hawker squad, as though hawkers fell into the same category as criminals.'²⁰⁶

During the period under review fines ranging from R20 to R100 were levied by the Johannesburg City Council's hawker squad on offenders of the city's bylaws. Reports of goods being confiscated and not returned were also widespread. Between June and October an average of 1 148 fines were issued monthly to hawkers of all races. Most of these hawkers were black.²⁰⁷

Hawker organisations

In October it was reported that the **African Council of Hawkers and Informal Business (ACHIB)** had 14 000 members in the Pretoria/Witwatersrand/Vaal Triangle area. Almost 75% of ACHIB members were 'spaza' (camouflaged) shop owners.²⁰⁸

Manufacturers and distributors were invited to become associate members of ACHIB in June. In exchange for a R10 000 membership fee formal businesses could have access to the fast-growing informal sector, ACHIB said. Associate members would also be asked to provide 30 days' credit and socio-economic assistance to underprivileged communities.²⁰⁹

Mr Mavundla said in October that ACHIB had been very successful in the first ten months of 1988. He said that the following had been achieved: 21 local authorities had agreed to negotiate with ACHIB; 500 cases involving hawkers had been settled out of court, while 100 had been won in court; 31 manufacturers had approached ACHIB for help in reaching the informal sector; 31 wholesalers, who at the beginning of 1988 had refused to talk to ACHIB, were now talking to ACHIB about dealing directly with its members; banks and insurance companies, which would not provide loans or cover to hawkers, were talking to ACHIB; and different companies had sponsored 200 unemployed people to become hawkers.²¹⁰

In November the **National Hawkers' Association** was launched in Pretoria. This organisation was an offshoot of the Southern Africa Bus and Taxi Association (SABTA) and the launch was attended by the state president, Mr P W Botha, and the minister of law and order, Mr Adriaan Vlok. Mr Mavundla said that he doubted that the new organisation had more than 100 members. He said that SABTA had been trying to get ACHIB to join an umbrella body of informal sector organisations, but because ACHIB was not prepared to do this, 'they have gone to our opposition'.²¹¹

Other developments

In April ACHIB called on township shop owners to cut their opening hours to nine hours per day during the week and half days on Saturdays, and to close down on Sundays, so that hawkers would have a chance to operate. ACHIB also called on shop owners to stop serving on community councils where they allegedly manipulated their positions to protect their own interests. Although ACHIB had not approached the National African Federated Chamber of Commerce and Industry (NAFCOC), a representative of NAFCOC said that the federation

would discuss the issue with the hawkers if ACHIB put a formal proposal to the federation.²¹²

In August ACHIB launched a national campaign in which it challenged the government to live up to its commitment to free enterprise by scrapping all restrictions on their right to trade freely. ACHIB said that it would ignore all regulations which hampered trade. The campaign was launched in Johannesburg with a march of about 50 hawkers.²¹³ An open letter 'to district magistrates and public prosecutors' also appeared in papers in the form of an advertisement. The letter said, 'ACHIB requests that you find not guilty all hawkers who have been found to break what we regard as restrictive and unjust laws. These laws prevent them from trading freely and making the contribution to the economy that this country needs. We wish to encourage law enforcement officers to stop harassing hawkers and informal businesses and rather to concentrate on the real criminals of society.'²¹⁴

The chairman of the health and environmental committee of the Johannesburg City Council, Mr Cecil Long, commenting on the campaign, said, 'Removal of restrictions and regulations is a recipe for chaos and while we will seriously consider Mr Mavundla's requests, on the face of it they are impractical.' According to him the council 'leaned over backwards to accommodate hawkers', but there was a major obligation to businesses which paid the bulk of the rates in the city. He dismissed the appeal for open trading as 'out of the question'.²¹⁵ ACHIB said later that its campaign had not reduced the number of charges against hawkers.²¹⁶

In an interview Mr Mavundla made it clear that he did not see hawker squads as ACHIB's only threat. He said, 'The challenge to the informal sector comes from vested interests within the black and white business sectors, who are unhappy about what they see as "unfair" competition by hawkers. Especially in the townships, where the local councils are frequently made up of black businessmen, they are against hawkers taking away their custom.'²¹⁷

In September the Catering, Restaurant and Tearoom Association (CARTA) accused hawkers of infringing both health and minimum wage laws. Mr Mavundla said that if hygiene was a problem 'it would be customers complaining, not hawkers' competitors'. The senior manager of development services at the SBDC, Mr Johan Naudé, said that the minimum wage argument was not applicable, as vendors were providing otherwise unemployed people with a means of livelihood. According to the head of the Department of Geography and Environmental Studies at the University of the Witwatersrand, Professor Keith Beavon, not a single court had yet upheld a case against vendors on the grounds of unfair competition. 'As a result shopowners resorted to other arguments, such as hygiene,' he said.²¹⁸

Also in September it was reported that special stands and trading sites had been made available by the Durban City Council for licensed hawkers and that town planning regulations governing cottage industries were being reviewed. The Cape Town City Council reportedly approved

a new policy towards street traders: in the light of growing unemployment in the area, it would seek to promote street trade and was considering the repeal of some of the laws which controlled it.²¹⁹

Hot-dog vendors, who were classed as hawkers and received the same licence, became a common sight in Johannesburg during the period under review. It seemed, however, that the hot-dog business in the country was almost entirely owned by whites as not many black people could afford the vending carts which cost between R13 000 and R15 000. The Johannesburg City Council, which issued licences to hot-dog vendors based on the Department of National Health's approval, had issued 455 licences by August while 273 were under consideration.

A report released in December by the Johannesburg Central Business District Association said that traders in the formal sector were disadvantaged because their hawker competitors did not have to pay rent, general sales tax or income tax, and were allowed prominent streetside pitches. 'Food vending presents particular problems with the formal trader being subjected to many expensive health and business requirements. Another matter of concern is the obstruction of doorways and window displays, a problem aggravated during bad weather,' the report said. The association felt that shopkeepers should be allowed to trade on pavements outside their own premises. The chairman of the association, Mr Nigel Mandy, said that although hawkers played a significant role, they should be allowed in specific areas, not in the prime retail area.²²⁰

Another development which was a focus for attention during the period under review was the existence and growth of 'spaza' (camouflaged) shops. According to the trade opinion poll of Perry and Associates, the combined purchasing power of the spaza shops made them, as a distribution channel, a contender to join the three big supermarket chains in South Africa as one of South Africa's most important distribution channels. The panel estimated that there were at least 20 000 spaza shops in the Witwatersrand area. The panel said, 'The typical spaza shop consists of a section of a residential property in an African township which has been converted into a retail grocery store. The spaza store is not simply a small hawker selling a limited range of products at low mark-ups. The spaza store is a fairly substantial customer for the wholesaler and a significant distribution channel for the manufacturer. It is big enough to remain profitable and to constitute an important channel for reaching the mass market segment of black consumers living in urban areas.' The lowest claimed turnover of spaza shops was R3 800 per month while the highest was R31 000 per month in an outlet in Soweto (Johannesburg). On average, the panel said, the turnover of a spaza shop was R16 600 per month.²²¹

Mr Mavundla said, 'As spaza shop ownership is the next step up the informal business scale from hawking, [the figures of the panel] indicate that there is economic movement in the sector.'²²²

According to research by the South African Institute of Race Relations, even if the estimates of spaza shop and hawker turnover were

accurate, these should be placed in perspective. The figures meant that the turnover of thousands of small black businesses was equal to that of a single white-owned company. 'Because profit from this turnover is spread amongst so many individuals, its contribution to capital formation is extremely limited,' an Institute report said.²²³

Taxis

Statistics

Estimates of the size of the African kombitaxi industry in South Africa ranged between 70 000 and 125 000 kombitaxis. At least 45 000 vehicles, whose owners were represented by the Southern Africa Black Taxi Association (SABTA), operated with permits.²²⁴

Mr Sunter said in July that investments in African taxi fleets totalled R3bn and that the number of jobs created, directly and indirectly, was 300 000, equal to 60% of the labour force of the gold-mining industry.²²⁵

In September the executive chairman of Shell South Africa, Mr John Wilson, said that the African taxi revolution remained the sole example of African business managing to have a really significant impact on any of the major economic sectors, and was likely to remain so unless the government and the established private sector showed a readiness to assist African business in overcoming historical disadvantages.²²⁶

The proliferation of kombitaxis continued to make inroads into the markets of bus and train operators. Between 1986 and 1987 African bus passenger numbers decreased by 13%, compared with a 9% decline the previous year, according to the Department of Transport. It said that rail passenger numbers in 1987 were 7% below the 1986 figure. The department said that the emergence of kombitaxis affected the bus sector more than the train sector.²²⁷ Mr Andries Naudé, a senior researcher at the Centre for Scientific and Industrial Research (CSIR), estimated that African taxis would carry 400m peak-hour commuters in 1988, double their passenger loads during 1985 (excluding feeder routes). During the same period, rail and bus commuters would taper off by between 10% and 15%, to 550m and 800m commuters respectively.

Nissan and Toyota (South Africa) dealers accounted for nearly 90% of all taxi sales. Purchases by African taxi operators represented approximately one third of the 18 347 kombitaxis sold in 1987. Nissan's managing director, Mr Peter Coetzee, said in September that while the rest of the motor industry faced a downturn, African taxis remained a lucrative market segment.²²⁸ An estimated 8 000 new kombitaxis would be bought by taxi operators in 1988, compared to 4 500 in 1986 and 6 000 in 1987. SABTA's national adviser, Mr James Chapman, said that demand for kombitaxis was growing at 15% annually. The backlog in the supply of new kombitaxis was estimated at 300 in October.²²⁹

The number of successful new applications for permits for four- to eight-seater taxis increased from 1 097 in 1985/86, to 11 898 in 1986/87, and to 34 788 in 1987/88. The figures for successful new applications for permits for nine- to 15-seater vehicles increased from 2 685 in 1985/86 to 4 902 in 1986/87, dropping slightly to 4 816 in 1987/88. However, these

successful applicants were given permits only on condition that they obtained ranking space, which many were unable to do. No figures were available on the number of permits physically issued. The Department of Transport was, however, in the process of developing an extensive information system on kombitaxis.²³⁰

There were a number of reports alleging considerable white involvement in the kombitaxi industry. For example, the chairman of the Soshanguve Taxi Owners' Association, Mr S J Mgidi, estimated that between 50% and 60% of taxis operating between Pretoria and its African townships were white-owned. Mr Mgidi said, 'We jealously regard the industry as belonging in black hands and nobody is going to hijack our hard-earned business.' He appealed to the government to intervene.²³¹

In May 1988 the central statistical service (CSS) revealed that more whites than blacks bought kombitaxis. Of 786 new kombitaxis registered in 1989, 386 were registered by whites and 68 by Africans, the CSS said. It said that of 1 152 used minibuses registered in the same period, 624 were registered by whites, compared to the 368 registered by Africans. A spokesman for the Road Transportation Board said that anyone could apply for a taxi permit for a car he/she was going to buy.²³²

Taxi organisations

The **Southern Africa Black Taxi Association (SABTA)**, which previously admitted only legal drivers, said in January 1988 that it had opened its doors to 'pirate' drivers at regional level. They were initially given secondary membership while SABTA helped them apply for permits. By August SABTA estimated that up to a quarter were within the SABTA fold.²³³

SABTA reported in September that it was to start a core taxi service in Maputo (Mozambique) to help Mozambique to develop its public passenger transport service. At the invitation of the president of Mozambique, Mr Joaquim Chissano, a SABTA delegation had met Mozambique's minister of transport and communications, Mr Armando Guebuza, and they had agreed that SABTA would provide a channel through which taxis would be made available to the Mozambique authorities, who would sell the vehicles to operators.²³⁴

At SABTA's annual general meeting (AGM) in September, it announced a ten-year strategic plan, costing an estimated R88m, to turn the African taxi movement into the provider of a wide range of transport services to all sections of the community. It aimed to improve standards of taxi operation and to develop skills which would enable the taxi business to move from the informal to the semi-formal sector and into other areas of the transport industry, such as bus services, parcel delivery and tourism. The plan depended, however, on funding from the private sector, and by early 1989, funds had not been forthcoming.²³⁵

At the AGM, various speakers commented on how SABTA was perceived politically. The acting president of the Black Management Forum, Mr George Negota, said, 'It is a public comment that SABTA is

controlled by whites and, therefore, it is difficult for black organisations to talk serious issues with it.' The editor of the *Sowetan*, Mr Aggrey Klaaste, said that the taxi industry's newly acquired economic power was an instrument that blacks could use to gain political power. He added, however, 'You have made mistakes, political and otherwise, in the past.'²³⁸ At the meeting SABTA members resolved to strengthen their relations with community-based organisations and with the community generally.²³⁷

SABTA's marketing manager, Mr Lindile Lavis, said that the next major expansion opportunity for the industry could be in white areas.²³⁸ During 1988 SABTA was involved in negotiations with the Sandton and Randburg town councils about the possibility of its members providing a service to whites in those areas.²³⁹ Some white commuters were reportedly using African kombitaxis in Cape Town, Johannesburg and Port Elizabeth.

The Johannesburg-based **Southern African Long Distance Taxi Association (SALDTA)**, formed in 1987 and representing drivers transporting passengers between the cities and rural areas, had more than 10 500 members by October 1988, despite an initial membership of only 500. It had 48 affiliated taxi associations throughout southern Africa, and was independent of SABTA. It aimed to persuade large corporations to use its services for the transport of workers or goods over long distances. Its members together owned 14 970 buses, kombitaxis and trucks. It had succeeded in persuading the authorities to set up a depot and ranks in Johannesburg for its members and planned to open an office in Bloemfontein. SALDTA's chairman, Mr Peter Rabali, said that SALDTA was negotiating with Total South Africa to set up facilities and resting places for its drivers and finance for its meetings, in return for patronage. He said that its members' vehicles would contribute R200m to the economy in 1988. They used 200m litres of fuel, 900 000 litres of oil and R200m worth of spares.²⁴⁰

Legislation

In terms of government plans to deregulate the passenger transport industry (see 1987/88 *Survey* pp65-78) taxi operators would in future no longer need permits and would be allowed to operate on condition that they met strict qualitative criteria, enforced through more rigorous annual vehicle testing, the display of roadworthiness discs on vehicles and the registration of operators. By March 1989 the department was still preparing the final draft of the **Passenger Transport Bill** which would provide for the new passenger transport dispensation, including the *handing over of responsibility for transport functions and decisions to regional services councils and local authorities and measures to replace the permit system.*

The **Transport Deregulation Bill**, which allowed the minister of transport to repeal the Road Transportation Act of 1977 in stages, was assented to in June 1988 but was to be brought into effect on a date to be decided.²⁴¹

The **Road Traffic Act** was passed by all three houses of Parliament in February and March 1989. It was to come into effect on a date still to be decided. The act introduced the quality control system which would facilitate the abolition of the permit system.²⁴² The Department of Transport appointed consultants to assess the impact of the act on African taxis.

SABTA's president, Mr James Ngcoya, said in September 1988 that the organisation was suspicious of government plans to deregulate the passenger transport industry because 'the taxi industry has made itself into a success by its own efforts against a bus industry which gets no less than R470m a year in government subsidies'. He added, 'Until the black taxi operator has been given the education and training needed to compete in this new situation, SABTA cannot sell the industry down the river by agreeing to deregulation.'²⁴³

SABTA representatives met the state president, Mr P W Botha, in November to discuss deregulation and inadequate ranking facilities. They told him that they were not opposed to deregulation in principle but against it as envisaged in the White Paper on National Transport Policy of 1987 (see 1987/88 *Survey* pp65-78).

Other developments

In a report in August 1988 the National Road Safety Council attributed 218 deaths and 5 679 injuries on South African roads in 1987 to African kombitaxis (out of a total of 36 000 road accidents). SABTA said that it had established disciplinary committees to deal with reckless drivers and had joined the Automobile Association in a campaign to fight road accidents. It had also appointed the CSIR's roads and roads transport division as its research adviser on the accident rate in the taxi industry.²⁴⁴ A SABTA consultant, Mr Paul Browning, said that taxi standards had dropped drastically since 1987, from when, as a result of the mood for deregulation, permits were made freely available to any applicant.²⁴⁵ The minister of transport affairs, Mr Eli Louw, said in Parliament in April, however, that the accident rate per kilometre travelled was lower for kombitaxis than for ordinary vehicles and buses.²⁴⁶

Large chain stores began building taxi ranks near their stores to woo African customers. In Pietersburg (northern Transvaal) Pick 'n Pay Stores, Checkers and OK Bazaars created ranks near their stores. The Pietersburg Town Council had turned down an application by the Lebowa Taxi Association for more ranks to be placed in the centre of the town and the association welcomed the chain stores' initiative.²⁴⁷

The Transport and General Workers' Union, an affiliate of the Congress of South African Trade Unions, announced a campaign to organise taxidrivers, who, it said, were exploited by taxi owners. By March 1989 it said that it had organised 450 drivers in the Vaal Triangle and Bloemfontein. The union said that a driver of a kombitaxi with more than seven passengers was covered by the wage determinations for the bus industry.²⁴⁸

African Business

According to *Social and Economic Update* 5 and 6, published by the South African Institute of Race Relations (SAIRR), formal African business continued to contribute only marginally to job creation.²⁴⁹ In June an MBA graduate from the University of the Witwatersrand, Mr Joseph Manchu, pointed out that Africans controlled less than 1% of the South African economic activity, that only 4% of South African managers were African and that only 2% of Africans were entrepreneurs.²⁵⁰

The manager of the Policy Research Unit at the SAIRR, Mr Steven Friedman, suggested in August that the ability of African business to be a force for either change or stability might be more limited than people tended to believe. He said, 'Evidence that black business is an awakening giant is hardly overwhelming. Black business, according to one estimate, contributes only 1% to the gross domestic product. There is only one black-owned company on the Johannesburg Stock Exchange. The economy's key sectors, mining, manufacturing, and finance, are still white-owned. And the taxi industry might be growing but the major bus companies are still in white hands.'²⁵¹ Mr Friedman also posed the question whether African business could grow without Africans having access to political power. He said that although restrictions on African business in townships and homelands had been relaxed, control over African business activity was largely transferred to official township councils or homeland administrations. He claimed that these bodies often use this power to reward supporters by dispensing economic opportunity to them.²⁵²

The managing director of Shareworld, Mr Reuel Khoza, said in April, 'By whatever index we use, black economic activity is so insignificant as to be almost non-existent. Regulation and statute have reduced us to a nation of small-time merchants running essentially one-man operations.'²⁵³

According to *Social and Economic Update* 6, while some form of deregulation was a precondition for African business growth, the prospects for African business might depend largely on its ability to mobilise collective capital to extract concessions from established businesses and the government. *Update* said that the lack of access to finance had emerged as the chief inhibitor of black business growth. Financiers were often reluctant to lend money to small businesses because the cost of these transactions might exceed the profits they generated and because of bad debts among small businesses. *Update* added, 'Because black business is developing against a background of inherited disadvantages — such as inadequate access to capital, markets and skills — the government and private lending institutions may have to absorb a high rate of bad debts if they are to fulfil their stated commitment to black business growth.'²⁵⁴

Survey of African business perceptions

The results of a survey on the perceptions of African management and

business in both formal and informal sectors of the Pretoria/Witwatersrand/Vereeniging area, commissioned by the South Africa Foundation, was published in June. About 71% of those surveyed saw no real progress in government reform. Over two thirds of the sample saw white business as either neutral or actively hostile to real political change in South Africa. When asked to evaluate the performance of white business in assisting African business, 63% saw it as either neutral or unhelpful. Only 5% felt that assistance from the white business sector had played an important role in their business success. The research and programmes director of the foundation, Mr Gavin Lewis, said that almost half of the African managers polled regarded African 'advancement' as 'patronising in conception and cosmetic in intent, designed as window-dressing by large corporations intent on warding off international criticism'. Of all respondents 71% felt that African advancement had failed, in that African business sectors remained marginal within the wider economy. The *South Africa Foundation Review* said, 'In sum, the survey reveals a deep cynicism among African businessmen at their white counterparts' unwillingness to go beyond rhetoric on political reform, and a scepticism verging on derision for many corporate African "advancement" programmes.'

Mr Lewis pointed out that African entrepreneurs felt that there were three areas in particular in which white business could play a role:²⁵⁸

- the shortage of capital;
- sub-contracting and franchising to small-scale African entrepreneurs by white business; and
- the penetration of white capital into the African townships, particularly in the retail sector.

The *South Africa Foundation Review* also commented on the greater militancy of smaller, specialised African business agencies and the disregard this sector had for the older, formal sector African business organisations, such as the National African Federated Chamber of Commerce and Industry (NAFCOC) and the Black Management Forum (BMF). These organisations were felt to be ineffectual in demanding African economic rights and the abolition of all discriminatory legislation. 'In general, the survey reveals that African business as a whole is groping for a new, more coherent, activist role.' Mr Lewis also said that there was considerable ambivalence towards free enterprise among bigger African businesses and management. Almost all of those surveyed demanded some form of state intervention to redress historical inequalities and redistribute wealth. Similarly, the support of African business for privatisation and deregulation was tempered by its fear that privatisation would simply involve the transference of white monopolies from the public to the private sector.²⁵⁹

Other concerns of African managers were divided into the following categories: 'tokenism' in appointments (33%); lack of adequate training (23%); hostility from white middle management (21%) and inadequate experience of the corporate environment (12%).

The survey also revealed that African managers found great difficulty in adjusting to the demands of the white-dominated corporate environment, 'having to act out imposed roles and conform to white corporate norms of body language, social habits and style of dress'. Of those polled, 53% identified such pressures as a major concern. Mr Lewis suggested that training schemes could address these socio-political pressures on African executives as they faced the opposing demands of the township and the white corporation.²⁵⁷

Of those polled more than half attributed the lack of significant success in black economic advancement to essentially political factors. When asked to rank the obstacles facing African business, two of the main factors mentioned were administrative or legislative restrictions, and bureaucratic obstructionism in various forms.²⁵⁸

Specific developments

A R400 000 supermarket, owned by 25 African mine employees, was opened in August on the property of the Anglo American Corporation of South Africa (Anglo) in Wedela (Carletonville). A franchise from a supermarket chain was bought by the owners and a directorate of six established. The new store provided employment for 17 local Africans. The managing director of Anglo, Mr Fred Bailey, said that the venture was a major breakthrough as there had not before been such an event in the mining industry.²⁵⁹

African business acquired control of a major white-owned company for the first time when the Soweto Investment Trust Company took over the Pepsi Cola franchise when this American company left the country. In July it was reported, however, that the company was experiencing financial difficulties and that it had lost some of its market share. Reportedly First National Bank had withdrawn further credit and Pepsi Cola International was planning to send a team to see the franchise holders.²⁶⁰

The African liquor industry

In March the Liquor Bill of 1988, scrapping all liquor legislation dating back to 1928 and extending trading hours for both on-premises consumption and bottle stores, was published. Among the many earlier laws repealed were a number of laws relating only to Africans. The new law made no distinction as to race.²⁶¹ In a memorandum attached to the bill, the government said that it had tried to give effect to the following principles in preparing the draft legislation:

- legislation regarding liquor should be more accessible to users;
- free enterprise within the liquor industry should be encouraged;
- measures which handicapped licence holders unnecessarily should be removed;
- more stringent action should be taken against licence holders who abused their rights and privileges; and

- the sale of sorghum beer should be controlled by the act.

The number of liquor licences awarded in South Africa had increased by 30% from 6 400 in 1983 to 9 400 by December 1988. The chairman of the Liquor Board, Mr Tommie Vorster, said that this could be attributed to the growth in the number of taverns in African residential areas, most of them existing shebeens that had successfully applied for licences from the board.²⁶²

In September the managing director of Gilbeys, Mr Peter Fleck, said that although the government's attitude would seem to favour the freer granting of liquor licences to Africans, there might be fewer licences granted in white areas. He described Gilbeys' target market as being mainly African. African licences accounted for less than 16% of the total number of licences issued, Mr Fleck said, but he predicted that by 1998 African retailers would account for 40% of all licences.²⁶³

In order to get licences shebeeners had to join the National Tavern Association, which then applied on their behalf to the appropriate local authority and to the Liquor Board. The application cost R2 000 and a R100 renewal fee was supposed to be paid annually once a licence had been issued. Because the Liquor Board sat only once a year in each province, an application could take up to six months to be processed. The regulations were expected to change so that licences would be issued by local authorities rather than by the Liquor Board. According to the chairman of the National Tavern Association, Mr Lucky Michaels, the advantages of being licensed were:²⁶⁴

- there was no fear of police raids and of confiscation or destruction of liquor stock;
- instead of dealing with bottle stores like illegal shebeeners, licensed taverners could deal directly with manufacturers;
- a licensed taverner paid suppliers only for what was sold; and
- licensed taverners gained access to credit.

In spite of these advantages there were an estimated 4 000 illegal shebeens in Soweto alone, the manager of public affairs at The South African Breweries (SAB), Mr G May, said. This was because many could not afford to pay for licences and because many taverners operated their businesses only on a part-time basis and chose not to acquire licences.²⁶⁵ Up to a third of the retail value of beer sales in the country or R1bn was generated by illegal shebeens, Mr May said.²⁶⁶

It was reported in October that African liquor retailers were finding themselves facing increasing financial difficulties as it was estimated that they owed suppliers between R6m and R8m. According to Mr Michaels, 15 of Soweto's 21 bottle stores had closed down. Neither suppliers, nor the Ukhamba Liquor Association (an organisation representing the group interests of 800 liquor licencees nationwide; see 1987/88 *Survey* pp378-379) was prepared to reveal how big the problem was. The marketing director of Stellenbosch Farmers' Wineries, Mr Dick Cole-

shaw, said that dealing with the African liquor trade involved risks. He suggested that the problem had to do with the fact that African traders had been granted licences 'only recently'. 'Part of the problem lies with the formalisation of informal businesses. Primarily it's the newly licensed bottle store owners who are in trouble. Most of the 4 000 shebeens in Soweto are unaffected. New licences suddenly found themselves with 30-45 days' credit instead of two days and that's where the wheels fell off. There was a lack of understanding of the meaning of credit, and cash in the till got spent on things other than their business,' Mr Coleshaw said.

The national vice president of the Ukhamba Liquor Association, Mr Zanosi Kunene, was convinced that the beer shortage in 1987 was a prime factor contributing to the problems in the industry. 'More than 95% of turnover of African liquor stores is beer. Whereas a white store could continue for many months without stocking beer, an African store could hardly survive one month. Not only were supplies cut off in November and December last year, but while The South African Breweries was having industrial relations problems we incurred extra costs by being forced to fetch supplies ourselves,' Mr Kunene said.²⁶⁷

For information on the privatisation of the liquor industry, see 1987/88 *Survey* pp375-377 and *Privatisation* above.

African farmers

A government decision to free an additional 13 000ha for African development west of Soweto (Johannesburg) could create the first farms and smallholdings for Africans in the PWV area (see chapter on *Housing*). Of the 13 000ha, 8 700ha was unsuitable for housing because of the presence of dolomite and other geological problems and this land was reportedly 'ideal for agricultural purposes'.²⁶⁸

Organisations

For information on the African Council of Hawkers and Informal Business (ACHIB), the African Hawkers' Association, the Southern Africa Bus and Taxi Association (SABTA) and the Southern African Long Distance Taxi Association (SALDTA), see *Small business and the informal sector* above.

National African Federated Chamber of Commerce and Industry (NAFCOC)

The president of the National African Federated Chamber of Commerce and Industry (NAFCOC), Mr Sam Motsuenyane, said, 'We have identified our role in the struggle for human dignity in this country. We are part of that struggle. Political liberation goes hand in glove with economic liberation.'²⁶⁹ At the organisation's 24th annual conference African business was encouraged to support community-based anti-apartheid struggles. Resolutions included the following:²⁷⁰

- opposition to the October municipal elections;

- a call for the release of political prisoners as a precursor to political negotiations between all credible black leaders and the government;
- a call to the NAFCOC council to develop a strategy 'that will ensure that the organisation is revitalised or, if necessary, restructured to equip it for the very significant role it is destined to play not only in the economic empowerment of blacks but also in the wider struggle for the restructuring of South Africa's social order';
- a call to the council to work more closely with African consumer movements and to establish links with African worker groups and African professionals; and
- that NAFCOC should consult the African community given that 'in formulating strategies for economic empowerment, black business should accept that such empowerment revolves around the manner in which the larger black community wishes to use its buying power'.

Other resolutions concerning the development of African business were:²⁷¹

- NAFCOC members and all African people should extend their economic activities beyond the 'distribution sector';
- the organisation should 'target strategic public companies where a growing and collective black stake could be encouraged to formally influence decisions'; and
- NAFCOC would explore the possibility of programmes such as bulk buying schemes, co-operatives, wholesale chains and 'money shops' which would supplement existing banking structures and provide credit facilities for aspiring black businesses.

Concern was expressed that 'small black builders are excluded from the development of townships because of the heavy costs involved in the provision of infrastructure'.

The conference also adopted the NAFCOC business charter which was supposed to supersede all previous employment codes. The charter embodied a statement of beliefs and a national code of fair employment practice.²⁷²

National Stokvels Association of South Africa

During the period under review the National Stokvels Association of South Africa (NASASA) was established. A 'stokvel' is an association for people who aim to accumulate money: they contribute towards a common pool and share those contributions on a rotating basis. The chairman of NASASA, Mr Andrew Lukhele, said that stokvels were based on African principles of co-operation and that they represented grassroots-level co-operative business activity. 'We believe that what we are doing will invigorate black business activity and might reverse the current situation where township businesses get only 20% of African consumer spending and 80% is spent in white areas,' he said. According

to Mr Lukhele between R4m and R8m circulated monthly through stokvels on the Witwatersrand.²⁷³

Some of the objectives of NASASA were:²⁷⁴

- to serve as a mouthpiece for all stokvels affiliated to the association;
- to research, formulate and implement development plans in order to improve the operational efficiency and effectiveness of stokvels;
- to serve as a marketing vehicle for African informal financial schemes; and
- to promote a positive perception of the stokvels concept in the community as an integral part of the economic mainstream and a potential creator of jobs and wealth.

The first branch of NASASA was launched in Soweto (Johannesburg) in May. At the launch of this branch the assistant chief executive of the African Bank, Mr Loni Mamatela, said that the African Bank was to provide financial assistance to NASASA. A business consultant, Mr Moss Lekoa, warned stokvels against seeking recognition through legislation, advising them that recognition ought to be sought from the community and authorities. He appealed to the association to co-operate with organisations such as NAFCOC.

Transvaal African Builders' Association (TABA)

In May it was reported that an organisation was formed which aimed specifically to give African builders in Transvaal 'a coherent voice' in their dealings with government, financial institutions, suppliers and white business. The organisation, which did not intend to join the Building Industries Federation of South Africa (BIFSA), was called the Transvaal African Builders' Association (TABA). The president of TABA, Mr Joas Mogale, said that the organisation was concerned with 'building the image of black builders', to raise standards of workmanship and management among African builders and to pay attention to the mobilisation of African capital. African builders' lack of trust in BIFSA to help and represent them was regretted by the executive director of BIFSA, Mr Lou Davis. According to him, BIFSA had set itself the task of winning the trust of African builders. 'We have to share to survive, and BIFSA is structured to ensure that everyone gets a fair say in the running of the organisation,' he said. He emphasised that BIFSA was determined not to drop its standards and that it would rather help builders to reach 'the high standards of ethics and construction required to ensure a healthy industry'.²⁷⁵

Foundation for African Business and Consumer Services (FABCOS)

The formation of a new organisation for African business people and consumers was announced in July. The new Foundation for African Business and Consumer Services (FABCOS) comprised the African Bank, NASASA, the National Black Consumer Union, the National Hawkers' Association, SABTA, the Sechaba Sizwe Co-operative

Limited and TABA. FABCOS aimed to unify African business and to put it on the road to self-sufficiency, the general secretary of the interim committee, Mr J Mogale, said. He explained, 'Ultimately, the main benefit is to allow us to speak with one voice as a solid unit. In addition, we can share resources, support each other's projects and African consumers can participate in South Africa's economic development and the wealth creating process.' One of the main aims of the organisation would be to create a 'black rand' (the circulation of capital within the African community) by investigating a black discount buying card and eventually a black credit card. Possibilities for an African building society would also be investigated. It was hoped that FABCOS could involve organisations such as stokvels in this process. FABCOS would 'do everything in its power to liberate the black economy from constraints under which it presently operates', a document outlining its aims and objectives said.

It was feared in certain circles that the formation of the new organisation would split African business as NAFCO did not join FABCOS. The public relations officer of NAFCO, Mr Gabriel Mokgoko, said that his organisation 'did not see the wisdom of forming another splinter body with the same objectives'. Although NAFCO had been invited to join FABCOS, it had decided not to join. Mr Mogale dismissed as untrue suggestions that FABCOS was fragmenting African business. 'This organisation wants to go along with everybody,' he said. It was suggested that the reason for the delay in FABCOS's launch was that NAFCO had not yet decided to join it.²⁷⁶

Other organisations

The formation of a non-profit organisation, aimed specifically at promoting contact between African entrepreneurs and large white corporations, was announced in May by the United States of America's ambassador to South Africa, Mr Edward Perkins. The new company would be called Matchmaker Services.²⁷⁷

A new organisation, the Canadian Association for Black Business in South Africa (CABSA), was formed in May with the aim of helping black business to export its products, to become distributors for Canadian firms and to supply them with raw materials from affiliates. CABSA, the brainchild of the Canadian Exporters Association (a non-profit private sector organisation of over 1 000 Canadian companies interested in developing business abroad), was made up of Canadian firms and Canadian-linked companies doing business in South Africa.²⁷⁸

According to its chief executive, Mr Bongani Cibi, the National African Business Development Organisation (NABDO) was formed in May to provide assistance to small businesses, to maintain a free enterprise economy, and to provide healthy competition in the market place and encourage 'grassroots' development.²⁷⁹

African consumers

White spending power as a percentage of total household expenditure

was falling rapidly, while African spending power was growing and in some sectors surpassed that of whites. Figures released by the Bureau of Market Research at the University of South Africa (UNISA) in December 1988 showed that whites at the end of 1985 were responsible for 67% of the R55,5bn spent by private households on goods and services in metropolitan areas. The share of African spending rose from 14% of total expenditure in 1970 to 22% at the end of 1985. The share of coloured people fell from 7,1% in 1975 to 6% in 1985, while the Asian share rose from 4% in 1975 to 5% in 1985. Whites, however, accounted for less than half of the total private household expenditure in metropolitan areas on food, clothing, footwear, washing and cleaning materials, dry-cleaning and laundry services, alcohol, beverages, stationery and reading matter.²⁸⁰ The bureau said that the major part of Africans' disposable income was spent on food (R3,7bn), with R1,3bn on housing, R1,1bn on insurance and other funds, and R1bn on clothing and footwear.

In another study published by the Bureau of Market Research during the period under review, manufacturers and merchandisers were advised to focus their attention on the growing market in the homelands. The statistics indicated that expenditure in these areas was 8% of the total expenditure in cash and kind in South Africa. While personal income had risen at a low rate, in real terms their spending power — owing to population increase — had almost doubled from 1975 to 1985. The study showed that in spite of poor economic conditions in the homelands — particularly from 1980 onwards — real spending per household rose by 25% from R3 247 in 1975 to R4 045 in 1985. The biggest increase in real spending in the ten years surveyed was in insurance and funds (20%), communication (17%) and income tax (14%). Of the total expenditure in the homelands 43% was spent in the 'independent' homelands.²⁸¹

The deputy governor of the South African Reserve Bank, Dr Jan Lombard, estimated in April that total expenditure on goods and services by African urban households was R30bn a year. Of this about R2,6bn a year was spent on clothing and footwear and R10bn on food. The demand from African urban communities constituted almost 40% of total demand for food products in South Africa. He estimated that there were 2m African urban households in South Africa, and this number was growing by about 100 000 or 5% a year. On average two to three out of about six people in each household were economically active: of a total of about 5m people, about 1m might have been looking for steady jobs. Dr Lombard estimated that income probably exceeded spending by about 5% or R1,5bn.²⁸²

'The orchestration of African consumer muscle is imminent,' the chief executive of the African Bank, Mr Gaby Magomola, said in March. He said that the African consumer movement could become a major destabiliser of business, although this would not affect those businesses that were perceived by African consumers to be progressive. African consumers, Mr Magomola said, accounted for more than 65% of liquor

industry sales, 77% of sugar industry sales and 68% of sales in the red meat industry. He also pointed out that African people contributed almost 24% to the R60bn pension industry and the same percentage to the R36bn life assurance industry.²⁸³

The National African Federated Chamber of Commerce and Industry (NAFCOC) accepted a resolution at its annual congress to work more closely with consumer organisations. NAFCOC's president, Mr Sam Motsuenyane, said in November that African business should aim at capturing a 'fair share' of the South African market, 'especially the African market'. According to him African business attracted only between 10% and 20% of the buying power of African consumers. He said that African buying power was expected to rise to more than R22bn by the year 2000.²⁸⁴

The skin lightening industry came under discussion again during the period under review. While medical experts warned that these products could cause severe and irreversible skin damage, the government postponed the ban on these products to 1991. The ban which was originally due to come into effect on 1 July 1988 was postponed to allow manufacturers a 'phasing-out' period. The minister of health, Dr Willie van Niekerk, said that there were legal, financial and health considerations to take into account. The Black Consumers' Union (BCU) accused the government of insensitivity and said that if the product had been for white consumers, the issue would not have been allowed to go so far. Dr James Phillips of the South African Institute for Medical Research said, 'These lotions should be banned now.' He said that he believed that it was not loss of production which the manufacturers feared most but rather a risk of litigation. 'If these products are banned it would be easy to take a test case to court and win. Then you'd have thousands of people who had suffered with these creams doing the same and this would put the manufacturers out of business,' he said.²⁸⁵

Consumer boycotts

In November 1988 the Boksburg (east Rand) Town Council, which had been controlled by the Conservative Party (CP) since the October municipal elections (see chapter on *Government and Constitution*), announced that blacks would in future not be allowed to share the use of public amenities with whites in the town (see chapter on *Social Segregation*). In reaction, the local black communities of Boksburg, Vosloorus (a township with almost 150 000 African residents) and Reiger Park (a coloured community with about 50 000 residents) organised a consumer boycott. According to researchers at the South African Institute of Race Relations, Mr Harry Mashabela and Mr Monty Narsoo, who monitored the boycott, the Vosloorus boycott was led and co-ordinated by the township's African local authority, while in Reiger Park the local management committee also initiated the boycott.²⁸⁶ Representatives of activist community groups, traders, trade unions and management committees co-operated in the campaign.

Although there were other forms of protest against the CP's actions

(such as petitions, appeals to the government and opposition public meetings), the boycott was considered to be the most effective. The Boksburg Chamber of Commerce and Industry (BCCI) estimated that blacks accounted for about 50% of the town's purchasing power. The director of the Bureau of Market Research at the University of South Africa, Professor John Martins, said that under normal circumstances, black consumers would have spent more than R322m in Boksburg in 1989. He said, 'If the town council is prepared to see local business interests going bankrupt, then it should continue with its actions.'²⁸⁷

Mr Mashabela and Mr Narsoo said that the boycott had led to the increasing erosion of business confidence, which resulted in the cancellation of a number of development projects, as well as difficulties for the industrial sector either in getting supplies or in making sales locally and internationally. The OK Bazaars announced in December that it had decided to withdraw from a R26m shopping centre development in Boksburg. The managing director of OK Bazaars, Mr Gordon Hood, said, 'We have reluctantly decided that, at this stage, we can no longer see our way clear to continue with our involvement in the new centre planned for the Boksburg central business district. There has been a decline in trading in the area and our existing store has not been unaffected.' The developer of the centre, RMS Syfrets, said that without the commitment of the major tenants, the project would not be able to proceed as planned.²⁸⁸

Earlier in December plans for a R100m shopping centre were suspended by the developers, Retail International, who said that the plans had been shelved until 'the situation returned to normal'.²⁸⁹ In January 1989 it was reported that eight businesses had already closed down in Boksburg as a result of the boycott.²⁹⁰

In December the BCCI conducted surveys to determine the effects of the boycott on business in Boksburg. According to the chairman of the BCCI, Mr Johan Viljoen, the drop in sales as a result of the boycott ranged from 15% to 90% in different sectors of commerce. He said that businesses such as restaurants had been least affected, whereas those dealing in clothing, furniture and household appliances had been the most severely affected. Local small businesses, which comprised 85% of the Boksburg economy, were 'carrying the brunt of the boycott' since national groups with local branches were making up for their losses in neighbouring towns such as Benoni and Germiston where blacks were buying. The survey found that the decrease in turnover for different types of businesses for the first week in December 1988 as compared to the first week in December 1987 were as follows: shoe stores (30%–80%), boutiques (25%–90%), garages (10%), chemists (30%), clothing stores (20%–73%), restaurants (20%), printing establishments (24%), estate agents (74%), general food dealers (40%–70%) and hotels (50%).

A random survey conducted by the Boksburg Alliance found that 35% of the businesses surveyed had a loss of turnover of up to 50%; 39% showed a loss of between 50% and 70%; and 27% said their loss was between 70% and 90%. The respondents said that they had lost more

than half their customers to other centres such as (in order of priority) Alberton, Benoni, Edenvale, Elsburg, Germiston (all on the east Rand), their adjoining black townships, and Johannesburg. Of all the respondents in the industrial sector, 71% said that their sales or supplies had been affected by the boycott. All respondents agreed that business confidence had been seriously damaged.²⁹¹

The CP rejected the findings of the surveys, claiming that they were not representative. According to the chambers of commerce of Benoni and Germiston, Christmas sales in their towns had increased substantially but they could not specifically say that it was because of the custom received from Boksburg. Business people in Reiger Park and Vosloorus said that their sales had increased and that demands for goods not normally sold in the townships had led to a diversification of business. Representatives of taxi associations in Reiger Park and Vosloorus said that they were transporting substantial numbers of people to Benoni, Germiston and Johannesburg and that, in keeping with their decision not to transport shoppers to and from Boksburg, no shoppers had been transported to Boksburg.

In an interview conducted in November just after the start of the Boksburg boycott the leader of the CP, Dr Andries Treurnicht, said that although he was not able to say what the extent of the black consumer boycott might be, 'we'll have to handle such a situation. Boksburg has been exaggerated. In due time emotions will calm down'.

After the CP-controlled town council in Carletonville (western Transvaal) had also decided to reintroduce racial policies in terms of the Reservation of Separate Amenities Act of 1953, 27 community organisations in Khutsong, an African township near Carletonville, decided to launch a trade union-backed consumer boycott in the town. It was decided that Indian traders would not be affected by the boycott. Establishments such as banks, post offices, funeral undertakers, dry cleaners and bus services would also not be affected. The Carletonville Taxi Association planned to transport commuters to neighbouring towns such as Fochsville, Randfontein and Westonaria to do their shopping.²⁹² The chairman of the management committee in Carletonville, Mr Koos Nel, although admitting that African buying power was a big factor, said that the CP would not bow to pressure from the residents of Khutsong. He said that the situation was not the same as in Boksburg where alternative shopping venues were easily accessible.²⁹³ Professor Maartens estimated black purchasing power in the Carletonville area to be more than 50%, but said that if purchases on food were to be isolated, the black share rose to almost 67%.²⁹⁴

In March 1989 the vice chairman of the Carletonville Chamber of Commerce (CCC), Mr Rodney van Loggerenberg, described the boycott as 'reasonably strong' and said that business was planning to persuade the town council to abandon its commitment to petty apartheid.²⁹⁵ After three days of the boycott three white-owned businesses reportedly closed down. A media liaison officer for business in Carletonville, Ms Annatjie Claassen, said that 98% of business people had been affected by the

boycott, which had resulted in losses of between 10% and 100%.²⁹⁶

A survey conducted by the CCC in the town suggested that 27 businesses would have to close if the boycott continued. The survey also showed that 47 of the 139 businesses had experienced a drop in turnover of up to 40%, while the other businesses had lost between 41% and 100% in the first week of the boycott. More than 60% of the businesses said that they would cut back on buying, while 45% felt that they would have to lay off staff.²⁹⁷ The legal adviser of the Association of Chambers of Commerce and Industry of South Africa (ASSOCOM), Mr Ken Warren, said, 'Experience has shown in boycott situations elsewhere in the country that trading patterns invariably never return to the same after a boycott and unless this impasse is resolved in the immediate future, I'm afraid it looks pretty bleak as far as Carletonville is concerned.'²⁹⁸

The African Council of Hawkers and Informal Business (ACHIB) called on consumers in Boksburg and Carletonville to take their business to hawkers' spaza shops and other informal businesses.²⁹⁹ It was reported that eight African men had been arrested in connection with intimidation charges in Carletonville.³⁰⁰ The town council had appealed to the police to arrest people seen encouraging others to boycott white-owned shops. In Parliament Mr Frank le Roux MP (CP) accused the government of being 'idle' over the boycotts. He said that he suspected that the minister of law and order, Mr Adriaan Vlok, was acting from a political rather than a juridical point of view. Mr Vlok, in reply, said that police were investigating the boycott in Carletonville because it appeared to be a contravention of the emergency regulations. He said that the police were investigating five charges of intimidation, one of public violence, one of robbery and one of malicious damage to property. The police did not prescribe where people could or could not do their shopping, he said, but they were not prepared to allow public safety and the maintenance of public order to be endangered 'by actions of this nature'. Mr Tiaan van der Merwe MP (Progressive Federal Party) said that while boycotts and sanctions were 'blunt political weapons that penalised the innocent and the guilty' they amounted to 'one of the few if not the only political means' for a community 'which finds itself politically powerless'.³⁰¹

Advertising

Two new advertising initiatives, directed especially at the African market, took place during the period under review. CabAds, which was launched in September, sold advertising space on the 45 000 taxis affiliated to SABTA. The managing director of CabAds said that the response from the private sector had been very good and that the turnover could be R16m a month if every taxi carried an advertisement. Another company, Stair Ads, rented space on staircases leading to and from railway station platforms in African areas. According to the company the concept had proved to be extremely effective in establishing and maintaining brand awareness. It said that a recent survey at a station showed that an 86% brand recall and a 74% slogan recall had been achieved.³⁰²

Corporate social responsibility

In May the Five Freedoms Forum hosted a conference on the social role of business. At the conference the chairman of the Johannesburg Consolidated Investment Company (JCI), Mr Murray Hofmeyr, said that although business should work towards greater opportunities, benefits and participation for employees, business leaders also had a responsibility to make public their commitment to change. 'We haven't achieved what we should have and change, like charity, begins at home,' Mr Hofmeyr said. 'But business dare not abandon the effort to persuade government to rethink its own strategy.'

At the same conference Professor Eddie Webster of the Department of Sociology at the University of the Witwatersrand said that three decades of talking about black advancement schemes had brought negligible results. Management should, he said:³⁰³

- involve blacks in the design and implementation of any programmes to remove discrimination;
- seek representative black leaders and work with them as partners to monitor progress;
- give equal weight to improving living conditions of employees and their families outside the workplace; and
- recognise whites' structural insecurity.

In September it was reported that various oil companies were involved in a dispute with workers who claimed that their union had the right to take part in decisions about the way corporate profits were spent on social programmes. The Chemical Workers' Industrial Union (CWIU) asked the government to appoint a conciliation board to try to resolve the dispute, in which the union demanded the right to bargain collectively with employers about social responsibility, paid maternity leave, education assistance and job security. The companies involved (BP South Africa, Caltex Oil (South Africa), Cera Oil South Africa, Mobil Oil South Africa, Shell South Africa, and Veetech Oil) together employed about 3 000 workers. The general secretary of the CWIU, Mr Rod Crompton, said, 'Our members feel it is their labour that has created the profits that are being distributed like presents to boost their corporate image and the union finds it shocking that the oil companies refuse to discuss these projects with the very workers who make them possible. If the companies are genuine and not concerned to get publicity coverage and boost their image, then surely it does not matter whether they negotiate with us.' BP South Africa and Shell South Africa rejected the union's claims that they were not prepared to negotiate issues such as social responsibility projects. BP South Africa said that it regularly published a comprehensive report on its social responsibility activities and that it sent every employee a copy. Shell South Africa also said that it had always been prepared to discuss 'wider employee issues'.³⁰⁴ At a conference on 'The Economics of Social Responsibility' held in March 1989, many of the speakers stressed the point that companies embarking

on social responsibility programmes should consult employees and community representatives. The managing director of the Perm, Mr Bob Tucker, said that rather than having 'social responsibility programmes', corporations were needed which behaved 'responsibly towards society' in that they had regard for the circumstances and needs of that society. He said that the difference between the two was that most social responsibility programmes 'tend towards coin-tossing *for* rather than developing *with*'. He suggested that programmes for affirmative action be introduced. He said, 'Affirmative action should only result in assisting the under-privileged to get to the starting post so that they can actually compete, but never in unmerited appointments or contracts. That amounts to "tokenism" which is entirely counter-productive.'

The private sector could play a pivotal role in uplifting black communities and integrating them into the economy by developing 'corporate development communes', the director of the Centre for Policy Studies at the University of the Witwatersrand, Professor Lawrence Schlemmer said. Professor Schlemmer said that business could become involved in squatter communities on the edge of the cities and enable them to become trading partners with the rest of society.³⁰⁶

In July it was reported that Warner-Lambert South Africa had announced the inception of the Warner-Lambert Award for Social Responsibility which would be presented annually to an industrial company in the western Cape. The managing director of Warner-Lambert South Africa, Mr Tom Largier, said, 'We're looking for ways to encourage local business to commit itself to values which promote human rights and dignity of all the peoples of South Africa.' Participants' policies would be evaluated on the following grounds: fair and equal practices in personnel at all levels; and improvement of the quality of life for employees and the wider communities in areas such as housing, transport, recreation, health and working towards social justice.³⁰⁶ The executive director of the American Chamber of Commerce in South Africa (AMCHAM), Mr Adrian Botha, said that he welcomed the idea and saw it as a way of encouraging non-American companies to become more involved in social responsibility activities.

After the attorney general had been asked in September to prosecute Woolworths because it had bought a house in Claremont (Cape Peninsula), a white area, for one of its African employees (see chapter on *Housing*) thus contravening the Group Areas Act of 1966, *The Star* conducted a survey to find out whether South African companies still subsidised homes for their black employees in white areas. The survey revealed that almost all mining houses and banking institutions had helped senior black members of staff to buy houses in white suburbs in defiance of the act.³⁰⁷

Foreign companies

Canada

The number of Canadian companies with direct investments in South

Africa dropped from 12 in 1987 to six in 1988. The Canadian government's voluntary employment guide, the Code of Conduct Concerning the Employment Practices of Canadian Companies Operating in South Africa, was still in force during the period under review (see 1987/88 *Survey* pp349-350).

Europe

A report of the British Department of Trade and Industry, published in March 1989, said that nearly 98% of African workers employed by British companies operating in South Africa were paid above the recommended minimum level of the European Economic Community (EEC) Code of Conduct. The assessment covered the 12-month period from June 1987 to June 1988 and all 99 category-A companies (companies with full reporting responsibilities) submitted reports for the period. These companies employed a total of 62 600 African workers. More than 67% of the companies indicated that they had specific policies for the employment and promotion of African workers in and to supervisory and management jobs. The remainder confirmed that employment and promotion were based on merit, with no race discrimination. The report said that companies reported 'impressive' levels of involvement in projects benefiting not only employees and their families, but also the wider black community. According to the report, companies also continued to encourage the growth of African businesses. Commenting on the findings, the Anti-Apartheid Movement, based in England, said, 'The minimum wage level is utterly inadequate, and many British subsidiaries either do not report on their performance, or argue that they fall outside the code's definition of a foreign subsidiary. The code itself has gaping loopholes.'³⁰⁸

In February 1989 the foreign ministers of EEC countries, in a joint statement, said that the EEC Code of Conduct helped to improve conditions for Africans and that they believed that the code had 'contributed to furthering the policy aimed at achieving the dismantling of apartheid by peaceful means'.³⁰⁹

United States of America (US)

In 1988 there was a total of 138 United States of America (US) companies which still had direct investments or employees in South Africa. Of these companies 70 were signatories of the Statement of Principles (previously the Sullivan Principles, see 1987/88 *Survey* p351-353), 59 companies had reported to the state department and nine companies had not, nor had they signed the Statement of Principles.³¹⁰ The Washington-based Investor Responsibility Research Centre (IRRC) said in December that at least nine US companies faced possible sanctions for not allowing their South African employment practices to be monitored as required by the Comprehensive Anti-Apartheid Act of 1986. According to this act all US firms with more than a 50% stake in their South African operations were required either to adhere to the Statement of Principles or to submit annual reports to the State

Department (see 1986 *Survey* Part 2 p760 and 1985 *Survey* pp171-172).³¹¹

According to the 12th report of the Statement of Principles published in October, there had once again been a significant reduction in the number of signatories. They had dropped from 92 (including two non-US signatories) in June 1987 to 70 (including one non-US signatory) in June 1988, a drop of 24%. The number of employees reported on had also dropped by 24%, from 43 900 to 33 451. 'The decrease is mostly the result of companies withdrawing from South Africa,' the report said. According to the report all the new South African owners of companies which disinvested in 1987/88 decided to withdraw from the Statement of Principles. It said, 'The new owners have been unwilling to accept the Statement of Principles and the concomitant evaluation.'³¹²

Although signatory companies were not able to exceed the previous year's total monetary contributions to programmes in social justice, education for non-employees and community development, they did increase spending on adopt-a-school programmes and on promoting African business. Signatory companies also increased their purchases of goods and services from African-owned enterprises. Since the inception of the Sullivan Code in 1976, the signatory companies had contributed a total of R554m 'for the benefits of Africans, Asians and coloured people in South Africa'.³¹³

A study of the impact of US corporate disinvestment, conducted by the IRRIC in 1987, concluded, 'The most noticeable change following disinvestment is a cutback in corporate funding of community development programmes and organisations that challenge apartheid policies.' The report added, 'Depending on the company, the cutbacks might reflect the withdrawal of the parent company's "deep pockets", the necessity to maximise cash flow following a management buyout to repay the loans used to purchase the company, or a decision by the new owners to support less controversial programmes.'³¹⁴

It became clear during the period under review that it was an issue not only whether foreign companies should disinvest or not, but how they should disinvest. The Community Agency for Social Enquiry (CASE), in a publication entitled *Assessing US Corporate Disinvestment*, said, 'In disinvesting some corporations behave in a more acceptable manner than others.' A spokesman for the South African Council of Churches (SACC) said that US corporations should take a moral stand in disinvesting. Because disinvesting companies often donated money to anti-apartheid organisations (eg the Coca Cola Company donated \$10m to establish the Equal Opportunity Fund), the problem of how to assess US companies with respect to the call for disinvestment and from whom to accept money, arose. The ICCR suggested that organisations should use two complementary checklists in deciding whether to accept money from a corporation. The first checklist contained points with which corporations should comply when withdrawing from South Africa, while the second was a checklist of organisations inside and outside South Africa which should be consulted before money was accepted. The Congress of South African Trade Unions (COSATU) and the National

Council of Trade Unions (NACTU) said that this checklist for disinvestment could never be a blueprint.³¹⁵

Employee share-ownership schemes

During the year under review, research undertaken by the Labour and Economic Research Centre (LERC) into employee share-ownership schemes (ESOPS), was published. A researcher for LERC, Ms Judy Maller, said that the number of companies that had introduced participative management schemes had increased 'considerably' and estimated that approximately 120 companies had introduced some form of ESOPS. According to the assistant general manager (listings) of the Johannesburg Stock Exchange (JSE), approximately 100 listed companies offered ESOPS. Most had been introduced from 1986 onwards and many of the companies were newly listed companies. The number of smaller companies who had introduced such schemes was not known.³¹⁶

Ms Maller said that it was unlikely that many existing ESOPS involved 'a significant rate' of participation by black workers. LERC's national survey of industrial, retail and financial companies employing over 100 workers, undertaken during 1987, indicated that financial forms of participation were 'extremely limited' as regards hourly paid workers.³¹⁷

Employee participation in share ownership could be seen as a strategy designed to enhance worker loyalty and productivity, Ms Maller said. She found that because these schemes did not include the sharing of power, authority or decision-making within the organisation, it was not clear whether it worked as a motivation strategy or as a strategy that engendered employee loyalty to the firm.³¹⁸

COSATU and the National Union of Mineworkers (NUM) rejected all schemes that were offered without prior consultation with the unions or without worker participation in management. They felt that such schemes were strategies to co-opt workers and to make unions less militant. The general secretary of COSATU, Mr Jay Naidoo, commented, 'We are essentially opposed to the idea. Fundamental issues must be redressed first. We're struggling for a living wage, let alone considering buying shares, which we see as perpetuating inequality. Equity participation does not redress the fundamental inequalities in South African society and certainly won't resolve the country's unemployment crisis. This will require a restructuring of the economy.'

ESOPS would be meaningful if their present form could be modified and accompanied by other forms of participation, the general secretary of NACTU, Mr Phiroshaw Camay, said. He stated, 'Equity participation is okay only if accompanied by a mechanism which allows participation in decision-making, planning and policy formulation. If workers are offered share options, they must have representation at board level.'

It was reported in December that the NUM was interested in acquiring a gold mine through ESOPS. The president of the Centre for Social and Economic Justice in the United States of America (US), Mr Norman Kurland, said that the general secretary of the NUM, Mr Cyril

Ramaphosa, had expressed interest in such a project and that he was open to exempting employee-owned and controlled companies from trade and investment sanctions. However, in a statement issued by the NUM, Mr Ramaphosa said that Mr Kurland was mistaken and that NUM officials had simply had a meeting with Mr Kurland during which he had outlined his ESOPS and explained how they might be used by workers to purchase all the shares in a gold mine.³¹⁹

In April of the period under review Pick 'n Pay Retailers announced that it intended reducing its employee qualifying period for share ownership from ten to five years. The company's chairman, Mr Raymond Ackerman, said that this would bring share ownership within the reach of more than 60% of the company's workforce.³²⁰ An official of the Commercial, Catering and Allied Workers' Union (CCAWUSA) reacted to Mr Ackerman's statement by saying that the union had two fundamental problems with the scheme: the limited number of shares held by workers and the fact that the shares were administered by a trust dominated by management appointees.³²¹

Between 8 and 15 April of the period under review 3 000 workers at the South African Motor Corporation (SAMCOR) staged a strike in which they made demands of both SAMCOR management and their union, the National Union of Metalworkers of South Africa (NUMSA). NUMSA and SAMCOR had agreed that Ford, when it withdrew from South Africa, would donate a 24% shareholding in SAMCOR to a trust controlled by workers. However, the strikers rejected the trust and demanded that the shares be sold for cash among them. The strike was resolved after a union official addressed the workers on the union's policy on share ownership schemes.³²²

The Anglo American Corporation of South Africa (Anglo) said in June that more than 108 335 of the 168 194 eligible employees had accepted shares in the company under a scheme that had been condemned by the NUM. The project involved gold and coal mines administered or owned by Anglo. Mr Ramaphosa said that the scheme was 'a manoeuvre to ensure that free enterprise is entrenched in a post-apartheid society'.³²³ In a press statement Anglo said that it believed 'that the scheme involves employees in the wealth-creating process by opening a new avenue of financial participation. In addition employees will have a stake in the long-term growth and dividend performance of the corporation'.

In January 1989 it was announced that employees of Anglo would be issued with five more shares. The previous year all employees who had served for two years in the company had also been offered five free shares (see 1987/88 *Survey* pp659-660). Employees who had already joined the scheme would automatically receive the five new shares. Eligible employees who had not joined the scheme in 1988 and those who had now completed the qualifying two years' service would be entitled to join the scheme and receive five shares. In 1988 Anglo said that it intended to make further share allocations annually for another four years.³²⁴

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EMPLOYMENT

ECONOMICALLY ACTIVE POPULATION

The Central Statistical Service (CSS) provided the following figures for the economically active population (EAP) per race group for 1986, 1987 and 1988, excluding Bophuthatswana, the Ciskei, the Transkei and Venda:¹

Economically active population

	1986	1987	1988
African	6 760 000	6 921 000	7 090 000
Asian	329 000	335 000	340 000
Coloured	1 164 000	1 184 000	1 208 000
White	1 995 000	2 009 000	2 019 000
Total	10 248 000	10 449 000	10 657 000

The Venda administration estimated that 82 580 people in the homeland were economically active in June 1988.²

Structure of the workforce

Racial and sectoral

According to the Central Statistical Service (CSS) the number of people in the four different race groups employed in the different sectors of the economy in June 1988 and the percentage changes over June 1987 were as follows:³

Public sector: employment: 1988

	<i>Central government</i>	<i>Provincial administrations</i>	<i>Local authorities</i>	<i>Posts & Telecommunications</i>
African				
Number	176 313	114 013	139 672	27 593
Change	-1,1%	23,6%	-1,7%	-7,5%
Asian				
Number	19 299	6 626	6 971	2 295
Change	0,8%	23,0%	3,0%	4,0%
Coloured				
Number	82 624	31 634	38 523	11 898
Change	-0,4%	12,4%	12,4%	10,1%
White				
Number	232 815	74 973	62 292	55 745
Change	-2,5%	9,1%	3,1%	2,9%
Total Number	511 051	227 246	247 548	97 531
Total Change	-1,5%	16,9%	1,6%	0,5%

Public sector: employment: 1988 (continued)

	<i>Transport</i>	<i>Electricity</i>	<i>Civil service of 'independent' homelands</i>	<i>Public Corporations</i>
African				
<i>Number</i>	85 425	29 700	182 490	83 001
<i>Change</i>	-6,0%	-30,0%	18,1%	-3,2%
Asian				
<i>Number</i>	1 566	70	—	976
<i>Change</i>	-0,2%	28,6%	—	0,3%
Coloured				
<i>Number</i>	14 898	3 300	—	9 502
<i>Change</i>	-8,3%	-3,0%	—	4,8%
White				
<i>Number</i>	82 633	24 100	—	84 339
<i>Change</i>	-6,9%	5,4%	—	-0,4%
<i>Total Number</i>	184 522	57 170	182 490	177 818
<i>Total Change</i>	-6,5%	0,6%	18,1%	-1,5%

Public sector: employment: 1988 (continued)

	<i>Parastatal institutions</i>	<i>Agricultural marketing boards</i>	<i>Staff of universities and technikons</i>	<i>Total</i>
African				
<i>Number</i>	9 296	685	12 072	860 350
<i>Change</i>	1,6%	-11,7%	4,7%	16,8%
Asian				
<i>Number</i>	98	22	1 834	39 757
<i>Change</i>	16,7%	-46,3%	2,6%	3,9%
Coloured				
<i>Number</i>	1 567	211	4 435	198 592
<i>Change</i>	12,4%	-20,4%	8,9%	31,9%
White				
<i>Number</i>	10 273	1 803	30 322	659 295
<i>Change</i>	0,7%	-12,6%	0,5%	25,8%
<i>Total Number</i>	21 324	2 721	48 663	1 757 994
<i>Total Change</i>	1,9%	-13,5%	2,3%	—*

As some of the figures given for employment in different sectors in 1987 overlapped, a figure for the change between 1987 and 1988 is not available

*Private sector *: employment: 1988 (continued)*

	<i>Construction</i>	<i>Finance^b</i>	<i>Manufacturing</i>	<i>Trade and catering^c</i>
African				
<i>Number</i>	214 200	23 381	712 000	364 000
<i>Change</i>	3,8%	6,5%	0,9%	3,0%
Asian				
<i>Number</i>	5 800	7 424	289 300	43 800
<i>Change</i>	3,6%	12,3%	0,9%	4,3%
Coloured				
<i>Number</i>	46 600	16 934	44 600	99 500
<i>Change</i>	-0,4%	9,0%	-5,4%	5,1%
White				
<i>Number</i>	42 100	123 514	293 000	271 000
<i>Change</i>	1,7%	5,4%	-0,5%	3,5%
<i>Total Number</i>	308 700	171 253	1 338 900	778 300
<i>Total Change</i>	2,9%	6,3%	0,1%	3,5%

a Excluding mining, agriculture and domestic workers

b Including banks, building societies and insurance companies

c Including wholesale trade, retail trade, motor trade and hotels

The average number of workers employed in the mining industry on member mines of the Chamber of Mines of South Africa in June 1987 and June 1988 was as follows:

Average numbers in service: Chamber of Mines of South Africa

	<i>June 1987</i>		<i>June 1988</i>	
	<i>Skilled</i>	<i>Semi/unskilled</i>	<i>Skilled</i>	<i>Semi/unskilled</i>
Asbestos	237	2 633	185	2 044
Coal	8 635	56 458	8 589	48 984
Copper	548	3 049	407	2 208
Gold	50 884	490 407	50 390	466 418
Platinum	2 593	45 893	2 942	48 514
Total	62 897	598 440	62 513	568 168

In its November 1988 *Economic Survey* Sanlam said that since 1980 employment in the non-agricultural sectors of the economy had increased by 0,7% per year. The survey said, 'Of particular note is that the number of workers in the private sector is currently almost the same as in 1980. This implies that the increase in employment from 1980 until now took place almost exclusively in the public sector. The picture is just more alarming if we consider this meagre rise in the number of jobs against an annual growth rate of more than 2,5% of the economically active population.'⁴

In February 1989 the first decline in gold-mining employment figures in a decade was reported. Figures compiled jointly by the Chamber of Mines of South Africa and the Minerals Bureau showed that the average number of people employed on the gold mines in June 1988 was 523 687, 40 765 down on 1987. The June 1988 employment figure for coal mines was 87 125. This represented a drop of 6 554 on the 1987 figure and was the lowest figure in ten years. The industrial relations adviser of the chamber, Mr J Liebenberg, said that 1989 did not 'look promising' as regards job creation on the gold mines. He said, 'There is nothing to give us any reason to believe the gold price will jump in the coming year. We are assuming it will stay where it is or drift lower.'⁶

The National Productivity Institute (NPI) said that between 1981 and 1987 employment in manufacturing, which it regarded as 'the main creator of job opportunities', fell by 9% and 125 700 people lost their jobs.⁸

In his book, *The Imperial Presidency: P W Botha's First Ten Years*, Mr Brian Pottinger, an assistant editor on the *Sunday Times*, said that in 1988 there were almost 1,7m public servants compared to 1,3m in 1978. This meant that in 1988 public servants comprised 16% of the economically active population (EAP).⁷

In September Eskom announced that more than 5 000 of its employees — mainly unskilled African workers — might lose their jobs owing to the scaling down of activities of the company. The general manager (generation) of Eskom, Mr Paul Semark, said that Eskom as 'a responsible and concerned employer' would try to avoid retrenchment by exploring all viable alternatives, but that the retrenchments of some employees would be unavoidable.⁸ The press liaison officer for Eskom, Mr André van Heerden, said that the rationalisation would occur over a two-year period.⁹ It was reported in November that both the National Union of Mineworkers (NUM) and the National Union of Metalworkers of South Africa (NUMSA), which together represented 20% of the Eskom workforce, had rejected Eskom's retrenchment package. Thirteen other unions, representing the rest of the workers, agreed to the retrenchment package.¹⁰

Skills

Professor Jan Sadie of the Department of Economics at the University of Stellenbosch divided the population into four categories:

- executive or managerial group (2%);
- professional, technical and other skilled workers (10%);
- semi-skilled group (35%); and
- unskilled, the peasants, the unemployed and the very poor (53%).

He stressed that almost 90% of the South African population fell into the semi-skilled and unskilled categories, limiting the possibility of achieving good economic growth (see *Skills and skills shortages* below).¹¹

Foreign workers

The National Manpower Commission said that there were 1,5m illegal foreign workers in South Africa. Many of them apparently worked in the agricultural sector, the NMC said.¹²

Foreign workers are controlled by the Admission of Persons to the Republic Regulation Act of 1972 and the Aliens Act of 1937. The minister of law and order, Mr Adriaan Vlok, said in March that 3 456 people had been arrested in terms of the Aliens Act during 1987. In the same year 20 726 people, detained as suspected 'illegal' immigrants, admitted that they were in the country 'illegally'. Mr Vlok said that on 10 February 1988, 2 658 suspected 'illegal' immigrants were in detention (see chapter on *Population and Settlement*). The countries in question were Botswana, Lesotho, Malawi, Mozambique, the Netherlands, Portugal, Swaziland, the Transkei, Zambia and Zimbabwe.¹³

The minister of justice, Mr Kobie Coetzee, said that in the period 1 January 1987 to 31 January 1988, 30 people had been convicted for illegally employing aliens in South Africa and fines of up to R2 000 had been imposed. The maximum penalty was R5 000 or two years in jail (see 1987/88 *Survey* p315).¹⁴ In August 1988 the Department of Home Affairs issued strong warnings to employers of 'illegal' aliens and said that the employment of large numbers of 'illegals' was placing a strain on the South African economy. The director general of home affairs, Mr Gerrie van Zyl, said that 'illegal' aliens deprived South Africans of available job opportunities and added to infrastructural problems, such as the provision of housing and health services.¹⁵

Following a meeting in Pretoria in November between the minister of manpower, Mr Pietie du Plessis, and the Mozambican minister of labour, Mr Aguiar Mazula, an agreement was concluded in terms of which government restrictions on Mozambican workers were to be lifted. A blanket ban was introduced in 1986 in retaliation for bombings allegedly perpetrated by members of the African National Congress (ANC) who were thought to have infiltrated South Africa from Mozambique. In January 1987 the government exempted skilled mineworkers from the ban and in October of the same year permits of about 13 000 farmworkers were renewed (see 1986 *Survey* Part 2, pp731-732; 1987/88 *Survey* p314). The chamber welcomed the announcement that the ban was to be lifted. The president of the Chamber of Mines of South Africa, Mr Colin Fenton, said that at the time of the ban there were about 60 000 Mozambican workers on the mines, compared to 47 000 in 1988. He said, 'Due to experience and mechanical orientation they have shown themselves to be extremely productive and generally hold positions in the higher skills categories.'¹⁶

Farmers in the eastern Transvaal also welcomed the move. The Southern Lowveld Farmers' Union said, 'Mozambicans traditionally, since 1939, have been an integral part of the Lowveld's agriculture labour force and farmers experienced great difficulty doing without them during the past year.' In January, before the ban was lifted, the Department of Home Affairs said that they received little or no co-operation from

farmers when farmers were warned that they could face heavy fines unless documented lists of Mozambicans were submitted to the department.¹⁷

The minister of home affairs, Mr Stoffel Botha, gave the following figures for the number of people repatriated in 1987 as 'illegal' immigrants in terms of section 16 of the Admissions of Persons to the Republic Regulation Act:¹⁸

1987: Foreign Africans repatriated in terms of section 16 of the Admission of Persons to the Republic Regulation Act of 1972

Botswana	2 669
Gambia	1
Lesotho	3 308
Malawi	99
Mozambique	26 870
Swaziland	1 349
Tanzania	1
Zaire	1
Zambia	1
Zimbabwe	3 124
Total	37 423

In terms of section 43 of the Admissions of Persons to the Republic Regulation Act the following number of people were deported to neighbouring countries in 1987 and 1988:¹⁹

1987: Foreign Africans deported in terms of section 43 of the Admission of Persons to the Republic Regulation Act of 1972

Botswana	2
Lesotho	33
Mozambique	10
Swaziland	3
Zimbabwe	10
Total	58

Unemployment

Statistics

The Central Statistical Service (CSS) gave the following unemployment and underemployment statistics for Africans, Asians and coloured people living in South Africa (excluding the 'independent' homelands) as at September 1987 and September 1988 (percentage of EAP indicated in brackets):²⁰

*Number of people underemployed and unemployed:
1987 and 1988*

	<i>EAP (000)</i>	<i>Unemployed (000)</i>	<i>Underemployed (000)</i>
<i>African</i>			
1987	6 572	987 (15%)	61 (1%)
1988	6 577	823 (13%)	34 (1%)
<i>Asian</i>			
1987	301	34 (11%)	2 (1%)
1988	313	26 (8%)	1 (0,3%)
<i>Coloured</i>			
1987	1 139	140 (12%)	6 (1%)
1988	1 174	92 (8%)	2 (0,1%)

According to the Venda administration 6 783 men and 15 987 women were unemployed in June 1988. This meant that about 28% of the EAP or 22 770 people were unemployed.²¹

It was estimated that one out of every three economically active males in the Transkei was unemployed, the chairman of the Transkei military council and the Transkei council of ministers, Major General Bantu Holomisa, said in November.²²

The Congress of South African Trade Unions (COSATU) estimated that in 1988, 6m people of all race groups were either unemployed or underemployed in South Africa. This figure included people working in the informal sector.²³

The deputy governor of the South African Reserve Bank, Professor J A Lombard, said in June that according to evidence presented to the President's Council only 8m out of 12m people in the South African workforce had formal job opportunities.²⁴

In August the deputy vice chancellor of the University of Cape Town, Professor James Leatt, said that between 33% and 44% of the economically active workforce could not be accommodated in the private sector. Professor Leatt said that by the year 2000, 50% of the workforce would be unemployed if more jobs were not created.²⁵

Comments on unemployment

The National Union of Mineworkers (NUM) said that although sanctions had had a marginal effect on coal exports leading to redundancies, mechanisation and a fall in local demand should also be blamed for job losses. The NUM said that figures compiled by it showed that African employment on the coal mines had been on the decline for the past ten years, while sanctions had been imposed seriously only since 1985. It was said that white employment on the coal mines had increased during the same period. This could be attributed to increased mechanisation which required skilled labour, the union said. The NUM also said that a significant degree of rationalisation had taken place because of a fall in local demand. This was largely the result of rationalisation in Eskom

power plants, which, according to the union, were by far the biggest consumers of coal inside South Africa.²⁶

In its report entitled *Measures to Counter Cyclical Unemployment in South Africa*, published in April, the National Manpower Commission (NMC) said that compared with the structural unemployment problem in South Africa, the cyclical unemployment problem was relatively small. The NMC said, 'The alleviation of structural unemployment should therefore take precedence over policy measures aimed solely at addressing cyclical unemployment. It also implies that measures aimed at cyclical unemployment should reinforce the long-term employment-creating capacity of the economy.' Although a distinct cyclical pattern was noted for Asians, coloured people and whites, 'only a mild sensitivity to the business cycle could be discerned for African unemployment, indicating a structural unemployment problem rather than [a] cyclical [one]', the NMC said.²⁷

The director general of manpower, Dr Piet van der Merwe, said that an important aspect of the unemployment problem was the youthful age structure of the population. He said that roughly 3.6m new workseekers would enter the labour market between the years 1985 and 2000. This was an absolute minimum, he said, and 'does not include those currently unemployed and underemployed nor does it take into account the shift from non-wage-earning to wage-earning employment'.²⁸

The Labour Research Service (LRS) estimated that about 100 000 jobs could be created in the manufacturing sector alone by cutting overtime. A spokesman for the organisation said that official statistics showed that the average worker put in five hours a week in overtime (12% of ordinary hours worked) — a total of 6.7m hours a week. He said that if this figure could be reduced to two hours (4%), about 4m working hours could be released and used to create jobs.²⁹

For comments on sanctions and the unemployment problem, see chapter on *The Economy and Business*.

Job creation

A total of R183m had been budgeted for the state's job creation programme for the 1988/89 financial year, the minister of finance, Mr Barend du Plessis, said in March.³⁰ The state president, Mr P W Botha, said in April that since the start of the employment creation programme in 1985, altogether R664m had been budgeted for job creation and more than 80m working days had been worked by unemployed people.³¹

The minister of manpower, Mr Pietie du Plessis, said that the nature of the projects for which funds were appropriated during these years could be grouped under the following headings: community projects (including housing), protection of the earth's surface, nature conservation, development of training facilities, improvement and beautification of the environment, development and/or maintenance of sports and recreational facilities, home industry and self-help projects, replacement of machine labour with manual labour, informal sector and culture and

heritage preservation. During the 1985/86 and 1986/87 financial years funds were allocated for 586 projects, 425 employers were involved and 30 121 unemployed people were employed. During the 1987/88 financial year funds were allocated to 151 projects, 97 employers were involved and 10 988 unemployed people were employed.³²

The government approved four different projects for the relief of cyclical unemployment through the creation of temporary jobs in the 'independent' homelands. The total costs of these projects were calculated to be as follows: Bophuthatswana (R8m), Ciskei (R10m), Transkei (R15m) and Venda (R3m).³³

From January 1982 to 31 March 1988 the government had spent R2,9bn on its decentralisation programme and in the same period 153 188 jobs had been created in terms of the programme, the minister of constitutional development and planning, Mr Chris Heunis, said in September. Altogether 3 000 industrial projects had been established. The homelands were growing in popularity as a location for the establishment of industrial projects and 57% of the job opportunities resulting from the projects approved during the 1987/88 financial year were in those areas, Mr Heunis said (see chapter on *The Economy and Business*).³⁴

Jobs created through the government's decentralisation policy (see chapter on *The Economy and Business*) had not replaced the number of jobs lost in industrialised areas, a report of the South African Federated Chamber of Industries (FCI) said. The report said that the economy could no longer afford the policy of decentralisation as the policy did not address poverty through job creation. The FCI claimed that funds were being drained away from urbanised areas, adversely affecting the establishment of infrastructure.³⁵

The NMC said that small business was considered to be 'by far the most effective job creator in any economy'. In South Africa the Small Business Development Corporation (SBDC) did not only assist small businesses experiencing short-term financial problems, it also stimulated job creation. The SBDC's programmes resulted in the creation or maintenance of approximately 193 505 jobs from March 1982 to March 1988 (see chapter on *The Economy and Business*). More than 55% of the employment opportunities represent new jobs created'.³⁶

The managing director of the SBDC, Dr Ben Vosloo, said that the SBDC helped to create 50 000 job opportunities in 'South Africa' in 1987. According to studies done by the SBDC, four in every ten people looking for jobs were entering the informal sector every year. The number of home-based businesses had increased to 1,5m and shared an annual turnover calculated at between R15bn and R20bn. About 80% of these businesses were run by African entrepreneurs (see also chapter on *The Economy and Business*).³⁷

The executive director of the Self-Employment Institute, Mr Theo Rudman, said in July that it was estimated that at least 450 000 jobs had to be created every year over the following 13 years to avert a crisis. The annual cost by conventional routes via the formal sector would be

R4,5bn, and economic growth would have to be 5% or 6% a year — 'clearly beyond reach'. He recommended that South Africa should concentrate on small businesses in the informal sector to solve its unemployment problem.³⁸

The head of the financial and planning department at the University of Potchefstroom, Professor Nic Swart, said in July that if there was to be sufficient employment in South Africa by the year 2000, 1 300 jobs would have to be created every day. He said that to help small businesses develop in the rural areas, there should be deregulation of strict rules and regulations.³⁹

The public relations officer of COSATU, Mr Frank Meintjies, said in December, 'The potential of the informal sector to provide jobs has been highly overestimated. The informal sector cannot solve serious economic problems such as lack of housing or job creation in the country.' He added that the problem was that people were using the informal sector as a way of avoiding the structural economic problems.⁴⁰

South Africa's unemployment problem would worsen unless Africans and coloured people became bigger job creators, Professor J L Sadie of the Bureau of Market Research at the University of South Africa said in September. He said that whites and Asians accounted for about 97% of job creation, but that the size of these two population groups would drop from 12% of the population to 5% by the year 2005.⁴¹

Unemployment insurance

The NMC said that if the EAP (see *Economically active population* above) was used as a proxy of the total labour force, the proportion of workers covered by the Unemployment Insurance Fund (UIF) was approximately 46%. It warned that this percentage should be interpreted carefully as it would have been lower if the total workforce in 'South Africa' and the 'independent' homelands was used as a proxy. The NMC also pointed out that the 54% of the EAP not covered by UIF included agricultural and domestic workers. The International Labour Organisation (ILO) recommended that 50% of all employees should have UIF protection.⁴² The contributions made to the Unemployment Insurance Fund in 1986 and 1987 are shown in the table, *Contributions to UIF, overleaf*.⁴³

In March it was announced that the salary ceiling for UIF contributions would be raised to R35 000 a year from R30 000 a year as of 1 May.⁴⁴

On 31 December 1987 there was about R309m in the fund, compared to R171m on 31 December 1986.⁴⁵ Dr Van der Merwe said in October that the fund had reached a record R480m in September 1988 and was increasing at 'an unprecedented rate of about R19m a month'. He said that this was 'in spite of monthly record payouts of up to R45m'.⁴⁶ In December it was reported that the fund was expected to be over R500m by the end of the year.⁴⁷ Although the total amount in benefits being paid out increased by about R2m from 1986 to 1987, the number of people receiving benefits decreased by 28 773. Details are shown in the table, *Benefits paid out, overleaf*.⁴⁸

Contributions to UIF

	1986		1987	
	Number of contributors	Contributions (Rm)	Number of contributors	Contributions (Rm)
Employees	4 625 191	—	4 888 678	—
‘South Africa’	4 114 912	—	4 390 869	—
Bophuthatswana	154 693	8,5	133 734	
Ciskei	65 051	3,9	81 794	
Transkei	265 713	17,7	256 552	
Venda	24 822	1,5	25 729	
Employers	130 036	—	135 567	—
Total contributions ^a		392,2		622,7

a Excluding the state's contribution of R7m

Benefits paid out

	Unemployment	Illness	Maternity	Dependants of deceased contributors	Total
<i>1986</i>					
Applications received	345 766	—	—	—	—
Applications approved	309 521	42 482	59 067	13 391	424 461
Amount (Rm)	271,7	47,5	47,3	20,0	386,5
<i>1987</i>					
Applications received	320 781	—	—	—	—
Applications approved	285 254	38 661	58 855	13 118	395 888
Amount (Rm)	266,5	48,1	50,8	22,9	388,3

The minister of manpower, Mr Pietie du Plessis, said that in 1987, 4 456 employers were prosecuted and ‘many others’ were warned for not complying with the various provisions of the Unemployment Insurance Act of 1966.⁴⁶

Skills and skills shortages

Shortages

According to a survey published by the National Manpower Commission (NMC) in June, the major shortages in high-level manpower were among engineers, computer system analysts (as opposed to programmers) and managers.⁵⁰ The NMC said that South Africa would not be able to realise its development potential and offer all its people an acceptable standard of living if it persisted in trying to satisfy its high-level manpower needs

mainly from the white population. According to the NMC white men constituted the largest single source of high-level manpower (see *The colour bar* below).⁵¹

The NMC estimated that there were 40 045 vacancies in the professional, technical and managerial occupations. According to the NMC, by the year 2000 there would be a shortage of 228 000 workers who had university degrees or diplomas. Within eleven years, it said, the shortage of managers and entrepreneurs could increase to 103 000, while 442 000 professional and technical posts would be empty.⁵²

In its annual report for 1987 the NMC said that it was 'significant' that, as in most previous years, most degrees awarded in 1986 were awarded in the following fields of study: business, commerce and managerial sciences (15%), social sciences and social studies (13%), health care and health sciences (11%), education (10%) and psychology (8%). These fields of study therefore accounted for 56% of the degrees awarded in 1986, as against the 9% in the following fields of study: engineering and engineering technology (5%), mathematical sciences (2%) and computer science and data processing (2%).

In the year 2000, South Africa would have a shortage of 200 000 skilled workers and a surplus of more than 9m semi-skilled and unskilled people, the Institute for Futures Research at the University of Stellenbosch predicted.⁵³

In a publication entitled *Training on Separate Tracks*, a researcher at the South African Institute of Race Relations, Ms Monica Bot, said that by that time 77% of the economically active population would be African and only 11% would be white. Ms Bot singled out high-level manpower shortages in paramedical occupations, agriculture, nursing, science, and technical and technological posts. In the middle-level manpower group there were serious shortages of transport and service workers, she said. According to Ms Bot, a sustained upturn in the economy would uncover shortages in several other industries, for example, the construction industry.⁵⁴

The NMC gave recommendations regarding the demand for skilled manpower as follows:

- in order to promote manpower planning, the National Training Board should compile a guide on the methodology of manpower planning at micro level;
- the NMC should, in co-operation with the Department of Manpower, develop a procedure whereby the demand and supply situation in individual occupations could be determined relatively quickly with a view, among other objectives, to supplying bodies like the Immigration Selection Board and public placement services with information; and
- the Department of Home Affairs should investigate the possibility of applying the existing state assistance for immigrants on a differentiated basis, so that immigrants in occupations where there were continual serious shortages would benefit more than others.⁵⁵

It was reported that the director of economics and finance at the National Productivity Institute, Mr John Parsons, gave three ways in which the skills shortage could be addressed:⁵⁶

- the way the job could be done could be changed by restructuring, job simplification and deskilling;
- by making training more appropriate to the jobs needed; and
- by making up the difference by importing skills.

The chairman of the NMC, Dr Frans Barker, recommended that greater effort should be made to compensate for the lack of skilled people by using assistants to skilled personnel: 'Many skilled people carry out tasks which less trained people could do. This would directly reduce the wage bill and, indirectly, reduce wage demand of skilled personnel.' Similarly, he said, more use could be made of retired people, blacks and women.⁵⁷

Engineering

According to Professor Fred Hugo of the Department of Civil Engineering at the University of Stellenbosch, a shortage of between 400 and 500 engineers existed as a result of shrinking numbers of civil engineering students.⁵⁸ The minister of economic affairs and technology, Mr Danie Steyn, said that there was also a drop in the number of practising engineers from 5 824 in 1981 to 4 950 in 1987. Mr Steyn called for more engineering technicians to be trained, a category which he said was at present 'totally understocked'. As a result of the fact that South Africa's traditional overseas source of chemical engineering manpower had 'virtually dried up' and that fewer students entered chemical engineering, South Africa had a shortage of chemical engineers, Professor D M Fraser of the University of Cape Town said in August.⁵⁹

A survey by the Federation of Societies of Professional Engineers (FSPE) indicated that in 1988 two jobs were available for every engineer graduating from a South African university. According to the survey, this was the closest supply had come to meeting demand in the past two decades.⁶⁰

A lecturer in civil engineering at the University of Cape Town, Professor A D W Sparks, said that it was likely that less than 40% of present university civil engineering graduates would remain active as civil engineers in South Africa until retirement.⁶¹

Managers

At least 68 black managers would have to be trained every day so that South Africa could be fully developed by the year 2000, the chairman of the Johannesburg branch of the Black Management Forum (BMF), Mrs Sebolelo Mohajane, said in July.⁶²

The national chairman and chairman of the board of directors of the BMF, Mr Don Mkhwanazi, said that there was an 'invisible ceiling' above which black managers could rise only in exceptional circumstances. He

said that when blacks reached a certain level they 'tend to leave the corporate world because they are frustrated by the lack of upward mobility'.⁶³

Accountants

The Association of Black Accountants of Southern Africa (ABASA) said that of 11 500 registered chartered accountants, about 1 500 had emigrated and that of the remaining 10 000, only 17 were African.⁶⁴ Apartheid was the cause of the shortage of qualified black accountants, the president of ABASA, Mr Israel Skosana, said. In 1988 there were 52 Africans studying to be accountants. It was estimated that South Africa would need 20 000 chartered accountants by the year 2000 and that at least one third of them would have to be African.⁶⁵

In August it was reported that 'accountants are beginning to resemble an endangered species' and that 'the profession has been acutely affected by the brain drain'. The president of the South African branch of the Chartered Institute of Management Accountants (CIMA), Mrs Denise Jenkin, said that there were 12 000 chartered accountants in South Africa and only 850 management accountants. According to her South Africa needed at least 100 new management accountants each year.⁶⁶

Mr Peter Surtees of the Department of Accounting at Rhodes University suggested that people who were qualified in other fields should be used in the accounting field. He said that the Institute of Chartered Accountants in England and Wales estimated that of graduate accountants between 1982 and 1984, only 36% had relevant degrees.⁶⁷

The computer industry

The 1988 FSA Computer Remuneration Survey predicted that by 1989 there would be a shortfall of 1 200 skilled staff in the computer industry in South Africa. The survey showed that 16% more skilled staff was needed in 1988 than in 1987, while in 1987, 11% more skilled staff was needed than in the previous year. Database analysts, business analysts, systems analysts, programmers, software analysts and analyst programmers comprised the major part of the shortage. The director of FSA Computer Remuneration Survey, Mr Vincent McGrory, said that the brain drain continued to affect the computer sector. 'The previous two years, which saw a high outflow of skilled staff, were motivated mainly by the uneasy political scene,' he said.⁶⁸

Shortages in other sectors of the economy

In August a shortage of more than 40% of skilled workers was reported in the building industry.⁶⁹

According to figures released by the Human Sciences Research Council (HSRC) the demand for scientists in the natural sciences far exceeded the supply. The demand for natural scientists was expected to rise from 24 444 (0,4% of the total labour force) in 1985 to 34 631 (0,5% of the total labour force) in 1995. These figures were based on past developments and did not take variables such as inflation into account.⁷⁰

The 'brain drain'

During the period under review there was more concern about the profile of migrants than about the overall numbers. The managing director of P E Corporate Services, Mr Martin Westcott, said, 'One of the worst tragedies has been the loss of university graduates, potentially the next generation of top executives, accountants, engineers, architects, and so on.'⁷¹

The director and chief economist of Econometrix, Dr Azar Jammine, said that it was not sufficient to look at the migration flow of one year. He said, 'We need to measure the inevitable cumulative effects of broad trends that have been stripping South Africa of layer after layer of its sum total of talent. South Africa needs a far stronger build-up of its business brain-power resources to cope with its current and future economic problems.'⁷²

According to the Central Statistical Service the following number of people left South Africa during 1987 and 1988:

Emigrants by occupation

<i>Occupation</i>	<i>1987</i>	<i>1988</i>
Professional, semi-professional and technical	1 973	1 394
Managerial, executive and administrative	524	362
Clerical and sales	921	693
Transport delivery and communications	32	23
Service	97	76
Farming and related	30	14
Artisan, apprentice and related	547	413
Production foreman and supervisor, miner and quarry worker, operator, production and related workers	110	64
Unspecified and not economically specified	310	455
Total: economically active	4 544	3 494
Total: not economically active	6 630	4 271
Grand total	11 174	7 765

The minister of home affairs, Mr Stoffel Botha, gave figures for emigrants and immigrants in specific job categories in 1988 as shown in the table, *Emigration and immigration*, overleaf.

Mr Botha said in Parliament that there were no measures controlling the departure of graduates who still had to do their national service.⁷³ The government did not intend introducing legislation to compel students who left South Africa soon after completing their studies to pay back the state subsidies used for their education, the minister of national education, Mr F W de Klerk, said. 'The extent and nature of this problem does not warrant the introduction of such legislation,' he added.⁷⁴

Emigration and immigration in professional, semi-professional and technical occupations: 1988

<i>Categories</i>	<i>Emigrants</i>	<i>Immigrants</i>	<i>Net gain/loss</i>
Doctors and specialists	73	68	-5
Dentists and dental specialists	10	7	-3
Medical personnel (excluding doctors and dentists)	186	123	-63
Attorneys and advocates	27	5	-22
Legal personnel (excluding attorneys and advocates)	7	5	-2
Architects and town planners	31	9	-22
Social workers	14	3	-11
Quantity surveyors	6	5	-1
Scientists	69	92	23
Engineers, engineering technicians and related occupations	346	446	100
Mathematical and computer scientists	84	100	16
Accountants and economists	176	95	-81
Educationalists	196	125	-71
Religious personnel	30	88	58
Authors	17	20	3
Artists, plastic arts and designers	41	60	19
Artists, performing arts and related occupations	18	38	20
Sports people	5	13	8
Professional, semi-professional and teaching personnel	58	73	15
Total	1 394	1 375	-19
Total 1987	1 973	1 071	-902

The End Conscription Campaign (ECC) said in July that research showed that an 'alarmingly high' number of young men were leaving South Africa to avoid military service.⁷⁵

According to a study done by *The Star*, politics, and not economics, had proved to be the biggest influence on migration into and out of South Africa in recent decades (see chapter on *Population and Settlement*). By using CSS figures it showed how emigration had increased and immigration decreased after political events such as Sharpeville (1960), the Soweto riots (1976) and the first state of emergency (1985).⁷⁶

Mr Piet Human and Mr Jeremy Green of the Graduate School of Business at the University of Cape Town undertook a study in which they tried to determine why South African managers wanted to leave South Africa. They concluded, 'The main finding is that the reasons for leaving or staying are politically based. The responses to most of the questions indicate that a manager's political orientation would strongly influence the decision to stay or leave. It is paradoxical, however, that those most

likely to contribute to the achievement of a nonracial democratic society, in the sense that they are "liberal" and also managers who have power, are those most likely to leave the country."⁷⁷

Training

Speaking at a conference entitled 'Wiehahn – Ten Years On', Professor Nic Wiehahn of the School of Business Leadership at the University of South Africa said that he expected training to receive more attention as the number of African pupils leaving school and wishing to progress was increasing. The skills drain, coupled with the low birthrate of whites meant that the only available source of additional skills was the black community, he said.⁷⁸

A researcher at the South African Institute of Race Relations, Ms Monica Bot, said that although the country would become dependent on skilled African workers and managers, the recession had led industry as a whole to cut spending on training for the future. There were also 'not nearly enough' bursaries for African students to attend technical colleges as private students.⁷⁹

According to the minister of education and training in the House of Assembly, Mr Piet Clase, 75% of whites had a purely general educational background. Of those whites only 40% could be absorbed into the job market. Among Africans the respective proportions were 95% and 20%. Ms Bot said that the number of African students at university far exceeded the number in technical institutions. 'Only 10% of the South African workforce is being trained in a technical field, while 75% should be trained to meet requirements,' Ms Bot said.⁸⁰

Artisan training

The NMC said in its annual report for 1987 that although there had been a 'reasonable upswing in the economy' since the fourth quarter of 1984, 'a declining trend may still be observed (since 1984) in respect of new registrations of apprentices'. The NMC added that the number of new registrations decreased from 'an overall high' of 14 497 registrations in 1982 to 8 185 in 1987. This, it said, was 'a development that is causing concern and that will lead to problems with regard to the availability of artisans in future'.⁸¹ The number of new apprenticeship contracts registered in 1987 in the different industries and trades is shown in the table, *Number of new apprenticeship contracts, overleaf*.⁸²

The sharpest drop in the number of new registrations occurred in the building industry, the South African Transport Services (SATS) and the motor industry. There were small increases in the number of new registrations in the mining industry and aerospace.⁸³

The diminishing number of new registrations had led to the number of current contracts decreasing, and that, the NMC said, would eventually be reflected in fewer people attaining artisan status. The number of people involved in apprenticeship training from 1985 to 1987 was as follows (percentage change indicated in brackets):⁸⁴

Number of new apprenticeship contracts registered in 1987

<i>Industry/Trade</i>	<i>African</i>	<i>Asian</i>	<i>Coloured</i>	<i>White</i>	<i>Total</i>
Aerospace	3	—	2	274	279
Automobile manufacturing	15	2	23	40	80
Building	17	21	117	131	286
Coal mining	—	—	—	—	—
Diamond cutting	—	—	—	8	8
Electrical contracting industry	7	7	21	92	127
Electricity supply undertaking	1	—	—	104	105
Explosives and allied industries	4	5	3	101	113
Furniture	—	10	9	17	36
Government undertakings	—	—	19	207	226
Hairdressing	6	17	22	517	562
Jewellers and goldsmiths	1	1	—	20	22
Local authority undertaking	—	—	—	40	40
Metal (engineering)	269	153	247	2 322	2 991
Mining and building (mines)	185	16	48	1 416	1 665
Motor	23	64	97	933	1 117
Printing	6	16	51	172	245
South African Transport Services	1	—	1	207	209
Sugar manufacturing and refining	19	17	3	7	46
Tyre and rubber manufacturing	—	1	2	25	28
Total	557	330	665	6 633	8 185
Total 1986	582	319	727	8 032	9 660

Artisan training

	<i>1985</i>	<i>1986</i>	<i>1987</i>
New registrations	11 573	9 660 (-16,5%)	8 185 (-15,3%)
Valid contracts	33 752	29 826 (-11,6%)	25 689 (-13,9%)
Artisan status achieved	12 933	11 769 (-9,0%)	10 686 (-9,2%)

The executive director of the National Productivity Institute (NPI), Dr Jan Visser, said in August that the number of apprentices in South Africa dropped by 36% from 1983 to 1987. He said, 'Since the Wiehahn commission published its report and opportunities were opened for black apprentices to enter the lucrative artisan labour market, we all envisaged that blacks would grab the opportunity to move into this arena. Yet, the number of black apprentices dropped by 57% from almost 12 000 in 1983 to just more than 5 000 in 1987. Only 12% of all

apprentices in 1987 were black, and this in spite of the fact that there were 3 086 vacancies for apprentices and 8 570 vacancies for artisans in 1987.⁸⁵

Dr Visser said that the difficulty with African apprenticeship might lie in the relatively high educational qualifications needed. This, he said, brought with it a resistance to manual labour.⁸⁶

The Steel and Engineering Industries Federation of South Africa (SEIFSA) conducted an investigation into the apprentice intake in the metal industry. It found that the major reasons given by employers for their hesitation to take on new apprentices were 'cost' and 'lack of candidates'.⁸⁷

Ms Bot said that her interviews with employers suggested that in many cases the applications from Africans for apprenticeships often exceeded the number they could employ. Among the reasons she cited for the increase in African applications were the repeal of the job colour bar, which had opened skilled technical jobs to Africans; low unemployment among artisans and job shortages in more academically orientated occupations.⁸⁸

Ms Bot suggested that the decline in the number of African apprentices might not be a consequence of prejudice but rather of the recession. According to her, employers tended to cut back during recessions, 'only to find that this creates skilled labour shortages during the next upswing'. SATS, for instance, had been forced to slow its apprentice intake as part of its cost-saving programme.⁸⁹ Such cutbacks, she said, 'obviously reduce any incentive to desegregate facilities'. She quoted an African college principal as saying, 'Employers can be choosy... : through the natural selection process whites will come out on top'.⁹⁰

Other factors limiting African apprenticeships as identified by Ms Bot were: deficiencies in the African education system, particularly in mathematics and science, the formal education requirements for apprenticeships and 'some resistance to African labour mobility among white workers in some areas and industries'.⁹¹

While the director general of manpower, Dr Piet van der Merwe, contended that it was the responsibility of individual industries to indenture apprentices,⁹² Ms Bot argued that a possible solution to the problem would be to lessen the dependence of technicians and the technical colleges on employers, especially during economic downturns, by allowing them to provide practical as well as theoretical training. Advantages of such a system would be a uniform standard of practical training and greater use of underutilised facilities at colleges.⁹³

In-service training

According to the chairman of the Rural Foundation, Mr F J Malan, the number of farmworkers receiving in-service training had more than doubled during the year to 16 000. About 186 000 farm personnel were involved in 3 000 different courses, he said.⁹⁴

The following numbers of people were trained in the five state-aided programmes for the in-service training of employees from 1985 to 1987:⁹⁵

In-service training

Type of training	1985	1986	1987
Group training centres	15 750	12 599	23 038
Private training centres	129 759	126 347	110 917
Private training schemes	155 562	132 968	140 201
Training schemes (s 39(4) of MTA ^a)	14 197	7 149	5 679
Training schemes (s 48 of LRA ^b)	9 040	9 570	9 982
Total	324 308	288 633	289 817

a Manpower Training Act of 1981 b Labour Relations Act of 1956

Training of the unemployed

The Department of Manpower continued its programme in which funds were made available to the private sector for training the unemployed. During the 1987/88 financial year an amount of R76m was made available for this programme. In 1987, 258 517 people were trained, bringing to 719 752 the total number of people trained under this programme since its inception in 1985. By the end of 1987 a total of 326 contracts with approved training bodies had been entered into.⁹⁶

Productivity

In its 1987 annual report tabled in Parliament in May the Board of Trade and Industries said that labour productivity had declined by 5% and the productivity of capital by 11% or 12% between 1975 and 1986.⁹⁷

The South African Reserve Bank disclosed in its *Quarterly Bulletin* in June that labour productivity (ie real gross domestic product per worker in the non-agricultural sectors of the economy) had declined by 0,7% in 1986 but had risen by a similar proportion in 1987. The 1987 improvement in labour productivity was attained despite a sharp rise in the number of mandays lost as result of intensified trade union activity. The bank said that the mild rise in labour productivity had helped to hold down the effect of the acceleration in nominal wage increases in unit labour costs. This rate of increase remained unchanged from 1986 to 1987 at a level of 15%.⁹⁸

The NPI found that the capital intensification of the industrial sector 'unfortunately' did not result in higher production, with the result that capital productivity in 1986 registered only about 60% of the level achieved in 1965. According to the NPI, labour productivity in the private non-agricultural sectors increased by only 1,5% a year. According to the institute, the biggest labour productivity growth rate in that period was achieved by transport and communication (3%), followed by manufacturing and commerce (both about 2%). Mining and quarrying registered the biggest labour productivity decline at 2%, while sectors such as electricity and water and financial services also showed negative growth.⁹⁹

In August Dr Visser blamed high inflation and high unemployment rates on the fact that average worker pay increases were rising far faster

than increases in actual production. He revealed that while output per manhour in the manufacturing sector in Japan had soared by 92% between 1975 and 1986, in South Africa it had climbed by only 19%. As a result, he said, the labour cost of each production unit had actually fallen in Japan by 3%, while there was a 282% increase in unit costs in South Africa.¹⁰⁰

At the Manpower 2000 congress held in Pretoria in November the state president, Mr P W Botha, said that South Africa should look at higher productivity as a means of increasing the country's economic growth potential. He said that wages and salaries had increased to such an extent that labour unit costs had increased by 312% between 1975 and 1987. This had contributed to inflation and placed South African trade under pressure because productivity increases had shown little or no correlation with salary and wage increases. Mr Botha said that training was an important way of increasing productivity, and he called on employers to reappraise the role of training in the economy.¹⁰¹

The chairman of Gold Fields of South Africa, Mr Robin Plumbridge, said in the company's annual report that it was 'astonishing' that in a developing country such as South Africa so many industrial enterprises operated a 40-hour week — using only 25% of the time available. He said, 'A far greater proportion of the country's human and financial resources must be devoted to productive economic activity in order to create the additional wealth which is necessary not only to sustain current per capita incomes but also fund realistic social programmes.'¹⁰²

According to Dr Visser, one of the greatest drawbacks to productivity stemmed from the inability of management to control the functioning of business. He said that it remained an undeniable fact that if productivity improvement was not driven from the top, it was highly unlikely that it would ever become part and parcel of the jobs of other employees. He said, 'Many managers do not have the skills and knowledge to start and maintain a productivity programme.'¹⁰³

The colour bar

The chairman of the National Manpower Commission (NMC), Dr Hennie Reynders, said in February that one of the main reasons why there had been a lack of progress in the advancement of Africans, coloured people and Asians in management was the attitude of white management personnel. He said that although they professed to be positively disposed to helping with the upliftment of those groups, there was a notable unwillingness or inability to put those views into practice. The NMC said that with most of the statutory measures which hampered the mobility of blacks in the past now mainly lifted, the advancement of blacks into high-level manpower and middle-level manpower occupations should increase.¹⁰⁴ The NMC said, however, that there were still environmental factors such as housing, overcrowding, and relations in the work environment which had a restrictive influence on upward mobility.¹⁰⁵

Professor Eddie Webster of the Department of Sociology at the University of the Witwatersrand said in May that three decades of talking about black advancement schemes had brought negligible results. 'It is a clear indictment of South Africa's racial capitalism,' Professor Webster said. Among the problems were that it was white managers who usually implemented black advancement programmes, reproducing paternalistic attitudes and practices; that recruitment and promotion practices reinforced segregation; and that there was a genuine fear on the part of white managers that blacks with the same skills would eventually take over their jobs: 'hence they resisted black advancement, overtly or covertly'.¹⁰⁶

Job reservation on the mines

The president of the Chamber of Mines of South Africa, Mr Naas Steenkamp, said in his presidential address in June that over 5 000 Africans, coloured people and Indians were employed on mines in jobs previously reserved for whites only. He said, 'This equates to about 12% of the skilled workforce and 17% of all apprentices in training, and the process is continuing.'¹⁰⁷

In December it was reported that the first six African miners passed their examinations for blasting certificates. Four of the miners were from the Blyvooruitzicht Gold Mining Company in Carletonville (western Transvaal), managed by Rand Mines, and 'would initially be employed on nightshift cleaning operations to gain supervisory experience'. This, Rand Mines said, would allow the more experienced miners to transfer to dayshift, where a critical personnel shortage existed. The personnel director of Rand Mines, Mr Don King, said that white mineworkers had been given assurances that none would lose their jobs because of changing circumstances. The Anglo American Corporation of South Africa (Anglo) said that the other two miners, employed at Anglo's Vaal Reefs Exploration and Mining Company, near Orkney, would follow 'the usual on-the-job training programme'. It was reported that the (white) Mineworkers' Union (MWU) was strongly opposed to these changes. Although the Chamber of Mines of South Africa had offered certain job security guarantees, the MWU wanted further assurances.¹⁰⁸

In October the first Labour Appeal Court case was filed when the MWU appealed against an Industrial Court hearing that the MWU had committed an unfair labour practice by refusing to allow its members to train coloured people as winding engine drivers. It was not clear when the case would be heard because although the court was established under the Labour Relations Amendment Act on 1 September, the court had not been physically established.¹⁰⁹

It was reported in November that the chamber had reached 'job security agreements' with all unions representing white labour except the MWU, whose 20 000 members included all the industry's key blasting certificate holders and onsetters. The MWU had rejected the chamber's

job security proposals, as it believed them inadequate for the protection of members' interests, and was seeking further statutory and contractual safeguards. Its proposals included: work standards should be maintained; all certificated workers should achieve the same levels of proficiency; there should be equal pay for equal work; changes should be negotiated; job security assurances should be given; and there should be protection against racial victimisation.¹¹⁰ The general secretary of the MWU, Mr Peet Ungerer, wrote in *The Mineworker*, 'It is unacceptable to the MWU for workers to be trained just for the sake of training. We must guard against employers training and promoting other race groups just to be in fashion. The training of other race groups must not render a threat to white employees. Strict standards and conditions will have to be set to which all workers must conform before training can commence.'¹¹¹

Also in November the Transvaal Provincial Division of the Supreme Court ordered the minister of manpower, Mr Pietie du Plessis, to appoint a conciliation board to settle a dispute between the chamber and the Council of Mining Unions (CMU). The dispute arose because the chamber refused to give assurances that it would not open the Mines Employees Pension Fund to all races. The CMU had refused to allow black employees to join the pension fund, which was jointly controlled by the chamber and the CMU, thus precluding them from benefiting from the fund like their white colleagues, who performed the same work. The chairman of the CMU, Mr Ben Nicholson, said, 'If the fund were opened to all ranks this could have detrimental effects on benefits built up over 50 years.'¹¹²

At the same time the National Union of Mineworkers (NUM) had embarked on a struggle for the abolition of formal educational qualifications for miners seeking to attain certificates of competency in the mining industry. Although, according to regulations gazetted in July (see 1987/88 *Survey* p340), a standard eight education was not required for obtaining certificates of competency, the regulations said that an applicant should possess 'the minimum educational qualification as recommended by the relevant advisory committee and as accepted by the minister'. The minister of economic affairs and technology, Mr Danie Steyn, provisionally decided, on the advice of statutory advisory committees, that prospective candidates for blasting and onsetter certificates required standard eight and seven school education respectively. The minister reportedly asked the committee to consider lowering the qualification. Ms Mavis Hermanus, who represented the NUM on the advisory committees for blasters, onsetters and locomotive engine drivers, said that 'the qualifications were unnecessary and, by design or otherwise, effectively excluded the vast majority of otherwise able African workers'. She said that the NUM believed that the main factors should be experience and on-the-job training.¹¹³

The chairman of Gold Fields of South Africa, Mr Robin Plumbridge, said in his chairman's review that 'regrettably the regulations, which should confine themselves to matters relating to health and safety,

incorporate a wide range of provisions which could hamper the advancement of black employees'. He also said, 'At the present time there is a growing shortage of holders of certificates at all levels. In some instances production is suffering and the shortage of qualified people is seriously hampering efforts to improve productivity. The shortage is such that no responsible white employee should feel any threat to his employment. Nevertheless, individual mine managements will have to work closely with their employees to overcome their inevitable concern.'¹⁴

Migrant workers and commuters

It was reported in *Leadership South Africa* that most major mining houses were 'dedicated to the removal of the migrant worker system' but that they cautioned that 'it cannot be scrapped overnight'. The executive director of the South African Institute of Race Relations, Mr John Kane-Berman, agreed and said that 'at best [the system] can be phased out'. He noted that the phasing out of the system would be made easier if the number of workers from outside South Africa continued to decline.'¹⁵

Statistics

Because of the repeal of the Black Labour Act of 1964 with effect from 1 July 1986, many African workers who previously had to register in terms of the act were no longer required to do so. Official statistics on the number of migrant labourers (ie workers not accommodated with their families in the areas of industry) were thus not available.'¹⁶

Citizens of 'independent' homelands

Citizens of the 'independent' homelands had been exempted from certain provisions of the Aliens Act and therefore did not require temporary residence permits or work permits to work in 'South Africa'. However, bilateral labour agreements between the government and the 'independent' homelands still controlled migrant labourers from these countries. These labour agreements specified that:

- an employer in 'South Africa' who wished to recruit any citizen of an 'independent' homeland for the purposes of employment would be permitted to do so only after he or she had obtained a certificate to the effect that he or she was permitted to engage the number of people specified on the certificate by the government of 'South Africa';
- prospective employers should obtain permission from the government of the 'independent' homeland, in which they intended to recruit, to do so. A place of recruitment should also be arranged;
- employers should pay the government of the 'independent' homeland the fees prescribed by that government;

- a written contract should exist between the employer and the recruited person. This contract should be attested in the employee's country of origin; and
- prospective employees should be in possession of valid travel documents, passports or other positive means of identification before they could cross the common border to assume duty in 'South Africa'.¹¹⁷

The minister of foreign affairs and of information in the Transkei, Brigadier E Keswa, said in September that more than 1,5m Transkei citizens lived in 'South Africa' permanently. According to him, migrant labourers from the Transkei had contributed more than R1bn to the South African economy during the 1986/87 financial year. Contributions to South Africa's money markets were made by deferred payments in respect of labour-recruiting corporations and through salaries, wages, daily purchases and sales tax. He added that if all the Transkei citizens who worked in 'South Africa' were compensated for their economic contributions, Transkei would not need to be given 'so-called hand-outs' by South Africa.¹¹⁸

Following a fact-finding mission to 'South Africa', the chairman of the Transkei Military Council, Major General Bantu Holomisa, said that there was an imbalance in the sharing of South African mine profits. Homelands were supplying most of the labour, but benefits were going to only a few, he said. According to him, more than 40% of labourers on South African mines came from the Transkei. He called on the mining houses to provide schooling, hospitals and bursaries for the children of miners and housing facilities. 'Improved salary structures' so that workers could meet minimum living standards were also called for by Gen Holomisa. He said, 'The gains that accrue to the Transkei as a result of the contribution of our labour should be proportionate to the gains derived from the continued use of our labour force by "South Africa" in "South Africa".'¹¹⁹

Mention was also made of the fact that the Transkei was upset by 'continuous reports of the deaths and injuries' of citizens of the Transkei on mines in 'South Africa'.

Deportations

In terms of section 43 of the Admissions of Persons to the Republic Regulation Act the following number of people were deported to the 'independent' homelands in 1987: Bophuthatswana, five; the Ciskei, two; the Transkei, 73; and Venda, two.¹²⁰

Mining

According to the Chamber of Mines of South Africa the following average number of migrant workers were employed on the chamber's gold and coal mines in 1986 and 1987:¹²¹

Migrant workers (Chamber of Mines): 1986 and 1987

Country of origin	Gold mines			Coal mines		
	1986	1987	Change	1986	1987	Change
'South Africa'	101 470	115 169	13,5%	36 409	34 064	-6,4%
Bophuthatswana	15 172	15 107	-0,4%	417	333	-20,1%
Ciskei	13 116	12 249	-6,6%	2 144	1 833	-14,5%
Transkei	133 965	128 513	-4,1%	8 322	7 142	-14,2%
Venda	2 427	2 364	-2,6%	48	51	6,3%
Botswana	19 106	17 939	-6,1%	10	3	-70,0%
Lesotho	103 742	105 506	1,7%	8 849	7 451	-15,8%
Malawi	17 923	17 620	-1,7%	179	149	-16,8%
Mozambique	56 237	45 917	-18,4%	1 662	1 186	-28,6%
Swaziland	14 239	15 743	10,6%	668	575	-13,9%
Zimbabwe	-	-	-	6	8	33,3%
Other areas	1	-	-100,0%	-	-	-
Total	477 398	476 127	-0,3%	58 714	52 795	-10,1%

The average number of Africans according to area of origin employed in 1988 on gold, platinum, copper and coal mines which were members of the Chamber of Mines of South Africa and the percentage change over 1987 are given opposite in the table, *Africans on chamber mines: 1988*.¹²²

The amounts paid to migrant workers on the mines in the form of deferred pay and remittances were as follows:¹²³

Deferred pay and remittances

	1987 Rm	1988 Rm
South Africa (minus TBVC*)	11,8	37,5
Bophuthatswana	14,2	17,2
Ciskei	0,5	2,9
Transkei	19,1	73,7
Venda	0,2	0,4
Botswana	20,1	20,2
Lesotho	276,6	347,8
Malawi	2,5	54,8
Mozambique	106,5	102,7
Swaziland	12,4	15,2
Total	463,9	672,4

* Transkei, Bophuthatswana, Venda and Ciskei

Africans on chamber mines: 1988

<i>White-designated area</i>	<i>Number</i>	<i>Change</i>
Cape Province	11 866	-8,4%
Natal	8 509	-9,1%
Orange Free State	31 711	-3,6%
Transvaal	22 943	4,2%
Sub-total	75 029	-2,8%

'Independent' homelands

Bophuthatswana	48 051	0,1%
Ciskei	13 740	-6,9%
Transkei	131 861	-6,4%
Venda	2 498	-4,3%
Sub-total	196 150	-4,9%

Non-independent homelands

Gazankulu	6 698	2,2%
KaNgwane	6 399	2,7%
KwaNdebele	812	8,8%
KwaZulu	41 903	5,6%
Lebowa	12 963	-6,3%
QwaQwa	8 748	-2,7%
Sub-total	77 523	2,0%

Areas outside South Africa

Botswana	18 936	-4,3%
Kavango	1	-
Lesotho	111 813	-3,9%
Malawi	15 515	-26,1%
Mozambique	47 744	-4,4%
Swaziland	17 659	2,8%
Zimbabwe	4	-42,9%
Sub-total	211 672	-5,6%
Total	560 374	-4,0%

Accommodation

According to some of the mining houses, the problem with family housing for workers was, on the one hand, that family housing for an individual was five times more expensive than the cost of keeping the same individual in a hostel. On the other hand, they cited the fact that there was a 3% official limit on the number of African employees who

could be housed on a mine. This 3% rule was originally introduced to prevent the establishment of settled African communities in the white-designated area. The rule was an administrative measure exercised in terms of the Black Labour Regulations of 1968. Because these regulations had been repealed, there was uncertainty in the mining industry as to whether the rule was still in force. Gold Fields of South Africa said that it was committed to the principle of housing mine employees on the mine: 'We have a preference for a closed town, accommodating all employees in company-owned houses.' The Johannesburg Consolidated Investment Company (JCI), as a result of uncertainty about the 3% rule, encouraged employees to obtain their own housing with rent subsidy schemes and home ownership plans. JCI's policy was criticised for creating 'shanty towns round the mines', a reference to Bekkersdal near Randfontein (west Rand). JCI said that it would not provide financial assistance to employees to squat, but said that 'if an employee follows that route, we don't have much say'.¹²⁴

In February 1988 it was reported that men's hostels in Mamelodi would also be phased out to be replaced by family housing units. This announcement has also been made in connection with hostels in Soweto. In an interview conducted in March 1989 a senior official of the Soweto Town Council said that of the four hostels run by the council (Dube, Mapepla, Jabulani and Nancefield) only two, namely Dube and Nancefield, would be converted from single-sex hostels to family housing units. The Soweto City Council would apply to the Central Witwatersrand Regional Services Council (RSC) and the South African Housing Trust to fund the conversions. It was not clear when the project would take off and the official also said that the city council did not have any definite resolution to stop building hostels in future. The official disclosed that in February 1989 there were 13 887 registered occupants and about 9 000 illegal occupants living in the four hostels, while there were a total of 23 000 beds. According to him, families of migrant workers had moved into the hostels illegally. 'We have tried to take action but with no success,' the official said. After influx control had been formally abolished, he said, the registered occupancy rate of hostels had dropped as migrant workers and their families moved into squatter camps and backyard shacks.¹²⁵

INCOMES

Income levels

Changes in income levels

Professor S J Terreblanche of the Department of Economics at the University of Stellenbosch said that personal income was divided as follows between the four population groups:

*Distribution of personal income by
population group*

	<i>African</i>	<i>Asian</i>	<i>Coloured</i>	<i>White</i>
1917	20,3%	1,8%	6,0%	71,9%
1936	18,7%	1,7%	4,2%	74,9%
1960	19,9%	2,1%	5,6%	72,5%
1980	24,9%	3,0%	7,2%	64,9%
1987	27,0%	3,5%	7,5%	62,0%

According to Professor Terreblanche, the South African population comprised 74% Africans, 3% Asians, 9% coloured people and 14% whites. With regard to distribution of personal income for Africans in 1987, Professor Terreblanche said that if one took the income 'earned' in the so-called informal sector into account, the African share could 'perhaps' be increased to more than 30%. He said that it was estimated that Africans had earned R13bn in the informal sector in 1987.

He estimated that the average annual per capita incomes of the different population groups were as follows:

*Per capita income by
population group*

	<i>African R</i>	<i>Asian R</i>	<i>Coloured R</i>	<i>White R</i>	<i>Average R</i>
1917	372	910	900	4 100	1 240
1936	460	1 395	942	6 033	1 683
1960	795	1 677	1 563	9 810	2 630
1980	1 284	3 864	2 900	15 180	3 711
1987	1 246	4 560	3 000	14 880	3 433

A general conclusion that could be drawn from these tables, according to Professor Terreblanche, was that 'the relative position of the four statutory groups had changed very little over a period of 70 years'.¹²⁶

Income yardsticks

Household subsistence levels (HSLs) for an African family of six and a coloured family of five, as calculated by the Institute for Planning Research at the University of Port Elizabeth, are shown in the table, *Household subsistence levels*, opposite. (See 1987/88 *Survey* p289 for explanation of HSL.)

In February the Bureau of Market Research at the University of South Africa calculated the minimum living level (MLL) for an average African family of four people to be R427,20, while it estimated the supplementary living level (SLL) to be R578,19. The average MLL for coloured families of 4,3 people was R419,39 and the SLL for the same group was R569,90.¹²⁷

Household subsistence levels^a

	<i>African HSL</i> <i>September</i> <i>1988</i> <i>R/month</i>	<i>Increase over</i> <i>September</i> <i>1987</i>	<i>Coloured HSL</i> <i>September</i> <i>1988</i> <i>R/month</i>	<i>Increase over</i> <i>September</i> <i>1987</i>
Benoni	500,26	22,7%	—	—
Bloemfontein	487,96	12,6%	486,57	6,5%
Boksburg	548,80	18,2%	—	—
Brakpan	508,19	11,3%	—	—
Brits	486,48	15,2%	—	—
Cape Town	510,71	10,9%	503,52	6,9%
Durban	489,09	10,8%	527,59	13,9%
East London	505,09	16,8%	513,39	16,7%
George	487,18	—	474,77	—
Germiston	538,47	15,9%	—	—
Johannesburg	553,77	16,6%	592,90	14,6%
Kimberley	490,25	11,3%	565,21	16,9%
King William's Town	470,83	15,2%	497,74	15,1%
Krugersdorp	512,27	12,7%	—	—
Mossel Bay	496,63	—	479,13	—
Peddie	419,39	10,4%	—	—
Pietermaritzburg	445,67	12,0%	—	—
Port Elizabeth	486,45	11,9%	475,89	21,1%
Pretoria	489,38	14,9%	628,21	15,7%
Queenstown	472,91	7,6%	515,47	10,6%
Springs	516,72	12,7%	—	—
Uitenhage	486,75	12,9%	507,84	16,9%
Umtata	479,62	9,1%	—	—
Vaal Triangle	516,34	13,5%	—	—

a The Institute for Planning Research defined the HSL as 'an estimate of the theoretical income needed by an individual household if it is to maintain a defined minimum level of health and decency in the short term'. It was calculated at the lowest retail cost of a budget of necessities, including food, clothing, fuel, lighting, washing, cleansing, rent and transport. The institute made it clear that although the HSL indicated the cost of a theoretical budget, it did not suggest an adequate income because in practice one third would be diverted from the specified items to other immediate essentials. A more realistic minimum income level was the household effective level (HEL), which was 150% of the HSL.

In 1987 the Human Sciences Research Council (HSRC) published an up-to-date manual, *'n Verkorte Handleiding by die Bepaling van die Onderhoudskoste van 'n Gesin*, for determining the cost of maintaining a family. In this manual the total expense for the maintenance of an average living level was estimated by assuming that expenses in respect of food should constitute about 30% of a family's total expenses. Three food ration scales (babies, children and adults) were used and the prices of all the items on these scales were determined at three large supermarkets in Pretoria during July 1986. Estimates for the total costs of

*Estimated total expenses for the maintenance
of an average living level: June 1986*

People in household ^a	Cost of food R/month	Total cost R/month ^b
6	608,16	1 824,48
5	419,10	1 257,30
2	190,67	667,35
1	87,84	351,36

- a The HSRC made it clear that the cost of food per month did not depend only on the number of people in a household. It also depended on the age and sex of the members. For instance, the above six member household consisted of two adults (one male and one female) and four teenagers (two males and two females), while a different six-member household, consisting of one adult (female) and five children (two male and three females), would have to spend R487,82 on food and thus needed R1 463,46 to maintain an average living level).
- b Total cost was estimated by multiplying the cost of food by three. The 'economy of scale' was taken into account by using a factor of 3,5 for the two-member household and a factor of four for the one-member household. The report also said that for a higher than average living level to be maintained, the percentage spent on food would be lower than 30% and a factor of higher than three should be used to determine the total costs for the maintenance of this living level.

The Community Resource and Information Centre (CRIC) said in a publication, *Information Dossier on Wages and Inflation: The Demand for a Living Wage*, that the HSRC estimates were so high because, although they looked for the lowest prices, they did not look 'just at what the very basic food needs are, but rather at the cost of good, nutritious and tasty food'.¹²⁹

The director of the Industrial Relations Unit at the University of Port Elizabeth, Mr Mark Anstey, said, 'There can be little doubt that current MLLs or HSLs are a closer approximation of a poverty or bare-subsistence income than one which could be equated with providing for a decent and healthy standard of living.'¹³⁰ He said that employers, ignorant of the living circumstances of the workers, often used these surveys to negotiate wages.¹³¹

CRIC also criticised the HSL, the MLL, and the SLL on the following grounds:¹³²

- academics had racist perceptions of what the living standards of the black population should be;
- the surveys usually used prices for food and clothes found in supermarkets in the white areas, while prices in townships were a lot higher:

Wages

Wage levels

According to the Central Statistical Service (CSS) the average monthly earnings of the different population groups in 1986 and 1987 in the non-primary sectors (ie excluding agriculture, domestic service and the mining sector) were as follows:¹³³

Average monthly earnings

	<i>African R/month</i>	<i>Asian R/month</i>	<i>Coloured R/month</i>	<i>White R/month</i>	<i>Total R/month</i>
1986	500	912	634	1 732	928
1987	593	1 061	738	1 956	1 060

According to the minister of manpower, Mr Pietie du Plessis, average increases in minimum wages negotiated in 1986 and 1987 by trade unions and employers' organisations for skilled, semi-skilled and unskilled workers at industrial council level were as follows:¹³⁴

Salary increases: 1986 and 1987

	1986	1987
Skilled	12,7%	15,5%
Semi-skilled	12,9%	16,9%
Unskilled	14,4%	19,6%

Mr Du Plessis also said in April in Parliament that there were 86 industrial council agreements, 51 Wage Board determinations and five orders in terms of the Labour Relations Act of 1956 in force at 31 December 1987. The number of workers affected were as follows:

*Wage regulating machinery **

	<i>Industrial council agreements</i>	<i>Wage determinations</i>	<i>Orders</i>
Africans	527 284	571 177	—
Asians	72 346	41 089	—
Coloureds	216 591	136 709	—
Whites	148 660	161 099	—
Total	964 881	910 074	129 969 ^b

a Estimated figures

b Separate figures were not available

Wage trends

Early in 1988 the state president, Mr P W Botha, announced that government expenditure was to be drastically cut by a one-year salary and wage freeze for all public sector employees. Mr Botha at the same time appealed to the private sector to exercise wage restraint. The Congress of South African Trade Unions (COSATU) rejected plans for a general wage freeze and said that 'employers must realise if a wage freeze was implemented, the exercise of labour relations could easily become meaningless. Recognition agreements will be worth little if unions are unable to negotiate on wages, by far the most pressing issue facing our members'. Later during the year it seemed that Mr Botha's call for wage freezes in the private sector was not very successful.¹³⁶ The director of the Institute for Industrial Relations, Mr Mike Miles, said that the wage freeze was not effective in the private sector. He said in July that rises in salaries had been between 12% and 20%.¹³⁶

The deputy minister of finance, Mr Org Marais, said in January 1989 that salary adjustments averaging 18% had been granted in the private sector in 1988. In October, shortly before the municipal elections, the government announced a salary increase of 15% for all public servants. Mr Marais said of this increase: 'Naturally the increase will affect the inflation rate adversely, but state salaries cannot be frozen indefinitely, with only the public service biting the bullet.'¹³⁷ The minister of finance, Mr Barend du Plessis, said, 'If everyone is suffering, the situation is more tenable. But now only the public sector is feeling the pinch and an unhappy and restless civil service is not a good thing.'¹³⁸

A management consultancy and training organisation, P E Corporate Services, found that while the consumer price index (CPI) had risen 101,5% since 1982, salary increases had averaged 88% for Africans, 90% for Asians, 80% for coloured people and 77% for whites.¹³⁹

A survey of salary trends carried out in June by Hay Management Consultants showed that average pay packets had grown faster than inflation over the past 12 months for the first time since 1982. The company found that, on average, salaries had grown about 15% since the middle of 1987, compared with increases in the CPI of below 12,5% (see chapter on *The Economy and Business*). It also found, however, that these increases still failed to restore living standards to 1983 levels.¹⁴⁰

The Labour Research Service (LRS) found that minimum wage rates for labourers negotiated since the beginning of 1988 to July 1988 had increased over their 1987 levels by an average of 23%.¹⁴¹ After studying 177 wage and industrial agreements negotiated in the second six months of 1988 the LRS found that wage settlements for labourers reflected an average 21% increase. The average weekly wage following these settlements was R121.¹⁴²

The National Manpower Commission said that while real earnings of whites had decreased by 4,5% per year from 1984 to 1987 (a period of economic downswing), real earnings of Africans, Asians and coloured people had decreased by only 0,2%, 2,3% and 2,8% respectively.¹⁴³

In February 1988, in a case between the South African Chemical

Workers' Union (SACWU) and Sentrachem, the Industrial Court ruled that racial wage discrimination was an unfair labour practice. The presiding officer, Mr David John, said, 'There is no doubt that wage discrimination based on race, or any other differences between workers concerned, other than their skills and experience, is an unfair labour practice.'¹⁴⁴ The National Council of Trade Unions (NACTU), to which SACWU was affiliated, described the judgement as 'a major victory' which would 'create a precedent in labour matters' (see *Industrial Court* below).¹⁴⁵

Earnings by sector

Private sector

The average monthly wages per race group in the private sector for 1988 and the percentage change over 1989 were as follows:

Private sector^a average monthly wages: 1988

	Construction	Finance ^b	Manufacturing	Trade and catering ^c
African				
R/month	558	1 080	787	485
Change	24,8%	22,5%	26,7%	20,4%
Asian				
R/month	1 413	1 660	1 074	1 027
Change	17,6%	17,0%	17,4%	20,3%
Coloured				
R/month	787	1 273	802	677
Change	16,9%	22,2%	21,3%	14,6%
White				
R/month	2 669	2 346	2 651	1 852
Change	20,9%	19,4%	18,5%	19,6%
Total R/month	896	2 036	1 218	1 012
Total Change	21,1%	19,4%	20,8%	19,8%

a Excluding mining, agriculture and domestic workers

b Including banks, building societies b land insurance companies

c Including wholesale trade, retail trade, motor trade and hotels

Total average wages on member mines of the Chamber of Mines of South Africa for June 1987 and June 1988 were as follows:

Average monthly wages: Chamber of Mines

	June 1987		June 1988	
	Skilled	Semi/unskilled	Skilled	Semi/unskilled
	R	R	R	R
Gold	2 798	512	3 037	609
Coal	2 609	528	2 974	630
Platinum	2 777	462	2 953	501
Asbestos	2 599	329	3 251	426
Copper	2 235	402	2 302	473
Total	2 765	508	3 020	600

The Chamber of Mines of South Africa said that it had not published average wages according to race since 1985, because 'the mining industry now almost universally applies a non-discriminatory wage policy'.

Public sector

The average monthly wages per race group in the public sector for 1988 and the percentage change over 1987 are given in the table, *Public sector: average monthly wages*, on the following two pages.

An assistant editor of the *Sunday Times*, Mr Brian Pottinger, said that the total amount spent on public sector salaries and service benefits had increased from R5,3bn in 1983 to R13,4bn in 1988. This represented an increase of 151% over five years. In 1988 the public sector share of the national wage bill was 33,5%, that is, 7,6% of the gross national product (GNP) (see chapter on *The Economy and Business*).¹⁴⁶

Domestic and agricultural workers

In 1986 the CSS undertook a sample survey of the agricultural sector and determined the average earnings of farmworkers throughout the country. According to this survey the earnings per worker amounted to R1 238 per year in 1986, ie R103 per month. Payment in kind was included.¹⁴⁷

Responding to various claims that more than a million farmworkers were poorly paid, poorly educated and lived a serf-like existence, the South African Agricultural Union (SAAU) said that it was working on plans to upgrade African farmworkers' skills and earnings as a way of preventing them from joining trade unions (see below).

The CSS found that the average monthly wage of a full-time domestic worker in Cape Town (western Cape) was R155, while domestic servants in Johannesburg (southern Transvaal) earned R140. Bloemfontein and the Orange Free State Goldfields (Orange Free State), East London (eastern Cape), Kimberley (northern Cape) and the Vaal Triangle (Transvaal) had an average monthly wage of less than R105 a month.

It was also revealed that two out of every three white households in South Africa had either a full-time or part-time domestic worker. In Cape Town, however, only 20% of white households had domestic workers.¹⁴⁸

The South African Domestic Workers' Union (SADWU) announced in November that it had set a new minimum wage of R350 a month. It said that domestic workers should be paid R3,50 an hour for overtime work, should have an employment contract and should work an eight-hour day and a five-day week. The union also demanded that workers should have paid maternity leave, 14 days' paid sick leave a year and 21 working days' annual leave. Employees should give one month's notice and workers should receive payslips. Domestic workers should get public holidays off or be paid an overtime rate, SADWU said. SADWU said that these demands were part of a national campaign for South Africa's 2m domestic workers who were not covered by the laws regulating working conditions and who were often exploited by employers.¹⁴⁹

Public sector: average monthly wages: 1988

	<i>Central government</i>	<i>Provincial administrations</i>	<i>Local authorities</i>	<i>Posts and Tele- communications</i>
African				
<i>R/month</i>	870	711	554	631
<i>Change</i>	21,5%	19,7%	19,7%	27,7%
Asian				
<i>R/month</i>	1 922	1 565	1 173	1 636
<i>Change</i>	2,5%	21,1%	13,9%	22,5%
Coloured				
<i>R/month</i>	1 152	899	781	816
<i>Change</i>	19,8%	19,9%	21,9%	21,1%
White				
<i>R/month</i>	2 009	1 716	2 376	1 822
<i>Change</i>	8,1%	24,9%	15,3%	16,8%
<i>Total R/month</i>	1 471	1 084	1 060	1 356
<i>Total Change</i>	11,3%	19,7%	18,0%	20,4%

Public sector: average monthly wages: 1988 (continued)

	<i>Transport</i>	<i>Electricity</i>	<i>Civil service of 'independent' homelands</i>	<i>Public corporations</i>
African				
<i>R/month</i>	849	998	764	696
<i>Change</i>	52,1%	32,4%	14,2%	25,9%
Asian				
<i>R/month</i>	1 116	2 043	—	626
<i>Change</i>	6,6%	31,0%	—	8,1%
Coloured				
<i>R/month</i>	880	1 120	—	1 068
<i>Change</i>	28,4%	26,4%	—	56,5%
White				
<i>R/month</i>	2 844	2 750	—	2 958
<i>Change</i>	13,4%	18,9%	—	16,7%
<i>Total R/month</i>	1 747	1 745	764	2 184
<i>Total Change</i>	20,6%	25,8%	14,2%	16,6%

Public sector: average monthly wages: 1988 (continued)

	<i>Parastatal institutions</i>	<i>Agricultural marketing boards</i>	<i>Staff of universities and technikons</i>
African			
<i>R/month</i>	477	696	843
<i>Change</i>	17,8%	25,9%	20,3%
Asian			
<i>R/month</i>	710	626	1 252
<i>Change</i>	15,8%	8,1%	30,7%
Coloured			
<i>R/month</i>	1 388	1 068	1 953
<i>Change</i>	14,3%	53,9%	26,2%
White			
<i>R/month</i>	2 933	2 958	3 119
<i>Change</i>	11,8%	16,7%	10,6%
<i>Total R/month</i>	1 675	2 184	2 272
<i>Total Change</i>	11,9%	16,6%	12,5%

OCCUPATIONAL HEALTH

Statistics

In February 1988 the minister of manpower, Mr Pietie du Plessis, said that in 1985 (later figures were not available) there had been 241 820 industrial accidents which had resulted in the loss of 2 989 118 mandays. These accidents cost the government R9 433 934, the Accident Fund R90 117 742 and insurance companies R45 757 070.¹⁵⁰ He also supplied the following information concerning industrial accidents:¹⁵¹

Industrial accidents: 1985

	<i>Workers permanently disabled</i>	<i>Deaths</i>
African	17 180	1 291
Asian	186	28
Coloured	1 300	94
White	1 465	138
Total	20 131	1 551

Speaking at a National Occupational Safety Association (NOSA) conference in May the director general of manpower, Dr P J van der Merwe, said that more than 300 000 South Africans would be victims of job-related accidents, serious enough to keep them away from work for at least a day, before the end of the year. He also said that more than 2 000 workers would die in such accidents.¹⁵²

In its annual report NOSA said that in 1951, 4% of the workforce had suffered disabling injuries and that the most recent figures published by the workmen's compensation commissioner showed a drop to 1,6%.¹⁵³

During 1986 a total of 9 773 accidents were reported in the building industry. A further 40 accidents resulted in death.¹⁵⁴ The manager of safety and national loss control at the Building Industries Federation of South Africa (BIFSA), Mr Don Joss, said that there were an average of 203 accidents per week on building sites and an average of 37 per working day.¹⁵⁵

The president of NOSA, Mr Don Carroll, said that the growing economy, involving the hiring of new workers, would test managerial skills, particularly in the area of occupational safety. This was because research had shown that more than 50% of all workers were injured within the first two years of employment, the first six months being the most critical. As a result, management would have to ensure that new workers who were employed to meet the demands of the growing economy 'are properly trained to understand the hows and the whys of their new jobs'.¹⁵⁶

Legislation

During the period under review the Machinery and Occupational Safety Act of 1983 (see 1983 *Survey* pp172-173 and 1984 *Survey* p299) again came under discussion. The Industrial Health Research Group conducted a survey to find out what the impact of the act was on health and safety work. It also wanted to determine how management and trade unions perceived the law. One of the researchers of the Industrial Health Research Group, Mr Ian Macun, wrote that the outcome of his research to date 'confirms early criticisms of the Machinery and Occupational Safety Act over the lack of union and worker participation in the creation of safety representatives and safety committee structures'. He said that the majority of safety representatives in the companies surveyed by his research group were appointed. They were also mostly drawn from the job categories of top management to skilled worker, while semi-skilled operatives and labourers were mostly excluded. He suggested that an adequate response to the act would have to address 'the major failing in the act, namely worker participation'.¹⁵⁷

Mine safety

The Department of Mineral and Energy Affairs supplied the following figures concerning accident rates and death rates on South African mines for 1986 and 1987:

*Accident and death rates on South African mines:
1986 and 1987*

<i>Class of mine</i>	<i>Year</i>	<i>Deaths</i>	<i>Death rate</i>	<i>Accidents</i>	<i>Accident rate</i>
All mines	1986	800	1,02	12 709	16,30
	1987	753	0,97	11 473	14,71
Gold mines	1986	702	1,27	11 624	21,10
	1987	547	0,98	9 969	17,87
Coal mines	1986	66	0,55	709	5,90
	1987	123	1,07	550	4,80

According to regulation 25(1) of the Mines and Works Act of 1911, an accident was reportable when it resulted in the death of any person; when an injury to any person was likely to be fatal; when a person was prevented from resuming his normal occupation within 48 hours as a result of unconsciousness or incapacitation caused by heatstroke, heat exhaustion, electric shock or the inhalation of fumes or poisonous gases; when an injury incapacitated a person from performing his normal occupation for 14 days or more; when an injury caused a person to suffer the loss of a limb or a part thereof; or when a person sustained a permanent disability. Death rates are based on the number of deaths per year per 1 000 people employed. Accident rates are based on the number of reportable accidents per year per 1 000 people employed.

The Chamber of Mines of South Africa reported its lowest-ever annual casualty statistics in 1988. The recorded death rate for 1988 was 0,93 per 1 000 workers, compared to 1,13 in 1987 and the previous lowest rate of 0,98 in 1985. The injury rate rate of 17,42 per 1 000 employees was a decrease on the 1987 figure of 18,19 and showed a decline for the 14th consecutive year. Full details for 1988 were as follows:

Fatality and reportable injury rates on chamber mines: 1988

	<i>Fatality rate</i>	<i>Reportable injury rate</i>
Gold	1,05	20,46
Coal	0,57	5,08
Other mines	0,47	7,83
Total	0,93	17,42

It was no longer justifiable for the mining industry to accept fatality levels which, although showing a declining trend, were declining far too slowly, the previous president of the chamber, Mr Naas Steenkamp, said in June. He argued that the key to solving the problem lay in research. 'Any research, not only in the field of mechanisation but also as regards improved methods of mining, support, ventilation and worker protection will have a beneficial effect on safety,' he said.¹⁵⁸

In its annual report for 1987 the chamber for the first time gave separate accident statistics for underground and surface workers. The figures were as follows for gold mines and coal mines which were members of the chamber:¹⁵⁰

Accidents on chamber's gold mines and coal mines: 1987

Underground				
	<i>Fatalities</i>	<i>Reportable injuries</i>	<i>Fatality rate*</i>	<i>Reportable injury rate</i>
<i>Gold mines</i>	509	8 956	1,5	25,7
<i>Coal mines</i>	74	315	2,3	9,6
Surface				
	<i>Fatalities</i>	<i>Reportable injuries</i>	<i>Fatality rate*</i>	<i>Reportable injury rate</i>
<i>Gold mines</i>	18	679	0,2	6,3
<i>Coal mines</i>	22	96	0,8	2,9
Total				
	<i>Fatalities</i>	<i>Reportable injuries</i>	<i>Fatality rate*</i>	<i>Reportable injury rate</i>
<i>Gold mines</i>	527	9 635	1,2	21,1
<i>Coal mines</i>	96	411	1,6	6,5

* per 1 000 people

The head of the NUM's health and safety department, Dr Denis Rubel, said, 'Underground statistics are the real indicators of mining hazards. Surface statistics serve only to make the underground dangers more palatable statistically.'¹⁶⁰

In February it was reported that the NUM had signed the first-ever health and safety agreement between a mine and a union in South Africa. NUM described the agreement with the Palabora Mining Company (northern Transvaal) as a breakthrough and criticised members of the chamber for their failure to enter into similar agreements. The Palabora Mining Company was not a member of the chamber.¹⁶¹

In September regulations providing for safety officers and representatives in the mines and works sector were published. The regulations required management to appoint trained safety officers to each mine with more than 33 employees, and to appoint one trained employee safety representative for each 50 employees. According to the regulations, safety officers should carry out regular inspections of the workplace and should meet the safety representatives. Any hazards should be reported to the person in immediate charge and recommendations for submission by management to the relevant government inspector could be made. The managing director of NOSA, Mr B

Matthysen, welcomed the regulations and said that NOSA already had orders to train 1 200 safety representatives.¹⁶²

At a memorial service to commemorate the death of 177 miners in the Kinross (south-eastern Transvaal) disaster of September 1986 (see 1986 *Survey* Part 2 pp254-255 and 1987/88 *Survey* p342), the general secretary of the National Union of Mineworkers (NUM), Mr Cyril Ramaphosa, said that 'mineworkers throughout the country were considering stopping work every time a mineworker dies in an accident'.¹⁶³ In a message 'to the families and friends of those who died at Kinross mine' published in various newspapers, the NUM said, 'The death of your loved ones has not been in vain. Kinross has become the symbol of the horror that is mine safety. It is a symbol that declares the need, not only for mineworkers but all workers in South Africa, to organise for safer working conditions. On this day we reaffirm our commitment to making the mines safe.'¹⁶⁴

Also in September the NUM accused Gencor, managers of the Kinross mine, of renegeing on an agreement made early in 1988 to finance a thorough survey of the lungs of all workers who had survived the disaster. A pilot survey, conducted by the union in December 1987, found that a significant number of the survivors had diminished chest functions and were at risk of developing emphysema-type diseases because of exposure to noxious gases released by burning polyurethane foam. The health and safety officer of the NUM, Mr Harry Sibanyoni, said that management had indicated that it was not satisfied with the reliability of the union's preliminary survey and wanted to carry out another series of pilot tests before agreeing to fund a full-scale examination of the survivors.¹⁶⁵

The use of polyurethane became an issue again in October when seven mineworkers were killed and 43 were injured in a fire at Western Deep Levels Gold Mine near Carletonville (western Transvaal). A spokesman for the Anglo American Corporation of South Africa (Anglo), managers of the mine, said that the fire appeared to have been sparked by an electrical fault at a substation 2 300m underground. While the cause of the fire was unknown, a layer of polyurethane used as insulating material was among the material burnt (polyurethane gases were a major cause of the deaths at the Kinross mine in 1986). The NUM called for the immediate removal of polyurethane from South African mines. Anglo, which launched an investigation into the accident, said polyurethane was being used only where there was no substitute. It was, however, testing a substance called phenol formaldehyde as a replacement for polyurethane.¹⁶⁶

In December the chairman of the Polyurethane Association of South Africa (PASAF), Mr Brendt Becker, said that union demands for the total elimination of polyurethane foam in mining operations were 'misdirected and unfair'. According to him, the real solution was the correct usage and application of the substance, including its isolation from any possible ignition source. Mr Becker said that all organic substances would emit toxic gases and smoke of differing degrees of

intensity. He believed that polyurethane foams used in mining operations could be made safe.¹⁶⁷

The press officer of the chamber, Mr Peter Bunkell, announced on 8 December that the mining industry had decided not to install polyurethane at any new installations, and had further undertaken to remove or 'render inert' the material currently in use.¹⁶⁸ This announcement was followed by a government decision to prohibit all South African mines from installing polyurethane products underground from 1 January 1989. This prohibition was made in terms of a clause in the Mines and Works Act of 1911, which allowed the government to prohibit dangerous working practices. The order to all mines also stated that existing polyurethane 'shall be removed at the earliest opportunity or rendered inert'. The NUM welcomed these moves by the government and the chamber, seeing them as a response to intense union pressure.¹⁶⁹

Acquired Immune Deficiency Syndrome (AIDS)

A pamphlet called 'AIDS in Employment' was published by the Association of Chambers of Commerce and Industry of South Africa (ASSOCOM) during the period under review. The pamphlet said that it was accepted internationally that routine screening of employees for AIDS should not be undertaken. 'There are many sound reasons for this such as confidentiality, an infected person is not a danger to his fellow employees, the product cannot be contaminated, and there is nothing that can be done to change the course of the disease or to cure it,' ASSOCOM said. The pamphlet said that an employee diagnosed as being infected with the disease could not be dismissed because he/she had the disease. ASSOCOM also stressed the importance of the employer's responsibility to educate workers so as to ensure that they understood the implications of AIDS and the precautions which could be taken to avoid contracting the disease.¹⁷⁰

The head of the Africa branch of the AIDS Policy Research Centre, Dr Jack van Niftrick, said that a company or corporation which had not yet started to develop a policy on AIDS was 'like a ship heading for an iceberg'. It was vital, he said, that companies should initiate an AIDS policy decided by the board, the basis of which should be education and a statement of intention. He thought that AIDS should be made a notifiable disease, but that no discrimination or stigmatisation should be allowed in the workplace.¹⁷¹

Professor S A Strauss of the Department of Law at the University of South Africa (UNISA) said that while the law did not provide for the dismissal of an employee still capable of performing his duties satisfactorily, the employer could terminate a worker's employment if the worker became disabled because of the illness. In July this view was reiterated by a labour lawyer, Mr Rod Harper, who added that the principle required was that the employer should act fairly. This meant, he said, looking at all possibilities, such as transfer, before resorting to dismissal. Professor Strauss also said that the doctor was not entitled to

inform an employer that a worker was an AIDS carrier.¹⁷²

At the World AIDS Day Symposium held in Johannesburg in December an advocate working for the Centre for Applied Legal Studies at the University of the Witwatersrand, Mr Edwin Cameron, said that an AIDS patient had the right to be productive. He said that this was important in South Africa as AIDS was becoming more common among mineworkers.¹⁷³ Mr Alan Whiteside of the Economic Research Unit at the University of Natal said that because of AIDS the economy was losing people who were entering their most productive years.¹⁷⁴ Mr Cameron added that the healthy colleagues of the AIDS patient also had rights and that some balance had to be found.¹⁷⁵

In March Eskom decided to test all prospective employees for AIDS. The company's chief medical officer, Dr Chris Snyman, said that testing had been introduced mainly to protect the pension fund. He said that if an applicant tested positive, Eskom would provide the necessary counselling and referral.¹⁷⁶ AIDS tests also became a prerequisite for prospective employees in key personnel positions at South African Airways (SAA). The public relations manager of SAA, Mr François Louw, said that applicants who tested positive for Human Immunodeficiency Virus (HIV) would not be employed 'in the interests of our passengers and the company'. Mr Louw said that he could not elaborate in which key posts the testing of applicants for AIDS was required.¹⁷⁷ It was reported in April that the Johannesburg City Council was to recommend annual medical checks for employees whom it believed were the most prone to serious diseases. The council recommended that every employee on the three lowest grades and all those living in council hostels should be medically examined once a year.¹⁷⁸

An AIDS advisory board, which fell under the AIDS Policy Research Centre, based in the United States of America, was established in November. The board's function would be to advise companies on strategies to adopt in the face of the AIDS crisis. According to Dr Van Niftrik the board was involved in discussions with several large companies and would devise policies for clients relating to the client's specific problems. He said that an important aspect of the board's work would be to canvass the opinions of trade union leaders to ensure that any policies adopted would be in line with union sentiments.¹⁷⁹

AIDS and migrant workers

In 1987 it became government policy to repatriate all AIDS carriers from other countries (see 1987/88 *Survey* pp316-317). The minister of health, Dr Willie van Niekerk, said in February that AIDS tests on more than 1 000 workers from African countries had been positive. 'Those whose contracts were due to expire shortly would stay until the end of their term, but those with longer contracts would be sent back,' Dr Van Niekerk said.¹⁸⁰

The Chamber of Mines of South Africa said in April that a total of 2 000 Malawians had tested positive for HIV while about 50 miners from

other countries and about 40 South African miners had also been identified as HIV positive. There were 17 769 Malawians working on chamber mines in 1987.¹⁶¹ Reacting to these figures the National Union of Mineworkers (NUM) said that 'only the dismantling of migrant labour and its replacement with the right of workers to live with their families can halt the inevitable spiral of this disease'. The union also noted that the link between contracting AIDS from a carrier and the presence of sexually transmitted diseases — which had been on the increase on the mines — was strong. 'Clearly in a curative sense, the chamber needs to move outside the confines of hostel compounds, where workers form relationships or liaisons,' the NUM said. The union suggested that the chamber needed to offer health services to the inhabitants of communities surrounding mine hospitals and that free quality treatment for sexually transmitted diseases as well as free screening tests for AIDS should be offered to women in these communities. A spokesman for the chamber responded that some of the union's suggestions, including services to surrounding communities, were already under consideration.¹⁶²

Later in the year the NUM's health and safety officer, Mr Harry Sibanyoni, said, 'The migrant labour system is fertile ground for an AIDS epidemic and the state and industry should bear the responsibility. The NUM believes that AIDS sufferers should be compensated.' He also said that it was not surprising that hostel dwellers formed other sexual liaisons because their wives and families were not allowed to live with them.¹⁶³

The chamber's policy regarding AIDS was as follows (see also 1987/88 *Survey* p317):¹⁶⁴

- no known HIV carriers would be employed and all recruits from AIDS-prevalent areas would be screened;
- persons discovered to be HIV positive would not be discharged provided they were fit for work. They would be assessed and counselled. Carriers who went home on leave would be allowed to return to their jobs;
- if a miner developed AIDS and became clinically unfit for work, he would be repatriated on medical grounds;
- there would be testing of all miners from high-risk areas;
- all miners suffering from sexually transmitted diseases would be tested;
- in order to monitor the spread of HIV, a study on the prevalence of prostitutes in hostel areas would be attempted; and
- the industry would develop an educational programme to combat the spread of the disease.

In a paper delivered at an international symposium on AIDS held in London in March, Mr Whiteside described the chamber's policy as 'probably one of the most enlightened and responsible responses to

AIDS of anybody anywhere in the world'. He said that the government's response to the AIDS problem was negative and that the repatriation of AIDS carriers would cause hardship to the individual migrants and their families. Repatriation on a large scale would also create problems for 'sending' countries as those countries would have to bear the costs of treating the victims of the disease and declining recruitment would mean that they would have less money to do so, Mr Whiteside said. He felt that the main danger of the government's policy was that it 'may also be applied to the "independent" homelands and produce an infected pool of rural people who will be denied access to employment and medical facilities. Once again the disadvantaged would suffer most.'¹⁸⁵

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LABOUR RELATIONS

LEGISLATION

Labour Relations Amendment Act

On 1 September 1988 the Labour Relations Amendment Act, which amended the Labour Relations Act of 1956, came into force. The amending bill had been the cause of controversy between the government and the black trade union movement, which strongly opposed certain sections contained in it. The major union federations and the main employer body, the South African Consultative Committee on Labour Affairs (SACCOLA), had attempted to join forces, with limited success, and they had been unable to prevent the government from promulgating the act.

The amending bill had been the cause of the largest three-day stayaway in South Africa's labour history, on 5, 6, and 7 June 1988 (see 1987/88 *Survey* p651).

After the act's promulgation, attempts were made by the union movement to negotiate agreements with employers whereby certain sections of the act would be considered not to have any force. There were also reports that some employers were making full use of a section allowing the court to interdict strike action.

For a fuller discussion of these and other issues arising from the promulgation of the act, see *Noteworthy labour practices and developments* below.

South African Transport Services Conditions of Service Amendment Act

In terms of the South African Transport Services (SATS) Conditions of Service Amendment Act promulgated in 1988, a new labour council was established which would act as a forum for collective bargaining between SATS management and organised labour. The act largely followed the recommendations of a commission of inquiry into SATS negotiating structures appointed in 1986 and chaired by Professor Nic Wiehahn, director of the School of Business Leadership at the University of South Africa. Previously pay levels and employment conditions had been determined by the minister of transport affairs, after informal discussions with the ten recognised unions in SATS. The council would comprise one representative from each recognised union and an equal number of employer representatives. All disputes would be referred to mediation or arbitration. All council agreements would have to be submitted to the minister of transport affairs and he would have the

power to ask the council to reconsider its decisions. He would also be able to appoint and dismiss the council's chairman. A controversial clause was that giving the unions already on the council an effective veto over the admission of other unions to the council, in that new admissions had to be approved by a two-thirds majority. This was seen by some critics as an attempt by the authorities to prevent the militant South African Railways and Harbours Workers' Union (SARHWU) from gaining access to the council.

The act also outlawed strike action (this provision existed previously) and contravention would render employees liable to a year's imprisonment and/or a fine of up to R1 000.

However, the act gave black workers who had previously been considered temporary employees the right to be appointed to a permanent position after two years' service.

Commenting on the act, the secretary of the Federal Council of SATS Staff Associations, Mr Abraham Koekemoer, said that the veto section was one of the reasons why the act was acceptable to the federation. It had already asked the minister to refuse to recognise SARHWU. He said that his organisation was unhappy that it still did not have the right to strike and would continue to pursue this issue with the authorities.¹ (See *Noteworthy labour practices and developments* below for further information on SATS's dealings with SARHWU.)

The Progressive Federal Party criticised the bill, especially those provisions relating to the prohibition of strikes and the vetoing of new members' applications for representation on the proposed labour council.²

Introducing the SATS budget in February, the minister of transport affairs, Mr Eli Louw, said that it was intended that the labour relations structures within SATS would be brought as far as possible into line with those in the private sector. The government was moving from a more 'statutory approach to a more contractual approach whereby the conditions of employment are embodied in the so-called consolidated service conditions, which can be amended by the labour council', he said.³ (For further details see *Noteworthy labour practices and developments* below.)

Police Amendment Bill

In January 1989, in terms of a Police Amendment Bill to be tabled in Parliament, the commissioner of police was empowered to dismiss any policeman without a hearing 'if he has reasonable grounds to believe that a member of the force strikes or conspires to strike'. The bill defined a strike as including 'any socio-economic, sympathy, solidarity, protest, work-to-rule or precision strike, as well as any other form of strike or stayaway'. In an explanatory memorandum, the minister of law and order, Mr Adriaan Vlok, said, 'Because of the disruptive effects of a strike, there is a need for an effective mechanism to neutralise the effects of a strike'.⁴

TRADE UNIONS

Statistics

There were 2,08m members in registered trade unions in 1988 and an estimated 330 000 members in unregistered unions, representing about 42% of the workforce falling under the Labour Relations Act of 1956, or 22% of the economically active population (excluding the 'independent' homelands). Whereas there were 292 000 Africans who were members of registered unions in 1980, some 956 969 Africans belonged to registered unions in 1988. There were 609 240 Africans in racially exclusive unions, 37 139 coloured people and Asians and 251 104 whites. The total number in nonracial unions was 761 778, with 425 062 in racially unspecified unions.⁵

The number of mixed unions increased from 39 in 1978 to 93 in 1988.

The numbers of registered trade unions and federations of trade unions for the years 1984 to 1988 are given below:⁶

Registered trade unions: 1984-88

	1984	1985	1986	1987	1988
<i>Racially exclusive</i>					
White	59	46	46	41	40
Asian and coloured	34	24	17	29	26
African	19	26	23	29	28
<i>Mixed unions</i>					
White, coloured, Asian	23	11	11	11	
Coloured, Asian, African	6	20	20	15	
White and African	—	4	3	5	93
All races	52	53	56	55	
Unspecified	—	12	19	20	22
Total	193	196	195	205	209
Membership (m)	1,4	1,4	1,7	1,9	2,0
Federations	12	12	11	10	12

Groupings

Congress of South African Trade Unions (COSATU)

Structure

At the time of writing, the Congress of South African Trade Unions (COSATU) claimed a signed-up membership of over 1m and a paid-up membership of 924 000, organised in 13 unions and divided into nine regions. Large gains in membership were claimed by a number of affiliates: the membership of the National Union of Metalworkers of South Africa (NUMSA) grew from 155 000 to 184 000 within four months after a strike in August 1988 (see *Strikes* below), following a trend set when thousands of workers joined the South African Railways and

Harbours Workers' Union (SARHWU) and the Post and Telecommunications Workers' Association (POTWA) after major strikes in 1987.

COSATU's aim, since its formation in 1985, has been to unite workers into one union per industry. This process had been completed by the beginning of 1988. Moves towards a merger between COSATU's Amalgamated Clothing and Textile Workers' Union of South Africa (ACTWUSA) and the independent Garment Workers' Union (GAWU) continued (see *Trade union unity* below).⁷

In a statement published in February 1988, COSATU's information officer, Mr Frank Meintjies, said that white workers should realise that their future lay in unity with the organised black workforce. COSATU was responding to the government's announcement of a wage freeze in the public sector. COSATU, he said, was heartened by the 'rising tide of anger' among white workers in the public sector.⁸ In June Mr Meintjies said that COSATU had identified an urgent need to relate to the needs and demands of white workers. The congress had resolved to try to articulate these demands, he said. He said that 'hundreds of thousands' of white workers faced retrenchment because of the government's policy of privatisation without job creation. Many white workers had discovered that while National Party policy had initially provided for them, the government had shifted closer to capital. There were signs that black and white workers were approaching one another, he said, singling out the metal industry and the public sector.⁹

In October Mr Meintjies said that COSATU's weak areas remained the public sector and farmworkers.¹⁰

Policy

In May 1988 COSATU held a special conference following its banning from political activities by the government in February 1988 (see 1987/88 *Survey* p607). The conference set out to discuss the need to create 'the broadest unity against apartheid repression and to create the democratic space in which to continue operating; to decide how to develop the relationship between COSATU and other mass democratic organisations in the struggle against apartheid; and how to consolidate COSATU affiliates and cement a stronger relationship between them'.¹¹ Other prominent issues on the agenda were how to deal with the restrictions against the organisation, the Labour Relations Amendment Bill, government plans to cut off foreign funding to the federation, and the federation's 'living wage campaign'.

In discussions prior to the conference, COSATU's head office highlighted a number of key weaknesses in the federation. Some of the problems listed were:

- negligence that had led to the dismissal of a number of head office staff in 1987;
- weaknesses in the structure of some COSATU affiliates and debilitating internal conflicts in others;

- lack of worker control over officials in some instances; and
- the inability of the central executive committee to ensure full participation by all affiliates in campaigns launched by COSATU.¹²

At the conference three main positions were discussed regarding the question of alliances with other organisations. NUMSA and the Chemical Workers' Industrial Union (CWIU) put forward a resolution which called for the 'establishment of a broad front of all working class organisations and organisations of the oppressed and exploited masses committed to working actively and unreservedly for the immediate end of apartheid. These organisations should participate in a conference to discuss the structures of the front and a programme of united action to end apartheid capitalism'. The National Union of Mineworkers (NUM) tabled a counter resolution based on the political resolutions taken at the 1987 second congress and called for a 'united front' between COSATU and 'tried and tested mass-based organisations whose political programmes are not incompatible with those of COSATU's affiliates'. The NUM resolution said that 'COSATU and its allies, as defined in the political policy resolution, should come together in a conference to work out a programme of action which will unify the broadest section of the South African population'. The Transport and General Workers' Union (TGWU) tabled a resolution which called on COSATU to convene a broad anti-apartheid conference, which would be a short-term conference against repression rather than a front with structures. The conference would include all anti-apartheid organisations, including liberal whites, rather than being simply a conference of the 'oppressed and exploited'.

After lengthy discussion and debate a compromise was reached and it was resolved that a conference organising committee consisting of the COSATU central executive committee and its allies as defined by COSATU political policy would be convened. The task of this committee would be to develop a programme of action against what was seen as repression and to convene a conference of a broad range of organisations to discuss ways of responding to it.¹³

The decision opened the way for the inclusion of both the black exclusivist groupings, such as the Azanian People's Organisation (AZAPO), and extra-parliamentary white groupings, such as the Five Freedoms Forum. The resolution was also seen as representing a shift in opposition politics in that organised workers rather than community-based organisations, as had been the case in the recent past, were taking the initiative in proposing 'the way forward'.¹⁴

Another key resolution was a call for three days of national protest against, inter alia, the Labour Relations Amendment Bill. For details on this protest — the biggest stayaway in South Africa's labour history — see the 1987/88 *Survey* p651.¹⁵

In line with the conference resolution for the establishment of a broad front, a national convention was called for September to which a broad range of anti-apartheid organisations was invited. Nonracialism was not

a condition for participation.¹⁶ However, on 21 September the government banned the convention and restricted some of its organisers (see *Action involving trade unions* below).

During the period under review, COSATU took steps to forge a closer relationship with the rival National Council of Trade Unions (NACTU). At its congress COSATU reiterated its commitment to achieving a single labour federation. In a letter to NACTU it called for a merger between the two groups. 'Experience has shown us that only one powerful organisation can defend and advance working class interests against monopoly capitalism and apartheid,' the letter said. 'We understand that NACTU in its recent meeting with the ANC [African National Congress] committed itself to one federation.'¹⁷ In March 1989, 11 NACTU unions attended a unity conference where further talks concerning the amalgamation of the two bodies were held. For further details see *Trade union unity* below.

In April 1989 COSATU stated its full support for the proposed peace conference to end violence in Natal (see chapter on *Political Developments*).

Economic issues

In February 1988 COSATU reacted strongly to calls by the state president, Mr P W Botha, for wage restraints (see chapter on *The Economy and Business*). COSATU said that its living wage campaign had highlighted the 'dangerously wide income gap between the rich and the poor'. Union perceptions were that employers had always employed wage restraint in collective bargaining and any further wage restraint would further widen the income gap. It also criticised Mr Botha's failure to emphasise price freezes or restraints.¹⁸

In the same month POTWA refused to meet the government over the question of the privatisation of the Post Office. POTWA and two other COSATU affiliates, SARWHU and the National Education, Health and Allied Workers' Union, issued a joint statement condemning privatisation.¹⁹

In August COSATU attended a meeting organised by top-level business leaders, along with representatives of other 'progressive' organisations, to discuss the performance of the South African economy (see chapter on *Political Developments*).²⁰

An unpublished economic study by COSATU drawn up in 1989 made the point that increasing stratification between unionised skilled and semi-skilled black workers on the one hand, and the unskilled and unemployed on the other, was becoming a key issue for the union movement. Unionists feared the emergence of a new black labour aristocracy alienated from an increasingly marginalised sector comprising the majority of the black 'working class'. The emergence of this relatively privileged group was partly a function of the success of the labour movement over the past decade in winning relatively good wages and living conditions for members in many sectors. Social stratification, it was argued, was exacerbated by the trend towards the privatisation of

social services, such as housing and health. The longer-term union view was that interventionist post-apartheid state policies should be introduced to create a more egalitarian society. In the mean time, unions were taking the initiative and negotiating with employers social services and structures which would partly diminish the widening divisions.²¹

Two of COSATU's major affiliates, the NUM and NUMSA, were both severely critical of the 1989/90 national budget. The NUM said that the budget had nothing to offer workers. It increased sales tax so that every black worker would pay more to the government. NUMSA said that the allocations for housing and social services were 'grossly inadequate'. A spokesman for NUMSA, Dr Bernie Fanaroff, said that the allocation for housing did not keep pace with inflation and would not resolve the shortage.²²

National Council of Trade Unions (NACTU)

Structure

At the time of writing the National Council of Trade Unions (NACTU) claimed a paid-up membership of 144 418.

Following a discussion at its annual conference in 1988 about the absence of women in leadership positions, NACTU elected a woman, Ms Patricia de Lille, as vice president for the first time.²³

It was announced in May 1989 that four NACTU affiliates, the Electrical and Allied Workers' Union of South Africa, the Engineering and Allied Workers' Union, the Black Electronics and Electrical Workers' Union and the United African Motor and Allied Workers' Union, would merge into the Metal and Electrical Workers' Union of South Africa, giving it a paid-up membership of 69 000. The new union would seek co-operation with COSATU's metal affiliate, NUMSA, through the South African Co-ordinating Council of the International Metalworkers' Federation.

Policy

During the period under review NACTU adopted a more open policy regarding discussion and links with organisations outside the black consciousness tradition, which had been the dominant force within the organisation.

In May 1988 a NACTU delegation held its first-ever meeting with the African National Congress (ANC) in Harare (Zimbabwe) to discuss issues facing the labour movement. A joint communiqué said that the two organisations had reviewed 'repression' in South Africa; the legislative programme of the government, including the Labour Relations Amendment Bill; the municipal elections in October and other issues of common concern. According to the statement, the two organisations 'recognised that unity in action is a prerequisite for the quick defeat of apartheid'. In a separate statement in Johannesburg NACTU said that the two organisations had agreed on several issues, including that the Freedom Charter was not a prerequisite for unity; that all 'legitimate' organisations had a role to play in the liberation struggle;

that such a role had to evolve on a democratic and principled basis; that unity within opposition forces, including the trade union movement, was essential; that NACTU remained committed to the establishment of a unified working class and that there were more points of agreement between the parties than those which divided them.²⁴ In Harare NACTU also participated in a joint seminar with COSATU, the exiled South African Congress of Trade Unions (SACTU), and the African Allied Congress of Trade Unions (AACTU) (see *Trade union unity* below).

In a message to COSATU at the time of the latter's special congress in May 1988, NACTU said that 'we...believe that unity in action in the labour movement is possible... Our belief is that NACTU and COSATU need to work together at this time to secure a permanent militant and dynamic role for the labour movement in the country'.²⁵

In July NACTU and the Black Consciousness Movement (BCM) published a joint communiqué after a meeting in Harare in which they said that 'division within the liberation organisations and the labour movement is a luxury that the oppressed and exploited masses of Azania cannot afford'. Both organisations agreed to work tirelessly towards unity of the oppressed.²⁶ During 1988 NACTU also met delegates of the Pan-Africanist Congress (PAC).

Commenting on NACTU's meetings with the ANC, BCM and the PAC, the council's president, Mr James Mndaweni, said that the talks were in compliance with a 1986 congress decision that 'we strive to unite all groups that have a contradiction with the white minority regime in our country'.²⁷

At NACTU's annual congress in August, the Africanist wing within NACTU strengthened its position within the leadership, giving rise to expectations that this would allow the leadership more freedom to pursue a policy of co-operation with COSATU on specific campaigns. Prior to the congress the Africanists had published a pamphlet in which they argued that whites who identified with the future of the continent could be included in a fight for a new nation. They de-emphasised race as a factor in the 'oppression of blacks', arguing that 'the oppressed, exploited and dispossessed are in chains because of the economic interests of those who oppress and exploit us'. The black consciousness group, in contrast, placed more emphasis on racism by whites as the cause of South Africa's problems and strongly opposed participation by whites in the liberation struggle.²⁸

At its congress NACTU resolved to establish a working relationship with COSATU in the interests of worker unity. The congress also decided that it would continue to pursue a policy of non-affiliation to political parties as it felt that the federation should not encourage differences among workers on ideological grounds. NACTU would continue supporting what it called all the progressive liberation movements in the country.

Other resolutions included a decision to form women's committees within the federation, a call for the release of the 'Sharpeville Six' (see chapter on *Security*), the condemnation of media restrictions, a call on

the government to release all political prisoners and a campaign by the federation to publicise itself abroad.²⁹

Speaking in September, Mr Mndaweni said that COSATU and NACTU were still far from joining forces to become a single organisation. He said that the major obstacle preventing this from happening was COSATU's adoption of the Freedom Charter. This move meant that COSATU had adopted a political position, he added. NACTU, Mr Mndaweni said, remained independent of political positions — members of the federation were allowed to belong to any school of thought.³⁰

In March 1989, 11 NACTU affiliates, COSATU, as well as a number of other unions, attended talks aimed at creating one union body (see *Trade union unity* below).

Economic issues

NACTU was one of the union groupings which criticised the 1988/89 national budget, and refused to attend a meeting with the state president, Mr P W Botha, to discuss his policy of wage restraint. NACTU said that it would have nothing to do with the government as long as apartheid existed, while NACTU members were in detention and state action had been taken against legitimate people's organisations and their members. The Labour Relations Amendment Bill before Parliament also made meeting the state president a futile exercise, it said.³¹

South African Confederation of Labour (SACOL)

Overall membership of the South African Confederation of Labour (SACOL) at the end of 1988 was in the region of 100 000. During the latter half of 1988, the Mineworkers' Union joined the confederation.

In August 1988 SACOL called on the minister of manpower to implement all the clauses of the Labour Relations Amendment Bill due to be promulgated the following month. Black union federations had called for a postponement in the introduction of some of the clauses. SACOL said that it had no sympathy with illegal strikes and 'is of the opinion that unions who directly or indirectly exert themselves while illegal strikes or stayaway actions are occurring should be liable for damage claims'.³²

South African Congress of Trade Unions (SACTU)

In January 1988 the national committee of the South African Congress of Trade Unions (SACTU) condemned the Labour Relations Amendment Bill as destroying the labour movement.³³

Particular unions

During the period under review, two unions for farmworkers were formed. The **National Union of Farmworkers (NUF)** affiliated to NACTU, while the **National Union of Farm and Agricultural Workers**

of South Africa (NUFASA) was to seek affiliation to COSATU. NUFASA claimed 2 000 members.³⁴

In 1988 the white **Conservative Workers' Union**, which was launched in 1987, enrolled a number of white small business owners in a special offshoot, the Small Business Association. A union spokesman said that small business owners would receive special training in labour relations because 'they are very vulnerable against black unions'.³⁵

In July dissatisfaction with the existing trade union federations led to the establishment of a nonracial, independent trade union, the **South African Integrated Workers' Union**. The president of the new union said that it had about 3 500 members, of whom 70% came from the northern Transvaal. He said that the union was born out of dissatisfaction with trade union umbrella bodies such as COSATU and NACTU, and that most of its members were former members of one of these two federations. He said that the union was officially recognised in terms of the Labour Relations Act. It had resolved not to involve itself in political issues.³⁶

It was reported that there was dissension within the ranks of the **South African Boilermakers' Society (SABS)** over the union's non-affiliation to a labour federation and its policy of multiracialism. Conflict between different factions in the union was averted at its national conference in September when a number of resolutions were withdrawn, which included the following:

- that the union should drop its 'discriminative' multiracial policy and adopt, instead, nonracialism;
- that it should affiliate to either COSATU or NACTU;
- that it should clarify its position regarding the recognition of 21 March, 1 May and 16 June as public holidays; and
- that the old system of electing the full-time president from delegates at the conference should be reintroduced. According to delegates, the present structure favoured whites, who formed only 30% of the total membership, for this position.

The union's general secretary, Mr Ike van der Watt, said that a majority of branch votes were in favour of continuing the existing multiracial policy, while only four branches supported nonracialism.³⁷

Continuing divisions within the **Commercial, Catering and Allied Workers' Union (CCAWUSA)** – COSATU's third largest affiliate – bedevilled annual wage negotiations and weakened the union during 1988. Differences between two factions centred on their differing attitude to the Freedom Charter, their relations with NACTU, and their perceptions of democratic practice within the union and COSATU. The Johannesburg faction, led by Mr Vivian Mtwa, rejected the charter as the 'foundation stone' in the struggle for socialism. 'What unites us in CCAWUSA is that common commitment to socialism: hence our call for a socialist programme of action,' said Mr Mtwa. The other faction, led by Mr Papi Kganare, believed that the charter had to be adopted as

a 'necessary' basis for the building of socialism. The Kganare faction also accused the Mtwa group of working with NACTU (this group had held a policy meeting with NACTU), believing that unity between the two federations was an issue which could be addressed only at the highest decision-making level. The Mtwa group believed that linking itself with COSATU did not exclude it from working in a 'comradely' manner with NACTU.³⁸ Each group also accused the other of being undemocratic in handling union matters.

Conflict between the two groups continued during 1988 despite an out-of-court settlement reached between them in January 1988. In terms of the settlement, the groups agreed to revert to the 1981 constitution, thus invalidating the merger between the old CCAWUSA, the Retail and Allied Workers' Union (RAWU) and the Hotel and Allied Workers' Union (HAWU) which had occurred in June 1987 (which the Mtwa group had refused to recognise); and it was agreed that a constitution passed in 1986 had no effect. Part of the agreement was, however, that the constitution be submitted for approval after a national conference due to be held on 15 May 1988. The general secretary, Mr Mtwa, was required to call the national conference after all the branches had held their annual general meetings, which were to be chaired by an independent mediator.³⁹

By March votes by the branches for delegates to attend the national conference showed that the Kganare faction had the support of the Pretoria, northern Transvaal, eastern and western Cape, and the Vaal branches. The important Johannesburg branch vote — Johannesburg claims 40 000 members out of a total of 70 000 — went to the Mtwa faction. The Kganare faction refused to vote at the Johannesburg meeting, however, saying that the proceedings were biased.⁴⁰ The western Cape branch vote ended in disarray after the Mtwa faction accused the Kganare faction of trying to rig the election.⁴¹ In May the Kganare faction applied to the Supreme Court for it to set a date for the national conference, as the Mtwa group had failed to do so as agreed in the January out-of-court settlement. The two groups also disputed the outcome of certain of the branch elections, the Kganare group arguing that valid annual general meetings were still to be held in the western Cape, with the Mtwa faction saying that elections for the Pretoria branch were invalid.⁴²

The split in the union had serious implications for annual wage negotiations. In the Woolworths negotiations, a shopsteward, Mr James Khumalo, claimed that management was negotiating with Mr Mtwa without the workers' approval. A company spokesman, Mr James Gillman, denied this and said that the company was faced with an 'extremely difficult situation' in which various union factions claimed to be the legitimate representatives of the Woolworths' workers.⁴³ A two-hour work stoppage at 24 stores was held by the Kganare faction to force management to accept it in the wage bargaining team, according to a spokesman for that faction.⁴⁴ Mr Mtwa rejected a unilateral wage offer made by management saying that it was an attempt by management

to take advantage of the division between members.⁴⁵ The Kganare faction, however, said that it had no problem with the offer of a R120-a-month wage increase, which it accepted.⁴⁶

The split also caused problems in the wage talks with Ellerrine Holdings. The talks reached an impasse and the company applied for a conciliation board representing both parties in an effort to resolve the conflict. A decision by the Kganare faction to accept the company's offer was condemned by the rest of the workers. They called on Mr Kganare not to do anything to weaken those workers who were proposing to embark on industrial action against the company if it refused to resume negotiations.⁴⁷

The CCAWUSA split also resulted in a two-hour stoppage at the Southern Sun Hotel in Johannesburg. Mr Kganare called for the stoppage, and management claimed it was justified in dismissing the workers and that CCAWUSA had no representation in the hotel industry as this had formerly been withdrawn by Mr Mtwa. Mr Kganare said, however, that this decision did not have the support of the workers.⁴⁸

Commenting on the split in CCAWUSA, Mr Kganare said that differences were not likely to arise where the groups shared representation equally, such as was the case at Checkers, O K Bazaars, and Pick 'n Pay. He said that where there was equal representation, or a 60/40 balance, the bargaining team chosen was usually representative of both factions.

In March 1989 a new union for health workers, the **African Health Workers' Congress**, was launched in Johannesburg with an estimated 2 000 members.⁴⁹

In April 1989 delegates at the annual congress of the **National Union of Mineworkers (NUM)** were urged by leading unionists to mobilise support for the South West African People's Organisation (SWAPO) in the run-up to Namibia's independence elections. The general secretary of COSATU, Mr Jay Naidoo, said that the central task of the South African union movement was to build solidarity with SWAPO and the National Union of Namibian Workers.⁵⁰

In the same month the president of the Inkatha-linked **United Workers' Union of South Africa (UWUSA)**, Mr Jabulani Dlamini, was expelled from the union because he had 'acted in a way inconsistent with the constitution of the union and the interests of the workers'. No further details were given.⁵¹ The union claimed it had 150 000 paid-up members.⁵²

During its annual conference in May 1989, the **National Union of Metalworkers of South Africa (NUMSA)** committed itself to worker control. Delegates from its regions tabled regulations, with officials abstaining from all deliberations. The union's general secretary, Mr Moses Mayekiso, called it a 'giant leap for worker control'. He also said that NUMSA had committed itself to the 'unifying of the working class in its struggle for a socialist South Africa'. The union resolved, inter alia, to take action regarding violence of vigilantes and violence during strikes; to set a timetable to strengthen co-operation with NACTU and

other independent unions; to rebuild community structures and the strength of the 'mass democratic movement' in a more centralised form than the present and to take a range of actions against the Labour Relations Act.⁵³

Trade Union Unity

The question of unity between unions in the southern African region, as well as between the union groups in exile and the two largest federations within South Africa, received considerable attention during the period under review.

In April 1988 a new trade union federation, the Southern African Transport Unions Co-ordinating Council (SATUCC), was launched following a workshop in Swaziland. It represents about 700 000 transport workers in eight countries in southern Africa. The interim president of the new body was Mr Amos Mabuza, an executive member of the Transport and Allied Workers' Union, an affiliate of the National Council of Trade Unions (NACTU). Issues that came under discussion included the growth and development of unions in the region, and problems affecting transport workers, such as destabilisation in the region; 'bandits' in Angola, Mozambique and Zimbabwe; health and safety; overworked drivers; ill-developed roads; the harassment of drivers at border posts; and the refusal of multinational companies to adhere to parent company policies and International Labour Organisation (ILO) standards. SATUCC was given the task of calling a larger conference to launch the organisation not later than September 1988. However, this had not yet been held at the time of writing.⁵⁴

In May the Congress of South African Trade Unions (COSATU), NACTU, the South African Congress of Trade Unions (SACTU), and the Azanian Trade Union Co-ordinating Committee (ATUCC) met in Harare (Zimbabwe) to discuss the question of trade union unity within and without South Africa. The meeting was hosted by the Organisation of African Trade Union Unity (OATUU) and the ILO, in preparation for an ILO conference on apartheid which was due to open in Harare.⁵⁵

Moves towards unity were also made as a result of a meeting between NACTU and the African National Congress (ANC) after the trade union meeting in Harare. This was the first time that the ANC had agreed to meet NACTU. The ANC said that it was unnecessary that anyone wanting to join a united front should have to support the Freedom Charter. Whether to adopt the charter was one of the main differences between COSATU and NACTU. COSATU had adopted the charter, while NACTU believed in taking an independent political stance rather than endorsing any particular document (see *National Council of Trade Unions (NACTU)* above). According to the general secretary of SACTU, Mr John Nkadimeng, who was also an ANC national executive committee member, unity meant that groups such as the Azanian People's Organisation (AZAPO) and NACTU, which opposed the Freedom Charter, should co-operate with groups such as COSATU and the United Democratic Front (UDF), which had adopted it. 'That is

exactly what the united front stands for. It is something that brings people together to face a common enemy. They do not have to agree 100% with each other.' However, he stressed that the ANC and SACTU recognised COSATU as the official union federation in South Africa.

The question of trade union unity also featured prominently on COSATU's agenda at its special congress in May 1988.

At the formation of COSATU in 1985, the Council of Unions of South Africa (CUSA) had failed to become part of the new federation, because of fundamental differences of principle (see 1985 *Survey* p180). CUSA had amalgamated with the black consciousness Azanian Confederation of Trade Unions (AZACTU) in 1986 and the new organisation had eventually taken the name NACTU.

In a message to COSATU at the time of the latter's special congress in May, NACTU said that 'we...believe that unity in action in the labour movement is possible... Our belief is that NACTU and COSATU need to work together at this time to secure a permanent militant and dynamic role for the labour movement in the country'.⁵⁶

Commenting on the question of unity between the two federations, COSATU's general secretary, Mr Jay Naidoo, said that any accord between them would have to deal with the disagreements that had caused the unions now in NACTU to leave the merger talks that had led to the formation of COSATU. 'The starting point of any unity initiative will be the policies and principles of COSATU,' he said.⁵⁷ At the congress COSATU resolved to appoint a committee to investigate the setting up of a broad front which would include organisations such as NACTU and AZAPO (see *Congress of South African Trade Unions (COSATU)* above). In a letter to NACTU it called for a merger between the two groups. 'Experience has shown us that only one powerful organisation can defend and advance working class interests against monopoly capitalism and apartheid,' the letter said. 'We understand that NACTU in its recent meeting with the ANC, committed itself to one federation.'⁵⁸

In what was seen as an important step in developing unity between the two organisations, they embarked on combined protest against the implementation of the Labour Relations Amendment Bill which took the form of a three-day stayaway in June (see 1987/88 *Survey* p651).

On 4 and 5 March 1989 a workers' summit was held attended by 15 COSATU affiliates, 11 NACTU affiliates (representing only part of NACTU) and at least 14 independent unions to discuss worker unity, the Labour Relations Amendment Act, and alleged state repression. The 11 NACTU unions, representing about one third of the federation's 145 000 members, attended despite the fact that NACTU had decided at the last minute not to attend after it had asked that the summit be postponed 'indefinitely' to give NACTU members time to discuss the question of unity. COSATU, however, had felt that the meeting could not be postponed because of 'vague tactical considerations'. 'We cannot accept this because we believe the apartheid state and its allies in big business will not wait for us to prepare our blueprints. Thousands of our members are being dismissed, and unions are interdicted, locked out and

threatened with damages and claims [in terms of the new Act] which aim to bankrupt us,' said COSATU, pointing out that the idea of a summit had been initiated by NACTU in the first place. Explaining their decision to attend the summit, the 11 NACTU unions said, 'The state and capital have gone into their historical laager...and this demands the same of us. The growing repressiveness of the state and the arrogant attitude of capital can be effectively challenged by the black working class only if it is united.' NACTU's decision, they added, was not in the broader interests of the working class. While pledging their continued allegiance to NACTU, they rejected the federation's plea for postponement.⁵⁹

The assistant general secretary of NACTU, Mr Cunningham Ngcukana, commenting on NACTU's decision not to attend the summit, said, 'The question of unity is a political issue in the variegated national political spectrum that permeates the labour movement of our country.'⁶⁰

It was pointed out in reports that COSATU seemed to have made certain concessions to eliminate obstacles over the holding of the summit. It had agreed that delegations from NACTU and itself be limited to 250 each despite its membership being about seven times that of NACTU. It also, it was reported, had agreed to a number of changes made to the summit agenda by NACTU.⁶¹

At the meeting it was decided to appoint a joint committee of the unions present to continue the work of the summit. The committee would co-ordinate the drafting of a new Labour Relations Act to be submitted to major employers by 2 May. Union leaders told a media conference after the summit that if employers failed to make positive progress towards meeting demands contained in the draft within 30 days of its receipt, a national strike would be declared. This would be followed by a national strike ballot. It decided that a draft bill should be submitted to the South African Consultative Committee on Labour Affairs (SACCOLA), other employer organisations and employers. The draft bill would extend bargaining rights to public sector employees, and agricultural and domestic workers, who are excluded from the current act. It would also include the right to strike, the right of workers to a proper hearing before dismissal and recognition of majority unions.

Commenting on this move, Mr Bobby Godsell, chairman of SACCOLA, said that while it was not happy with the threat of disputes and ballots, the decision to draw up the legislation was welcomed by SACCOLA to the extent that it represented a willingness to return to discussions on labour legislation.⁶²

In May the two biggest unions in the financial sector, the 34 000-strong South African Society of Bank Officials, and the 16 000-member Building Society Officials' Association, agreed to merge.⁶³

The question of unity between metal unions and the move to form one union in the metal industry dominated talks at the third congress of the South African Co-ordinating Council of the International Metalworkers' Federation (IMF) in July 1988. The largest union in the IMF is the National Union of Metalworkers of South Africa (NUMSA), a COSATU affiliate, with 184 000 members. According to the IMF's

general secretary a number of the other metal unions had started merger talks, but it was unclear how many workers this grouping represented.⁶⁴

It was reported in March 1989 that more than 130 000 workers in the garment, textile and leather industries aimed to form a national union, affiliated to COSATU, by 1 July 1989. The unions concerned were the Amalgamated Clothing and Textile Workers' Union of South Africa (ACTWUSA) and the Garment and Allied Workers' Union (GAWU). The former was already a COSATU affiliate. Officials of ACTWUSA said that a third union, the National Union of Leather Workers (NULW), had dropped out of the unity talks. GAWU had about 56 000 members in the western Cape and ACTWUSA about 74 000 nationally.⁶⁵ At GAWU's national congress in Cape Town in April 1989, the union's general secretary, Mr Des Sampson, said that the merger, now scheduled for the second half of 1989, would significantly improve the quality of life for workers in the sector and defend and advance their social and political interests. He said that the union would undertake an educational programme at all levels and structures on the political situation in South Africa based on the Freedom Charter and constitutional guidelines issued in 1988 by the ANC. GAWU had noted ACTWUSA's reservations about the charter and had resolved to discuss the document in greater detail.⁶⁶

In January 1989 the NULW announced that it would amalgamate with the Transvaal Leather Workers' Union (TLWU) after a split of 30 years. The new union would represent about 33 000 workers in the shoe and leather industry — about 90% of the workforce in that sector.⁶⁷

Action involving trade unions

The period under review was characterised by violence involving trade unions. This violence included alleged murders by union members of non-striking workers as well as violent attacks on unionists. Several unionists were convicted of murder. Some of the violence between union members related to the conflict between the Congress of South African Trade Unions (COSATU) and the United Democratic Front (UDF) on the one hand and the United Workers' Union of South Africa (UWUSA) and Inkatha on the other (for further details see chapter on *Political Developments*). The main government action against unions was the restrictions imposed on COSATU in February 1988 (see 1987/88 *Survey* p626). Police activity against unions centred around the COSATU special congress in May, the organised protest by unions against the Labour Relations Amendment Bill, and a special anti-apartheid conference planned for September.

Raids on, damage to, and evictions from trade union offices

During March 1988 security police raided the offices of COSATU in Pretoria (central Transvaal), Vereeniging (southern Transvaal), and Welkom (Orange Free State) and posters calling for opposition to the Labour Relations Amendment Bill were seized.⁶⁸

In the same month an unsuccessful attempt was made to burn down

the offices of the South African Railways and Harbours Workers' Union (SARHWU) in East London (eastern Cape). Several articles were stolen, including a book with members' names in it.⁶⁹

In May a COSATU meeting in Port Elizabeth was held up for more than two hours while security police photographed the more than 100 shopstewards present. The police had separated the stewards into their respective unions. They told them that the meeting was illegal.⁷⁰

COSATU said in June that it believed that there was a concerted effort to stop its members from receiving proper report-backs from its special congress held in May. In June report-back meetings had been disrupted in Empangeni (Natal), Johannesburg (southern Transvaal) and Port Elizabeth (eastern Cape). In addition COSATU's Springs and Germiston offices (east Rand) were raided.⁷¹

In July a fire gutted the Johannesburg offices of the Transport and General Workers' Union (TGWU) and was the culmination of a series of attacks against the union, according to a union spokesman. Damage was estimated at R30 000.⁷²

In July offices of the Post and Telecommunications Workers' Association (POTWA) in Johannesburg were broken into for the second time during 1988. The union also claimed that the Post Office had been engaged in a campaign to disorganise union structures by moving shopstewards to jobs that they had never previously performed. Productivity inevitably dropped and the workers were then fired, the union claimed.⁷³

In August police raided the Pretoria offices of the Media Workers' Association of South Africa (MWASA) and seized membership cards and union documents. The raid took place on the eve of a meeting between MWASA and the management of Perskor to discuss the dismissal of more than 2 000 employees of the company.⁷⁴

In September the police raided COSATU offices in Durban, Pietermaritzburg and Pinetown (all in Natal) and questioned people about the federation's national congress.⁷⁵

Also in September police raided the East London offices of the National Union of Metalworkers of South Africa (NUMSA) and COSATU, while the offices of the Commercial, Catering and Allied Workers' Union of South Africa (CCAWUSA) were burgled and money stolen. In addition the houses of four TGWU shopstewards were raided, while the TGWU's offices in Port Elizabeth were raided twice. The raids occurred around the time of the planned anti-apartheid conference due to be held in Cape Town. Many unionists were detained and top unionists restricted (see below).⁷⁶

On 24 September union offices in Durban were petrol-bombed. The building housed the COSATU local branch, the head office of the Chemical Workers' Industrial Union, COSATU's printing unit, and the local offices of the Food and Allied Workers' Union (FAWU), NUMSA and TGWU.

In October police raided the Pretoria offices of the Banking, Insurance, Finance and Assurance Union and confiscated a union

banner and membership register, among other things. Other unions raided were the National Union of Public Service Workers (NUPSW), and the Black Allied Mining and Construction Workers' Union. Over 40 unionists were detained. At the time of the raid NUPSW unionists were holding their regional general meeting and their members were charged with disturbing the peace. Several paid an admission of guilt fine, while others were held for a few days.⁷⁷

In January 1989 the National Union of Mineworkers (NUM) condemned alleged police harassment of the union. The union's assistant general secretary, Mr Marcel Golding, said that 'union officials have been picked up and questioned, workers visiting our offices have been harassed, and several union officials have had their homes visited by police and been questioned. On Monday our offices in Kimberley (northern Cape) were raided and documents confiscated. Yesterday the administrator of the Westonia office (west Rand) was asked to report to Protea Police Station where she was questioned for several hours'. The week previously the Klerksdorp (western Transvaal) offices of the union were visited by police. Officials and workers were locked up in the offices which were searched by the police. Four union officials were then taken to the offices of the local security police for questioning.⁷⁸

In February the minister of law and order, Mr Adriaan Vlok, told Parliament that the police investigation into the explosion at COSATU House on 7 May 1987 had not yet been completed. He emphasised that the police regarded the case in a very serious light and an indication of this was that two senior and highly experienced detectives had been appointed to conduct the investigation.⁷⁹

In April officials of the Black Allied Workers' Union of South Africa (BAWUSA) said that their offices in Louis Trichardt (northern Transvaal) were shot at in what they believed was a wave of right-wing attacks on black organisations in the northern Transvaal town. The incident was reported to the police, who collected empty cartridges from the scene.⁸⁰

Violent conflict involving unionists

Violence between COSATU and UWUSA

Conflict between COSATU, which works closely with the UDF, and has adopted the ANC's Freedom Charter, and UWUSA, which has links with Inkatha, continued during the year under review, particularly in the Pietermaritzburg area. COSATU and the UDF had been in conflict with Inkatha/UWUSA in the area from 1986. (See chapter on *Political Developments* for more details.)

One group of workers who were particularly seriously affected by the violence were bus drivers of the Sizanani MaZulu Transport Company, who were members of the Transport and General Workers' Union (TGWU), a COSATU affiliate. Sizanani is owned by the KwaZulu administration, although subsidies are provided by the South African government. Between May 1987 and February 1988 about eight TGWU

bus drivers were allegedly attacked by Inkatha supporters. Four died as a result. The lack of protection led the drivers to strike on 17 January 1988, and management eventually agreed to look into the question of their protection. However, police and South African Defence Force (SADF) protection arranged proved to be inadequate. The SADF provided protection for only three days, while the police reported that they could not 'cope'. Management reported that it had had difficulty in persuading the police to patrol. In addition ten drivers were detained by the police between August 1987 and January 1988. Two UWUSA members, a driver and an inspector, were killed by a passenger in May 1987.⁸¹

In August bail was refused to Mr Alfred Ndlovu, second national vice president of the TGWU and Natal regional chairman of COSATU, who had allegedly incited four men to kill Mr Phillip Thabethe who had broken away from the transport union to form a rival union. He had also allegedly instructed a Mr Dumisani Buthelezi to join Inkatha to obtain information about the times and venues of Inkatha meetings.⁸² Mr Ndlovu was an employee of the Sizanani MaZulu Transport Company and was arrested at the height of the vigilante attacks against bus drivers in Pietermaritzburg in 1987.⁸³

In November it was reported that police were conducting further ballistic tests on three guns belonging to the KwaThema Town Council (Springs), including one owned by a councillor, to determine whether or not they had been used in the shooting in 1987 of five mineworkers employed by the Zinc Corporation at the company's hostel. The *Sowetan* reported that it had been told that the men had been killed because they had refused to join UWUSA. The miners were all members of the NUM. The Benoni Murder and Robbery Squad announced that one of four FAWU members who had been killed in the last two years had been shot with the councillor's gun.⁸⁴

In April 1989, 800 workers at the Anglo American Corporation of South Africa's New Denmark Colliery (southern Transvaal) went on strike after the death of one of their colleagues on a farm over a weekend. The man, a member of the NUM, was killed when members of the union allegedly clashed with members of UWUSA.⁸⁵

Other violent incidents

In January 1988 a security guard at COSATU's disused Johannesburg headquarters was attacked and the keys to the building seized by three alleged members of the state security forces. The South African Defence Force (SADF) denied any knowledge of the incident.⁸⁶

A shopsteward of the Steel, Engineering and Allied Workers' Union of South Africa, Mr Amos Boshomane, who was employed at Haggie Rand in Cleveland (east Rand), was shot dead in March 1988 on his way to work.⁸⁷

In March a trade unionist of FAWU applied to the Eastern Cape Division of the Supreme Court (Grahamstown) for an interim order restraining two security policemen in Queenstown (eastern Cape) from

assaulting, threatening, harassing or intimidating him. He alleged that he had been threatened with death unless he became an informer.⁸⁸

It was alleged in June by the *Sunday Star* that five men had been murdered and several others assaulted in separate attacks on workers who had refused to go on strike at various Afcol plants in Johannesburg. Workers at the plants had been on strike in protest over the dismissal of a worker. The human resources director at Afcol, Mr George Kinmont, said that they were still investigating the incidents, but did not at that time have all the facts. The union concerned, the Paper, Printing, Wood and Allied Workers' Union, said that it was non-violent and committed to negotiation. It said that the matter would be fully investigated.⁸⁹ In May 1989, 31 union members appeared in the Johannesburg magistrate's court on various charges, including murder, kidnapping and intimidation of other workers at Afcol during the 1988 strike. Twelve of the accused were granted R500 bail each.⁹⁰

In July 1988 a member of POTWA, Mr Michael Banda, was killed in Soweto. He was the key witness in a case centring on the dismissal of 3 000 workers during a wave of strikes in the Post Office in 1987.⁹¹

In August extensive damage was caused to the house of Ms Nomhle Maneli, an administrator of the Amalgamated Clothing and Textile Workers' Union of South Africa (ACTWUSA), when arsonists threw petrol bombs into her home in Mdantsane (East London).⁹²

Also in August two metalworkers employed at Hart (Johannesburg) were stabbed to death on their way home. The event occurred during a strike by Hart workers. Neither the company nor the police would say whether the deaths were strike-related.⁹³

In October a member of the Hotel and Restaurant Workers' Union (HARWU), Mr John Mkhize, was shot dead by police at the Johannesburg Sun Hotel during a lockout. On the same day four HARWU members were arrested in Cape Town and 15 demonstrators were arrested in Pretoria's Church Square.⁹⁴

In the same month a South African Municipal Workers' Union shopsteward, Mr Moses Dineka, one of a number of Soweto Town Council workers who were on strike, said that his Soweto flat had been broken into by municipal police and money and furniture worth a total of R691 was stolen. The police were backed by hooded men, he said.⁹⁵

In April 1989 the Food and Beverage Workers' Union (FBWU) said that two of its members had been killed and three were missing after allegedly being attacked by members of FAWU in Pietermaritzburg (Natal). FAWU officials could not be reached for a reply to these allegations.

Also in April a shopsteward at Haggie Rand, Mr Moses Mogodi, said that during a strike at the company, he had been abducted by a Johannesburg detective agency and held for 25 hours during which time he had been interrogated. Of the five people who had detained him some had identified themselves as municipal policemen and he had spent the first hour at the Dube Police Station. After being driven around blindfold, he had been taken to the offices of the agency. Mr Mogodi had

been suspended by management for holding an unauthorised union meeting some time earlier. He said that the agency head had told him that the agency had been retained by Haggie to investigate the shooting of the company's personnel officer, Mr Tom Kekana, during a strike in 1988. Mr Mogodi was accused of having organised the shooting, which he denied. The managing director of the company, Mr John Milburn, denied any company involvement in Mr Mogodi's abduction.⁹⁶

In April 1989 it was revealed that possible leads to solving the murders of four team leaders at the Western Holdings mine (Welkom) of the Anglo American Corporation of South Africa (Anglo) in 1987 were contained in an inquiry report by an advocate, Mr Dan Bregman.

The team leaders were allegedly killed during the weekend of 12-13 July 1986, three of them allegedly in front of 2 000 miners in a sports stadium and the fourth on the evening before in front of 'many people'. Police confirmed that no one had been charged with the murders. Four men had been detained and questioned by the police about a year after the murders, but had been released for lack of evidence. The report said that names of participants in the assaults, revenge attacks and witnesses to them during the week preceding the murders were known to management. Evidence of 'inflammatory and intimidatory threats' linked to specific shaftstewards were accepted by Mr Bregman. His brief, by agreement between management and the NUM, was to investigate only whether the dismissals by management of four NUM shaftstewards, because of their role in the conflict at No 6 shaft before the murders, was justified. He found that the four stewards 'clearly planned and co-ordinated' a sit-down protest underground on 7 July 1986. The kitchen boycott, broken by a group of team leaders, had led to assaults and revenge assaults between NUM supporters and workers opposed to the protest actions. The report said that the conflict at No 6 shaft during the week could not be separated from the weekend murders. Police declined to say whether the four men detained for questioning were the same men who were dismissed.⁹⁷

Business Day later took the issue further, challenging the fact that no one had been arrested over the incident. It reported it had, with the permission of Anglo, interviewed miners who had been present at the killings. They had described how five team leaders had been made to stand on a table in the middle of the arena and had been accused of being management informers. One of the miners had been dragged away, management believing that he had been declared innocent and spared. The other four had been attacked, one of the men managing to escape. The other three had been killed.⁹⁸ On 19 May official tape recordings of the Bregman inquiry were taken from the mine by police. Ten tapes of a total of 43 were missing.⁹⁹

The editor of the *Business Day*, Mr Ken Owen, was subpoenaed on 23 May to give evidence before a Johannesburg magistrate on the two reports which his newspaper carried on the killings. Despite Mr Owen's appeals to have a public hearing, it was held in private. Mr Owen said after the hearing that the information in the reports came from the

Bregman report, interviews with miners, and the police themselves. 'The newspaper reports were based on the sort of information that the most cursory inquiries by any police officer must have yielded,' Mr Owen said.¹⁰⁰ Two *Business Day* reporters were also served with subpoenas.

On 21 May the Imbali (Pietermaritzburg) home of Mrs Jabu Ndlovu, a shopsteward of NUMSA, was attacked by gunmen, who shot her, her husband and daughter, and then set the house alight. Her husband and daughter were killed and she later died of burns. COSATU and NUMSA said that before the attack on her house, Mrs Ndlovu had identified 'warlords' in the area and thought the attack was in retaliation for this.

A call by residents of Imbali for peaceful protest action from 5 to 7 June in support of peaceful negotiations was criticised by members of Inkatha's central committee which expressed 'grave disquiet' over the actions of COSATU and the UDF in 'unilaterally calling for a stayaway without consultation with Inkatha and other organisations not affiliated to the UDF'.¹⁰¹

Detention of trade unionists

Many trade unionists were detained during the period under review, particularly in relation to protests against the Labour Relations Amendment Bill. Details of the detentions were not available. In November 1988 COSATU reported that there were approximately 77 COSATU members in detention.

In January 1988 a SARWHU shopsteward, who went on a 33-day hunger strike to back his demand that he be charged or released from detention, was freed after the state withdrew charges that had been brought against him ten days earlier. He had been charged with participating in an illegal strike.¹⁰²

On 21 September the government prohibited the holding of an anti-apartheid conference organised by COSATU, and restricted its organisers. Those restricted were Mr Chris Dlamini, first vice president of COSATU; Mr Sydney Mafumadi, COSATU's assistant general secretary; Mr Donsie Khumalo, its regional secretary; and Mr Moses Lamola, its northern Transvaal regional chairman; Mr Vusi Khumalo, president of POTWA; Mr Bob Mabaso, POTWA's vice president; and a senior official from the South African Domestic Workers' Union (SADWU). COSATU said that in terms of the restriction orders, Messrs Dlamini, Mafumadi, and Khumalo could not leave their respective magisterial districts for ten days from 6pm on 21 September to 6am on 3 October. They were also prohibited from leaving their homes between 6pm and 6am.¹⁰³

Detained unionists were among those who embarked on a hunger strike in 1989 in support of the release of all detainees. One, Mr Donsie Khumalo, was reported to be in a critical condition on 17 March after having started his hunger strike on 9 March. He had refused to drink water as well. He was very thin, had lost the use of his right arm and was very weak both emotionally and physically, said his attorney. COSATU

warned that if Mr Khumalo died in detention action would be taken.¹⁰⁴ Mr Khumalo abandoned his hunger strike when assurances were given that he would be released.

Also in March 1989 Mr Khumalo, who had since been released, was one of six detainees who sought refuge in the British embassy in Pretoria in protest against the restrictions placed on them on their release. Another unionist, Mrs Grace Dube of CAWU, was also among the six. The six left the embassy two days later and accused embassy staff of having treated them inhumanely. They said that they had been locked in a tiny, stuffy room, which had no windows and no furniture except for a chair and a little table. They had slept on a bare cement floor. The embassy officials had refused them food, water and lavatory facilities, they said. After they had left the embassy, the six embarked on a campaign to defy their restriction orders.¹⁰⁵ On 1 June Mr Khumalo was arrested for allegedly breaking his restriction orders.¹⁰⁶

It was reported in April 1989 that an organiser for MWASA, Mr Maropoli Mapalakanye, had disappeared on 9 March. He had spent nine months in detention in 1988 and was released in September after testifying that, as a state witness in a terrorism trial at Kliptown, he had been tortured and forced to sign a false statement. No reply had been received from the minister of law and order to an inquiry from the union as to whether he was in detention or not.¹⁰⁷

Deaths in detention

An organiser of CAWU, Mr Alf Makaleng, died in detention during the period under review. His funeral, held in September 1988, was restricted to the immediate family. An organiser of CCAWUSA in Pietersburg (northern Transvaal), Mr Elias Nong, was arrested at the funeral. Mr Makaleng died after collapsing in the Nylstroom Prison. He had been in detention for two years.¹⁰⁸

Court cases

Commercial workers

In August 22 OK Bazaars warehouse workers were sentenced to three years' jail each for public violence for their part in a demonstration in January 1987 outside Konti Montana Warehouse in Alberton (east Rand). The workers had intended to stage a sit-in but were locked out of the premises. They had beaten a car transporting replacement labour with their hands for seven seconds before the gates opened to let the car through.¹⁰⁹

In November the Appellate Division of the Supreme Court in Bloemfontein dismissed an appeal by Mr Mzazile Ntombela, a trade unionist, against the finding that there were no extenuating circumstances in the imposition of the death penalty for his murder of Mr Sekonkoane Sebetoa and another worker in 1987. Mr Ntombela, a shopsteward at Nels Dairy (Johannesburg), had allegedly killed Mr Sebetoa and the other victim during a strike at the company in 1987. This

was the first such case since 1964, when three leading members of affiliates of the South African Congress of Trade Unions (SACTU) were hanged after their conviction on charges of sabotage and the murder of a police informer.¹¹⁰ In December CCAWUSA launched a campaign against Mr Ntombela's sentence. The union said that after workers had been released from jail after a strike they had found that non-union labour had replaced them and that they had been evicted from their hostels. Mr Ntombela, like other workers, had been left homeless. 'It was in this climate that violence ensued. In the conflict which followed, two people were killed and Ntombela is now held responsible for these deaths.'¹¹¹

In May 1989 Mr Ntombela was granted a reprieve by the state president, Mr P W Botha, along with another trade unionist, Mr Tyelovuyo, an NUM member. Mr Ntombela was given a 25-year sentence, and Mr Tyelovuyo 20 years.¹¹²

Mine workers

In March 1988 an office bearer of the NUM, Mr Charles Mapetshoawane, was found guilty in the Klerksdorp (western Transvaal) regional court of urging workers to damage machinery on the mines if they were forced to work during the 1987 mineworkers' strike (see 1987/88 *Survey* p678). He was sentenced to five years' imprisonment.¹¹³

In April 1989 nine NUM safety committee members who had allegedly strangled a colleague who had defied a call to go on strike in 1987 appeared on a murder charge in the Transvaal Provincial Division of the Supreme Court. The men, employees at the Blinkpan Coal Mine in the Middelburg area, pleaded not guilty to the charges. The state alleged that they had assaulted and strangled a bus driver in a room at the hostel.¹¹⁴

Railways workers

In 1988, 16 railways workers were convicted by Mr Justice T Spoelstra in the Witwatersrand Local Division of the Supreme Court on a variety of offences for actions committed during the 1987 railways strike (see 1987/88 *Survey* p670). Of the 16, eight were found guilty of the murder of non-striking workers. The judge found that four of the eight were guilty of murder with no extenuating circumstances. Where there are no extenuating circumstances the court must impose the death sentence. He found that there were extenuating circumstances in the case of the other four.

In presenting evidence in mitigation, Dr Andrew Coleman, a British social psychologist at Leicester University, said that the murder of the non-strikers could have been committed by any normal person subjected to the psychological pressures on the accused at the time of the killings. He said that he, and Dr Scott Fraser, a psychologist at the University of Southern California, believed that these situational factors included 'deindividuation' arising from the 'peculiar atmosphere' at COSATU

House (Johannesburg), where the noise, the crowd, the heat and the anonymity in the hall where the strikers gathered daily meant that the accused did not engage in self-reflective behaviour; relative deprivation in that all eight accused believed the quality of their lives to be inferior to that of other groups; and group polarisation arising from the collective decision-making process at COSATU House. It was decided that non-strikers would be murdered for not supporting the strike. Other factors which probably influenced some of the accused more than others were frustration-aggression, obedience, bystander apathy and learned helplessness. He appealed to the court in judging the behaviour of the accused not to underestimate the potential power of external situational forces.¹¹⁵

In March 1989 the state argued that even though the court had found that there were extenuating circumstances in the case of four of the accused, the death sentence should be imposed on them because of the brutality of the crime. The defence, on the other hand, asked the judge to use his discretion and not impose the death sentence on the four. It was argued that the issue of brutality had already been taken into account during the extenuation proceedings.¹¹⁶

The judge sentenced four of the workers to death four times each. Four others were given prison sentences ranging from five to 12 years. They were also convicted on charges of kidnapping, intimidation, and attempted murder and these were counted as one for the purpose of sentencing. Suspended sentences, ranging from three to eight years' imprisonment, were imposed on eight other strikers convicted of culpable homicide, intimidation, assault and the kidnapping of the non-strikers. The suspensions were conditional on the payment of a total of R24 000 to the dependants of the four murdered men. Judge Spoelstra said that there was a distinct likelihood that undue leniency might encourage similar conduct.¹¹⁷

In February 1989 three Soweto men, Messrs Wilson Nakana, Sophinia Matloga and Sethabane Mathole, were acquitted of murdering a ticket inspector, Mr Samuel Medina, during the railways strike in 1987. The three men had been charged with murdering Mr Medina by throwing him off a moving train. Mr Justice R Solomon found that the three men were part of a group which had approached Mr Medina and two other ticket inspectors and told them to stop work because of the strike. Mr Medina was pushed on to the train and the other inspector was pushed on to the platform and hit with a knobkerrie. Judge Solomon said that while there was evidence of what Messrs Nakana and Mathole had done on the platform, there was no evidence as to their activities on the train. They could, therefore, not be found guilty of murder. However, Mr Matloga had handed a statement to the court saying that he had helped throw Mr Medina from the train. He had been compelled to do so to save his life, he said. But he did not have the intention to kill. Judge Solomon accepted that Mr Matloga feared he might be severely injured if he did not obey this instruction. Taking all the circumstances into account, he could not be found guilty of murder.¹¹⁸

Moses Mayekiso

The trial of Mr Moses Mayekiso, general secretary of NUMSA, was conducted during the period under review. Mr Mayekiso and four others had been accused of treason for allegedly running 'people's courts' and street, area and block committees in Alexandra (near Johannesburg) in 1986, among other things (see 1986 *Survey* Part 1 p252 and 1987/88 *Survey* p630). In December 1988 Mr Mayekiso and his four co-accused were released on bail of a total of R35 000. The bail conditions were that Mr Mayekiso could not enter Alexandra township, that he would live at the Nedbank Plaza (Hillbrow, Johannesburg) and he had to report daily between 8am and 1pm to a police station. He and the other accused were not to communicate with state witnesses, or conduct, attend or address any press conference or issue press statements. They were not to leave the Witwatersrand area without the written permission of the investigating officer, had to hand over their passports, if they had any, and could not apply for such documents. Mr Mayekiso had been in detention for 901 days since his arrest on 28 June 1986.¹¹⁹

In a decision in the Transvaal Division of the Supreme Court on 24 April 1989, Mr Justice P J van der Walt acquitted Mr Mayekiso and his four co-accused of all charges. The judge found that the state had not proved beyond reasonable doubt the guilt of the accused on a charge of subversion, sedition or any other competent finding. The original charge of treason had been dropped earlier in the month because of insufficient evidence. The judge expressed concern that so much time and energy had been spent on examining such evidence, which nevertheless had had to be brought because the accused had been charged with treason. 'A charge of treason should be carefully considered and very carefully reconsidered before being brought,' the judge said.

The judge traced the history of Alexandra, showing the dissatisfaction in the community resulting from poor living conditions and insecurity of tenure. He took judicial notice that blacks, unlike other population groups, had no vote to elect a member of Parliament.

In April 1986 there had been a workshop in Alexandra at which various organisations, including the Alexandra Action Committee (AAC), discussed what could be done about the situation in Alexandra. The state relied on the minutes of this meeting to prove its charges because topics included the rent and consumer boycotts. But the judge found that the minutes showed the accused were keen to involve the authorities in solving Alexandra's problems. This refuted any suggestion of subversion. On 22 April 1986 'radicals' were attacked by 'vigilantes' during the night. It was a common belief that the vigilantes were the police or helped by the police. The judge said that the perception had substance and it was a matter for regret that the perpetrators had never been prosecuted.¹²⁰

Mr Mayekiso said after his acquittal that 'we are returning to continue where we left off'. He said that the message from the judgement was that structures such as street committees were lawful and 'we should now continue building them'. He said that the structures he and colleagues

of the AAC had been accused of building were democratic because they encouraged accountability by community leaders. There was no question at present of working through black local authorities which were manipulated by joint management committees, he added. He said that people's courts had emerged spontaneously and whether they did again depended on people in Alexandra. He added that their committee was opposed to violence and had discouraged sjambokking. He believed that 'necklacing' was not justifiable under any circumstances.¹²¹

In April 1989 Mr Mayekiso was the recipient of four awards from the British trade union movement. He became the first person outside Britain to receive the Trades Union Congress northern region's Harry Cowans certificate for meritorious service to trade unionism, as well as receiving highly coveted miners' lamp awards from Yorkshire and Kent miners, and a statuette of a steelworker from the West Midlands steelworkers.¹²²

Passports

According to press reports, there were fewer instances of applications for passports by unionists being refused during 1988/89 than before.

In November the department of home affairs turned down an application for a passport by Mr Vusi Thandi, the general secretary of the Building Construction and Allied Workers' Union. He was to have attended a conference of the International Federation of Building and Wood Workers in the United States.¹²³

Proposed curbs on funding of unions

In November the government dropped the Promotion of Orderly Internal Politics Bill, which had been designed, inter alia, to prevent restricted organisations, including unions, from receiving funds from abroad. The bill was replaced by a new bill, the Disclosure of Foreign Funding Bill, which would require all organisations and people who had been officially notified to disclose all sources of external funding and to have their books audited. A registrar of reporting organisations and persons would be appointed and would submit an annual report to the minister of justice, who would then table the report in Parliament. Penalties of up to ten years' jail or a R40 000 fine or both would be imposed on people who refused to comply with the law, or who used funding other than for its declared purpose. The new bill was welcomed by the joint standing committee appointed to investigate its predecessor (see 1987/88 *Survey* p634).¹²⁴

Trade unions and homelands

On the advent of a Military Council in the Transkei in 1987, the leader of the council, Major General Bantu Holomisa, lifted the ban on the holding of strikes imposed by the previous ruler, Chief George Matanzima. However, in August 1988 the police said that all strikes,

work stoppages, and boycotts were banned under the Transkei's Public Safety Act of 1977, after a series of strikes, mainly over wages, had occurred in August. Among those was one by 2 000 tea plantation workers. The minister of police, the Rev Benjamin Dlamini, said, 'We had to curb them. We couldn't allow a state of unrest to go unchecked.' Gen Holomisa acknowledged that the homeland was in a difficult position. He said that he believed that the strikers had real problems but that the homeland did not have the money to increase wages. 'The grievances are genuine, but the action of striking will be condemned,' he said.¹²⁶

In May 1989 the KwaZulu minister of education and culture, Dr Oscar Dhlomo, issued a warning to any teacher 'who either joins or attends meetings of any trade union'. He said that legislation would be introduced to charge any teacher who went on strike.

Trade unions and sanctions

The question of union control over the process of disinvestment received increased attention during the period under review. A major development was the application by the Chemical Workers' Industrial Union (CWIU) — an affiliate of the Congress of South African Trade Unions (COSATU) — for a conciliation board to settle a dispute it had declared with 39 companies over disinvestment. At its 1987 conference COSATU had resolved, *inter alia*, that companies withdrawing from South Africa should give the federation 'adequate notice' of their intentions, and should negotiate the terms of withdrawal with union representatives. It failed to specify what these terms should be (see 1987/88 *Survey* p638).

Later in 1987 the CWIU sent a letter to 41 multinational companies setting out demands (see 1987/88 *Survey* p639) to be negotiated should those companies disinvest. (Action was later dropped against two of the companies.) One of its demands was that the companies should negotiate in a joint forum because all multinationals were subject to the disinvestment campaign. The union argued that negotiations on the issue were best conducted on a multi-company basis as the demands were not purely domestic to each company.¹²⁶ The failure of the companies to negotiate on the issue led the union to apply for the conciliation board. According to a union spokesman, the terms of reference of the conciliation board should encompass the inability of the parties to reach agreement on joint negotiations on the disinvestment issue, and the question of notice of disinvestment, separation pay, social security, information to be provided to the union, pension/provident funds, trust funds and guaranteed conditions of employment. The board's terms should also cover issues arising from partial disinvestment.¹²⁷

Commenting on the union's application, most companies said that they had no intention of withdrawing from South Africa and would oppose it. CWIU's general secretary, Mr Rod Compton, said, however, that most disinvestments were presented to the union as a *fait accompli*,

and in some cases immediately after the company concerned had publicly announced that it had no intention of disinvesting whatsoever.¹²⁸

The companies set up an informal contact group chaired by Hoechst SA's managing director, Mr Ian Thompson. According to one employer spokesman, most of the companies did not wish to negotiate the issue at industry level.¹²⁹ The companies included the major oil multinationals, such as BP Southern Africa, Caltex Oil (SA), Mobil Oil Southern Africa, Shell South Africa, Total South Africa, and others, such as Bayer South Africa, Colgate-Palmolive, and South Africa Cyanamid.¹³⁰

The union also claimed that contrary to certain reports 'these disinvestments are not resulting in job losses, but rather in less favourable conditions of employment for the same employees, and a less favourable collective bargaining relationship for the union, introduced during and under the guise of disinvestment... The only way the union can avoid disinvestments being presented as a fait accompli is for a prior agreement to be reached between the parties on the course of action the parties would follow should they be affected by a disinvestment decision,' the CWIU said.¹³¹ It said that reports that Mobil had considered transferring control of its South African operations to a Jersey-based company in 1987 further legitimised its demands for prior negotiations on disinvestment. Mr Compton said that Mobil had responded in 1987 to union demands saying, 'Disinvestment is not an issue and we therefore consider your demands unreasonable, provocative, and an unfair labour practice.' A spokesman for Mobil said that the proposal had nothing to do with disinvestment, and merely related to the Rangel Amendment to the United States (US) Budget Reconciliation Act barring firms from claiming a United States tax credit for taxes paid in South Africa.¹³²

In October the minister of manpower turned down the union's application for the board. A CWIU spokesman said that he was surprised and disappointed at the decision. The minister does not usually give reasons for such decisions, but Mobil's industrial relations manager, Mr Jacques Franken, said that he believed that the application was faulty in that it did not accord with the act's wording that a dispute had to be, *inter alia*, within an industry.¹³³

A new sanctions bill which was approved by the US House of Representatives foreign affairs committee in April set up a procedure in terms of which disinvesting companies should negotiate the terms of their withdrawal with trade union or other worker organisations. Apart from issues such as pension benefits, the negotiations had to include the acquisition of the terminated business by workers or their organisations. The bill was approved by the House of Representatives in August (see chapter on *The Economy and Business*) but was not enacted by Congress as a whole.

In November the CWIU reported a breakthrough in its campaign, and said that out of the 39 companies only 10 had refused to start talks on the issue. Among the companies refusing to talk were BP, Maybaker, Mobil and Shell. The CWIU said, 'Maybaker aside, these companies are among the largest of the multinationals operating in South Africa. Much of their

conscience money is poured into so-called social responsibility programmes. However, on the question of security of their employees, if they leave the country, they refuse to negotiate.' Both Shell and Mobil said that talks on disinvestment procedure would be pointless because they did not intend to leave the country.¹³⁴

However, despite denials that it was planning to disinvest, Mobil's parent announced in May 1989 that it intended selling its holdings to the local mining and industrial conglomerate Gencor. The CWIU lodged an urgent application in the Industrial Court for the postponement of the sale of Mobil's holdings pending negotiations with the union.¹³⁵ The court postponed the application and instructed Mobil's legal representatives to get instructions from Mobil to provide the union with information concerning the deal. The union said that Mobil's attitude at meetings between it and the company over the issue amounted to a refusal to negotiate. The union announced that it would hold a strike ballot.¹³⁶

On 15 May 240 Mobil workers in the Transvaal went on strike in protest against Mobil's alleged failure to negotiate with them over the disinvestment, pre-empting the strike ballot. Workers believed that the company had deliberately lied to them about its intentions, the union said.¹³⁷ Over the next few days the strike spread to Port Elizabeth and East London, while a ballot was held in Natal. The CWIU asked the Mobil Corporation in the US to come to South Africa to negotiate or to give a mandate to local Mobil officials. Mr Franken said that Mobil had never lied to the union but 'apparently they were under the impression that they would be involved in the disinvestment process. However, the disinvestment has nothing to do with Mobil South Africa as it is the Mobil Corporation (US) that is disinvesting'.¹³⁸

On 17 May the Industrial Court issued a 'directive' to the CWIU and five shopstewards to end the strike, which had spread to 15 depots. The vice president of the court, Mr Pierre Roux, directed that if the strike did not end within 24 hours, the court would hear argument on why urgent relief should not be granted to Mobil. A union spokesman said that the union considered the strike lawful and it would oppose any application for an interim interdict.¹³⁹ After talks between the union and Mobil, the strike was suspended. The union reserved the right to resume the strike if negotiations failed.¹⁴⁰ In the last week of May talks between the company and union ended in deadlock, the parties failing to reach agreement on the amount and distribution of a 'compensation' payment for employees from the departing company, the handover to the union of a copy of the agreement of sale, and the establishment of a union-controlled trust fund.

The CWIU, nevertheless, withdrew legal action against the company because of 'legal complexities' which surrounded the case. Mobil, in turn, dropped its application for an interdict against strike action by the union, which had undertaken not to hold an unlawful strike against the company. The CWIU said that Mobil's failure to finance a trust brought out its 'true colours' regarding social responsibility.¹⁴¹ In late June the dispute between Mobil and the union was resolved when the company

agreed to a R6,5m payout to employees. The company's 2 800 employees would each receive R2 000 or one month's salary, whichever was the greater. Local management also undertook to facilitate a meeting with a senior Mobil Corporation (US) executive to discuss the union's two outstanding demands — for a copy of the agreement of sale with Gencor and for the establishment of a trust fund designed to finance social projects. Mr Compton said that while he did not see the settlement as a perfect outcome, it nevertheless represented a major advance in the CWIU's efforts to have a say over terms of disinvestment.¹⁴²

Disinvestment led to other disputes during the period under review. In May employees of the National Union of Metalworkers of South Africa (NUMSA) held a placard demonstration outside the premises of Mono Pumps (Johannesburg) in support of negotiations over disinvestment after the British parent company, Gallaher — in turn owned by American Brands (Ambrands) — had sold out to a South African company. Workers demanded severance pay at the rate of one month's pay per year of service, and the establishment of a trust fund by the former owner.

At the same time Ambrand shareholders overwhelmingly rejected a hastily submitted resolution calling for the provision of a trust fund and other benefits for the Mono Pumps workers. The resolution was introduced by the US Amalgamated Clothing and Textile Workers' Union on behalf of NUMSA. One reason for the low support was that the resolution was too late to be included in Ambrand's definitive proxy statement. By the time it was raised at the annual general meeting most shareholders had given their proxies to management, said ACTWU national field director, Mr Bill Patterson. The board was 'automatically opposed. They don't want to encourage insurgent resolutions', he said.¹⁴³

NUMSA eventually negotiated a R400 000 deal with Gallaher. Of this amount R200 000 would go to a trust fund for the workers, and the remainder would be paid out in equal portions to the firm's 350 employees, giving them each R575. The chairman of the shopstewards' committee, Mr Abraham Motha, said that the total payout was not as much as was hoped for. However, members were satisfied with the deal as Gallaher had, until the last minute, resisted any immediate payout to workers at all. The trust fund would be administered by one person elected by hourly paid employees, one union official, one representative of salaried staff, and two nominees of an investment company. The intention was to allow the fund to build up capital for a year. Thereafter, the funds would be used mainly as housing loans for employees.¹⁴⁴

In April a NUMSA spokesman, Mr Bobbie Marie, said that the union was surprised that it had not been informed beforehand of the sale by Metal Box of its stake in Metal Box South Africa to Nampak, a Barlow Rand subsidiary, for R114m. Mr Marie said that Metal Box South Africa had usually adopted a progressive approach to industrial relations and had consulted shopstewards and union organisers on a range of issues, such as its social responsibility projects. The company was aware of COSATU's policy on disinvestment, he said.¹⁴⁵

The establishment of trust funds for workers by disinvesting companies was not without its problems. In April about 3 000 workers from the South African Motor Corporation (SAMCOR) plant in Pretoria went on strike for eight days over dissatisfaction with the trust fund arrangement agreed on between NUMSA, SAMCOR and Ford when the latter sold its holdings in South Africa (see 1987/88 *Survey* pp658-659). Part of the agreement was that Ford would give a 24% equity interest in SAMCOR to a trust fund for the benefit of all SAMCOR employees. NUMSA workers said that they were dissatisfied with this arrangement and accused NUMSA leaders of 'selling them out'. During the strike they fired the shopstewards' committee. Workers said that they wanted to be paid the money directly. An organiser in the Pretoria office said, 'All was well until sometime in February when a petition, the brainchild of Port Elizabeth workers, was signed by Pretoria workers demanding the money. This surprised us as the workers had initially agreed that the money would be paid into the trust. It is also surprising for them to claim that they were not consulted.'¹⁴⁶ Prior to a meeting with SAMCOR's managing director, Mr Spencer Stirling, a worker representative, Mr Victor Vala, said, 'Workers in Port Elizabeth feel the 24% trust fund is valueless because we would not be shareholders and if someone was to leave the company, he would lose the payout from the dividends and so have nothing.'¹⁴⁷

In May 1989 COSATU rejected the findings of a Gallup-Markinor poll which found that almost 90% of South Africans opposed sanctions and disinvestment. The federation's general secretary, Mr Jay Naidoo, claimed that the poll was 'heavily loaded and transparently rigged to come out with the conclusions desired by its sponsors', the Chamber of Mines of South Africa, which, he said, 'was the architect of the cheap labour system, the compounds and migrant labour'.¹⁴⁸

Unions and politics

In September the commissioner of police prohibited an anti-apartheid conference which was due to be held on 21 September in Cape Town. The conference had been organised by the Congress of South African Trade Unions (COSATU) in conjunction with the United Democratic Front (UDF). The aim of the conference was to discuss the development of a united front against apartheid, an issue which had been discussed in depth at COSATU's special conference in May (see *Action involving trade unionists* above and chapter on *Political Developments*). Brigadier Leon Mellet, press secretary for the minister of law and order, said that the conference was 'obviously' intended to fill the vacuum created by the restrictions placed on COSATU, the UDF and other anti-apartheid organisations in February 1988.¹⁴⁹

In February 1989 COSATU's general secretary, Mr Jay Naidoo, together with a representative of the UDF, met African National Congress (ANC) leaders in Lusaka (Zambia) to discuss actions surrounding the activities of the bodyguard of Mrs Winnie Mandela, the

wife of a jailed ANC leader, Mr Nelson Mandela. A few days previously, COSATU and the UDF had issued a statement criticising Mrs Mandela for her failure to disband her bodyguard, which had an alleged history of violence in the community (see chapter on *Political Developments*).

In the same month community organisations in Khutsong township (Carletonville) decided to launch a trade union-backed consumer boycott in the town in protest against the re-implementation of petty apartheid by the town's municipal council (see also chapter on *Political Developments*).

COLLECTIVE BARGAINING

Industrial and labour councils

The number of industrial councils (ICs) for selected years, the number of IC agreements, and the number of employers and employees covered by them is given below:

<i>Industrial councils</i>				
	<i>Councils</i>	<i>Wage agreements</i>	<i>Employers</i>	<i>Employees</i>
1975	102	92	39 146	1 046 105
1980	105	98	41 280	1 095 472
1986	99	77	47 032	961 302
1987	97	86	45 941	964 881
1988	95	N/A*	N/A	988 000

*N/A – not available

In terms of the South African Transport Services Conditions of Service Amendment Act passed in 1988 collective bargaining was drawn more into line with procedures in the private sector. This would occur particularly through the creation of a labour council where negotiations on conditions of employment would take place. Previously the minister of transport affairs had set wages in the service. (For more details on the council and other amendments contained in the act, see *Legislation* above.)

Conciliation boards

There continued to be a substantial rise in the number of applications for conciliation boards. In 1988 there were 3 035 applications, compared with 2 312 in 1987 and 1 294 in 1986.¹⁵⁰

Industrial Court

In 1988, 3 838 cases were referred to the Industrial Court, compared with 3 533 in 1987 and 2 042 in 1986. According to the National Manpower Commission it was not possible to appoint enough permanent members to cope with the court's workload, with the result that 1 314 cases had not been finalised by the end of 1988 compared with 776 at the end of 1987 and 323 at the end of 1986. The increase in the court's workload was primarily attributed to the number of unfair labour practice cases in terms of section 46(9) of the Labour Relations Act of 1956. There were 1 230 such cases in 1988 compared with 770 in 1987.¹⁵¹

Among the cases considered by the court during the period under review were two which touched on the issue of race.

In February the Industrial Court ruled that racial wage discrimination was an unfair labour practice. The court also ordered the reinstatement of 400 workers who had been dismissed following a strike, thus appearing to strengthen the right of protection from dismissal of workers involved in a lawful strike. The ruling arose out of a six-week strike in 1986 by 3 000 workers at Sentrachem (at its Chloorkop, Germiston, Sasolburg and Pretoria factories — all in the Transvaal) over wage increases, as well as a demand by the union involved, the South African Chemical Workers' Union (SACWU), for the elimination of racial wage discrimination, which, it said, was prevalent in the company. The court ordered Sentrachem to eliminate racial wage discrimination by 31 August 1988. It defined discrimination as a situation where wages paid to black employees were lower than wages paid to other workers doing the same work — unless the difference was owing solely to length of service in the job. Evidence led by the company during the hearing was that it would cost R4m to eliminate discrimination fully. During negotiations Sentrachem had agreed to set aside an immediate R1,5m as a first step towards eliminating wage discrimination over a period of time. The court noted that Sentrachem representatives had acknowledged that discrimination existed and was morally indefensible. It said that the company should have made greater efforts to remove it.¹⁵²

The court also ordered the reinstatement of the workers and payment to them of eight weeks' back pay. Giving its reasons for this decision, the court said that since the law granted unions and lawful strikers immunity from penal and civil sanctions (the law has since been changed — see 1987/88 *Survey* p651), it would be anomalous if workers were nevertheless penalised by dismissal for striking. It also reaffirmed the view that 'the employer should be prevented from applying selective dismissal or selective re-employment, in the context of a strike'. The court added that if the strike was 'legitimate', this would go a long way towards finding that the dismissal of the workers was unfair, and likewise failure to re-employ all of them. The court also said that if the company, as suggested, had not re-employed workers, either because they were redundant or because they had committed disciplinary offences, it was obliged to follow the relevant retrenchment and disciplinary procedures. This had not been done.¹⁵³

Sentrachem's managing director, Mr Dave Marlow, said that the company 'unreservedly rejects, and will continue to reject, racial discrimination in any aspect of its operations... The finding of the court that Sentrachem has implemented that practice, as well as the court's determination on criteria for legal strike action and fair dismissal of striking employees, are cause for serious concern to the company', Mr Marlow added.¹⁵⁴

In September the Industrial Court ruled that, by refusing to allow its members to train coloured people for a job normally held by whites, the all-white Mineworkers' Union (MWU) was guilty of an unfair labour practice. As accepted 'scheduled persons' in terms of the Mines and Works Act of 1911, coloured people were legally permitted to apply for winding engine drivers' certificates of competency. The MWU had however, refused to allow its members to assist in the training of coloured people for this position. Labour observers said that the judgement had wider implications. As statutory job reservation in the mining industry had been scrapped by the repeal of the 'scheduled persons' definition in July 1988 (see 1987/88 *Survey* pp339-340), they said that the MWU would also be guilty of an unfair labour practice if its members refused to train and employ not only coloured workers but black workers as well (see chapter on *Employment*).

Two Industrial Court decisions were seen to have implications for the unilateral implementation of wage increases while negotiations were under way. In *NUM v Gold Fields of South Africa* the court found that the company had committed an unfair labour practice when certain of its mines had implemented unilateral wage adjustments outside the normal NUM/Chamber of Mines of South Africa bargaining forum. In a second case, between the union and Rand Mines' Henry Gould chrome mine (western Transvaal) the union challenged the fairness of a management practice of giving wage increases to non-union members from an earlier date than to union members. In declaring this an unfair labour practice, the court found that the only purpose in implementing wage increases from different dates was 'to discourage union membership and to place a disincentive on participation' in collective bargaining.¹⁵⁵

In July the court granted an interim interdict against a lawful strike for the first time. The court granted the interdict ex-parte to Linamex, a Phalaborwa firm whose workforce had embarked on a wage strike. The court ordered members of the Chemical Workers' Industrial Union (CWIU) to return to work. The interdict was granted in terms of section 17(11)(a) of the Labour Relations Act of 1956 (see *Legislation* above and *Noteworthy labour practices and developments* below).¹⁵⁶

In September the court ordered the reinstatement of a CWIU shopsteward, Mr Emmanuel Nkomo, at National Crude Oil Storage (NATCOS) (Isipingo, near Durban), a designated key point and a SASOL and NATREF subsidiary, despite an order by the minister of defence, Mr Magnus Malan, declaring him 'unfit' and 'improper' for employment at any national key point. Mr Nkomo had been dismissed

in March after a private letter written by him, which contained remarks about certain members of management, had been stolen from his locker and had fallen into management hands. The minister had issued the warning a day before the hearing in terms of the National Key Points Act of 1980. NATCOS was ordered to reinstate Mr Nkomo with three months' back pay. The union said that it was 'pleased that the Industrial Court was still able to make a judgement on the basis of fairness, notwithstanding the minister's attempt to influence the outcome of the case'.¹⁵⁷

In terms of the Labour Relations Amendment Act, which came into force in September 1988 (see *Legislation* above), a Labour Appeal Court was established to hear cases on appeal from the Industrial Court. The new Labour Appeal Court delivered its first ruling on 16 May 1989, overriding an unfair labour practice ruling against Ergo, handed down in November 1988 by the Industrial Court in a case brought by the NUM.¹⁵⁸

Also in May 1989, Mr Justice C Eloff, in the Transvaal Division of the Supreme Court, overturned an Industrial Court unfair labour practice ruling against Foskor. The judge also found that the establishment of the Labour Appeal Court did not necessarily preclude the Supreme Court's right to review Industrial Court judgements. The NUM, which represented the 30 fired workers from Foskor's Phalaborwa plant, had submitted that the Supreme Court did not have the jurisdiction to review the Industrial Court's decision.¹⁵⁹

Noteworthy labour practices and developments

Matters relating to the Labour Relations Amendment Act

On 1 September 1988 the government promulgated the Labour Relations Amendment Act (see *Legislation* above). The amending bill had been the subject of widespread opposition by unions, which in June had staged a national protest against it. This had taken the form of, inter alia, a three-day stayaway, estimated to be the biggest labour stayaway in South African history. Other forms of action had included sporadic work stoppages by workers at factories throughout the Reef. (For further information on the act and the opposition to it prior to its promulgation, see 1987/88 *Survey* p165.)

Prior to the enactment of the amending bill, the employer organisation, the South African Consultative Committee on Labour Affairs (SACCOLA), the Congress of South African Trade Unions (COSATU) and the National Council of Trade Unions (NACTU) held a series of meetings and agreed to ask the minister of manpower to postpone the promulgation of some clauses of the bill.¹⁶⁰ The bill was promulgated without any clauses being suspended, however, the minister and the director general of manpower blaming the failure of COSATU, NACTU and SACCOLA to keep prearranged deadlines for submissions about the act, as well as intimating that the failure of the

union federations to agree to talk to the minister directly was also partly responsible for his unwillingness to consider their representations.

The federations telexed the department and accused it of 'bad faith' in deciding to put the whole of the bill into operation. However, they said that the negotiation process with SACCOLA over the suspension of clauses would proceed provided that SACCOLA recommended to its affiliates that they did not use rights conferred on them by clauses that the parties had agreed should be suspended. They demanded that individual employers make the undertaking by 1 September and that mandates for industrial action would be sought against those that refused. The clauses in dispute related to unfair dismissals, indirect and intermittent strikes, certain registration procedures, time limits for resolution of disputes, secrecy of Industrial Court judgements, and the presumption of union guilt for unlawful strike action by members.¹⁶¹

However, in October the federations were reluctant to continue their talks with SACCOLA, wanting clarification first on what purpose would be achieved in doing so. A spokesman for COSATU, Mr Frank Meintjies, said, 'Firstly, it is unacceptable for us to continue negotiating with SACCOLA while employers take advantage of the new legislation. Secondly, it is improbable that SACCOLA will carry its constituency. The real reason behind its refusal to call upon its affiliates is the fact that major federations, namely the Association of Chambers of Commerce and Industry of South Africa (ASSOCOM), the Steel and Engineering Industries Federation of South Africa (SEIFSA), and the Chamber of Mines of South Africa do not support such a move.' He said that other union initiatives against the act would proceed. These included lobbying the International Labour Organisation (ILO) to elicit its support in having the legislation changed, and submitting the act to judicial scrutiny as there was a conflict in interpretation between employers and unions as to the act's fairness.¹⁶²

In October the federations said that they would hold a summit of workers to discuss the implementation of the act 'as a matter of urgency' as employers had been eager to use offensive provisions of the new act against unions. 'Numerous interdicts have been lodged against our affiliates, resulting in unjust and provocative lockouts of thousands of workers.' They said they had called the summit after SACCOLA had refused to call on its members not to implement six controversial sections of the act. 'Given SACCOLA's lack of good faith and its failure to stand by agreed positions, the summit will consider what action the labour movement should take in support of its legitimate demands,' the statement said.¹⁶³

It was reported that three Reef companies, Kwela Wholesale Meat Supply (Springs), Ullman Brothers (Johannesburg), and Pyramid Distributors (Denver) were planning action in terms of the amending act against affiliates of COSATU for more than R4m in damages allegedly suffered during illegal strike action. The claims were the first to be made in terms of the new section 79(2) in the act which makes it possible for companies to claim from unions compensation for losses caused by

unlawful strikes. COSATU and NACTU said that the law could be used to close down militant unions by bankrupting them. An independent industrial relations adviser, Mr Phillip van Welbergen, who represented the three companies, said, 'It is likely that this will happen – but then again the unions must act responsibly.'¹⁶⁴ In March 1989 Ms Jane Barrett, general secretary of the Transport and General Workers' Union, one of the affiliates concerned, said that Mr Van Welbergen had undertaken during a court hearing over the reinstatement of 250 strikers dismissed by Ullman Brothers not to proceed with the action. Mr Van Welbergen denied any such undertaking. The action had been 'put on ice' in view of threats of a product boycott against the firm if the action proceeded and a union undertaking that the new workforce would not be intimidated. He was reserving his rights if a contravention of this undertaking occurred. The assistant general secretary of the Food and Allied Workers' Union (FAWU), another of the affiliates involved in the issue, said that Mr Van Welbergen had recently proposed that he withdraw the action against FAWU in exchange for the union's agreeing not to bring an unfair dismissal action on behalf of the 50 employees of Kwela Wholesale Meat Supply. Mr Van Welbergen said that the action against the Commercial, Catering and Allied Workers' Union, the third affiliate affected, had also been suspended for the moment.¹⁶⁵

The implications of the new section in the act were revealed in April 1989 during a strike by 1 200 workers at Haggie Rand (Jupiter, east Rand). The union involved in the factory, the National Union of Metalworkers of South Africa (NUMSA), refused to intervene in the strike unless management agreed to forgo its right to sue for loss of production under section 79(2) of the act. The union also refused to represent 22 shopstewards who appeared in court on charges of an unfair labour practice relating to the strike. The shopstewards, in court, called themselves worker representatives, so as to distance themselves from any formal relationship with the union. A negotiated settlement was reached on 20 April, a week after the strike had started.¹⁶⁶

A further instance of a union deciding not to intervene in a strike because of a fear of being penalised under the act occurred in a strike by 1 000 workers at Altron's Standard Telephones and Cables (STC) (east Rand), when 1 000 workers went on strike for two weeks over retrenchments. NUMSA, which represented the workers, again refused to intervene, changing its mind only after management had agreed to waive its right to sue the union for lost earnings and after it had withdrawn a court order compelling strikers to return. Mr Jacques Sellschop, chief executive of the company, said that it had agreed to talks with the union on the pending retrenchment of about 200 workers.¹⁶⁷

Concern was expressed by some labour lawyers over the implementation of section 17(11)(a) of the act, which allows the Industrial Court to issue urgent interdicts pending a hearing for the temporary reinstatement of workers. Since the introduction of the amendment act the court had interdicted a number of strikes and lockouts without regard to their legality. It had stopped both employers

and unions from implementing various tactics aimed at strengthening their bargaining positions. While interdicts were previously granted only against unlawful activity, the new legislation laid down no criteria for action, and the court had adopted its own. The court's president, Mr Daan Ehlers, said that the court's attitude had changed. The court would take all circumstances, including fairness, into account, but the predominant question in deciding whether to grant an interdict would be whether the applicant would suffer prejudice if the application was not granted. Mr Ehlers said that the court realised that it should at all costs be careful not to intervene 'but it is fair to say that we are trying to limit industrial action. That, after all, is the basic philosophy behind the Labour Relations Act'.¹⁰⁸ (See also *Industrial Court* above.)

Certain companies showed a willingness to reach agreement on the suspension of certain sections of the amendment act. For instance, Kellog's (Springs) reached agreement with FAWU not to invoke sections covering the following matters: the entire unfair labour practice definition; the timescales for applying for conciliation boards; prohibition on the publication of Industrial Court judgements; and the assumption that unions, unless they could prove to the contrary, were to be accountable for the unlawful actions of individual members, officials and office bearers, thus facilitating civil actions for damages against them. Kellog's human resources manager, Mr Dennis Cochius, said that he believed that the amendment act had distorted the balance of power in the labour relations arena against unions. The company recognised the right to strike as a weapon of last resort and did not believe in 'heavy-handed' management techniques. The two parties, he said, had built up a relationship of trust over the last nine years and had proved themselves able to resolve disputes internally. Their recognition agreement provided for arbitration in the event of disputes of right. He did not feel uncomfortable that nothing else had been built in to replace the jettisoned clauses of the act.

A contracting-out agreement was signed between Pepsi and FAWU. The agreement provided for compulsory and binding arbitration over any dispute of right. It thus eliminated the possibility of procedurally acceptable industrial action in disputes over dismissal or any alleged unfair labour practice. Arbitrators would base their decisions on the definition of an unfair labour practice in force before the passage of the act. Deadlocks in negotiations over substantive issues, such as wages, had to be referred to mediation. Labour Relations Act procedures to refer disputes to conciliation boards would be ignored. If mediation failed, the parties would be obliged to meet at least once more. Thereafter, with at least ten days' notice, either was entitled to embark on industrial action.

In the agreement, Pepsi undertook not to dismiss strikers provided that they had exhausted the procedures and adhered to detailed behavioural standards. Strikers would lose this protection should they commit acts of violence, intimidation or destruction against the company, employees, customers, suppliers or agents of the company. They also could not prevent vehicles from entering or leaving the

premises. After 12 hours' notice, the company could dismiss strikers acting in breach of the agreement. The company was entitled to ensure continued production through the hiring of temporary labour. Neither party was entitled to invoke any law, civil or criminal, so long as the agreement had been adhered to.¹⁶⁰

Recognition

Public sector

During the period under review, further steps were taken to bring bargaining structures in the public service in line with those in the private sector. A revised bargaining structure was established for the railways in terms of the South African Transport Services Conditions of Service Amendment Act. For details see *Legislation* above.

In September about 18 000 striking railwaymen at the Durban docks achieved a breakthrough in labour relations when railway authorities agreed to negotiate a recognition agreement with the South African Railways and Harbours Workers' Union (SARHWU), a COSATU affiliate, and not one of the unions recognised by management. The South African Transport Services (SATS) apparently made the offer to prevent the ten-day stoppage on the Durban docks from escalating into a national strike. Management's refusal to negotiate with the union in 1987 had led to a three-month strike by about 18 000 workers at 80 depots countrywide (see 1987/88 *Survey* p670). The September 1988 strike was held over the dismissal of two colleagues and a wage freeze on the railways. Included in the agreement were undertakings by SATS to:

- meet the union to discuss formal recognition, on condition that SARHWU register in terms of the Labour Relations Act;
- grant pay increases ranging from 20% for lower-skilled workers to 14% for more skilled workers;
- allow for election of shopstewards in different job categories on the railways — on condition that this was not seen as an immediate recognition of the union — and provide facilities for trade union meetings to take place outside of working hours; and
- suspend the dismissal of the two workers at the Durban docks.

SATS public relations manager, Mr Allan Lubbe, confirmed the agreement and said that management was pleased that settlement had been reached before any workers had been dismissed. The union's education secretary, Mr Mike Roussos, said that the union's strength would be boosted as organisers would now have access to workers' compounds and would be able to consolidate union structures. It was reported that the settlement was also an attempt by management to defuse the strike before the municipal elections in October — the first time all races would go to the polls at the same time. The 1987 strike had left 11 workers dead and had cost the railways an estimated R50m.

Announcing a new negotiation procedure for the **Post Office**, the postmaster general, Mr Johan de Villiers, said in April 1989 that legislation introducing this system was due to be discussed in Parliament. It was envisaged that a negotiating council would be established, which would have the authority to negotiate on salaries and service conditions and to take binding decisions. He said that in the case of general salary adjustments, the minister of posts and telecommunications would, however, have the authority to refer the matter back to the negotiating council should he disagree with its decision. The council would meet under the chairmanship of a neutral labour expert. The recognised staff associations and the department would be represented on an equal basis. Provision had been made for the possibility of mediation or arbitration should the council fail to reach a decision. After privatisation of the Post Office (see chapter on *The Economy and Business*), the companies to be founded would be bound by the Labour Relations Act. The planned mechanisms were structured in such a manner as to familiarise Post Office management as well as the various staff associations with the dynamics of negotiation and dispute settlement procedures before the complex arena of the Labour Relations Act was entered into.¹⁷⁰

Private sector

The protracted dispute at **BTR Sarmcol** (now BTR-Dunlop) following the company's refusal to recognise the Metal and Allied Workers' Union (MAWU) (now the National Union of Metalworkers of South Africa (NUMSA)) and the dismissal of 970 workers in May 1985 after a strike at its Howick plant (Natal) continued to receive attention during the period under review. In 1987 the Industrial Court had found that the company had been justified in firing the striking workers (see 1985 *Survey* p191, 1986 *Survey* p262, and 1987/88 *Survey* p647). At the annual shareholders' meeting in London in May 1988, the chairman of BTR (the holding company), Sir Owen Green, rejected appeals from executive members of NUMSA and British Trades Union Congress (TUC) delegates for the parent company to intervene in the dispute. He said that the Natal dispute was strictly the business of local management.¹⁷¹

In February 1989 NUMSA and Mr Phillip Dladla, an ex-BTR-Dunlop worker and union official, brought an application in the Supreme Court to review the Industrial Court's decision.¹⁷² During the proceedings, the presiding judge, Mr Justice J Didcott, said that it appeared as though BTR-Dunlop had 'wanted to rub everybody's nose in the dust' even after striking workers had agreed to return to work unconditionally.¹⁷³

In March 1989 Judge Didcott ruled that the dispute should be resubmitted to the Industrial Court. NUMSA had argued that the decision by Mr Pierre Roux, who had heard the Industrial Court case, should be set aside because Mr Roux had conducted himself improperly by participating in a seminar organised by BTR's labour relations advisers during the course of the Industrial Court hearing. The union also argued that Mr Roux had failed to apply his mind properly to the matter during Industrial Court proceedings.

Judge Didcott found that the 'untoward hobnobbing' by Mr Roux with Andrew Levy and Associates, BTR-Dunlop's consultants, had taken place at a time when relations between workers and management were extremely tense. There was a high degree of mutual suspicion, animosity and acrimony at the time and members of the Industrial Court had to be 'keenly alive' to these factors and act scrupulously at all times. Judge Didcott accepted the union's first argument, and granted BTR-Dunlop leave to appeal. He left a decision over NUMSA's second argument to the Appellate Division of the Supreme Court.

NUMSA urged the company to reopen talks with the union so that a speedy and less costly settlement could be achieved.¹⁷⁴ The cost of the Industrial and Supreme court hearings was estimated to be in the region of R2m. 'After four years of hardship, we have seen justice being done,' said Mr Dladla.¹⁷⁵

In May 1989 it was reported that two NUMSA members, Messrs B Mkubhunga and D Mbanjwa, appealed in London, at the time of BTR's annual general meeting (AGM), to British shareholders not to disinvest from BTR, but to use their leverage to force change at BTR-Dunlop. Certain United Kingdom (UK) pension funds had decided to consider selling their BTR shares to show disapproval. The British Anti-Apartheid Movement's policy is to demand disinvestment by UK pension funds from all South African-linked companies. The two officials said that they did not see any contradiction between calls for UK shareholders to stay in BTR and the wider argument for disinvestment from South Africa. They said that disinvestment should be 'targeted' and 'selective' and not used as a blunt instrument.¹⁷⁶

Responding to the report, NUMSA said that it remained firmly committed to COSATU's sanctions policy and that it would not be used as a political football to bolster the anti-sanctions lobby. It described the newspaper report as 'misleading'. NUMSA said that it was not the case that its representatives had called on BTR to maintain its investment in BTR-Dunlop.¹⁷⁷

In 1979 the National Manpower Commission (NMC) was asked to investigate the conditions of **farm and domestic workers** who were excluded from legislation designed to protect the rights of other workers. The commission's report was never made public. Unions representing both groups were subsequently established (see *Particular unions* above). In February 1989 the acting minister of manpower, Mr Eli Louw, said that the report had not yet been completed, because as consultations progressed, 'matters requiring further investigation and consultation were identified'. He said that the report served as advice to the minister and was not meant for publication. The minister had taken the decision not to publish the report. He added that any action affecting the working conditions of farm and domestic workers would be taken only 'once the consultations have been concluded'.

In May 1989 the director general of manpower, Mr Joel Fourie, said that the government was moving to formulate legislation to protect farmworkers' rights. He said that the South African Agricultural Union

was drawing up labour codes for the industry. Farmworkers were free to form unions and other bodies to bargain on their behalf, he said. He said that industry representatives were investigating possibilities put forward by the NMC on their working conditions. The department was also implementing educational and training programmes aimed at uplifting the quality of life of the farmworker.¹⁷⁸

Also in May, the South African Domestic Workers' Union (SADWU) said that it was concerned that the minister of manpower had failed to respond to its memoranda about the lack of legislation for domestic workers. SADWU said that it had been corresponding with the minister's office since its launch in 1984.¹⁷⁹

Bargaining at plant level

Conflict between metal unions and the employer body in the metal industry, the Steel and Engineering Industries Federation of South Africa (SEIFSA) over bargaining at plant level continued during the period under review. SEIFSA is opposed to employers' bargaining at plant level with unions, seeking to confine bargaining to industrial council level. In July 1988 it circulated a document to its members advising them not to bargain with unions on demands already rejected by SEIFSA at industrial council level. SEIFSA anticipated pressure by the International Metalworkers' Federation's South African Co-ordinating Council for inhouse bargaining on the demands. The document warned that company-level bargaining would 'seriously undermine the national negotiating strategy' and could, moreover, commit such companies to a long-term obligation to bargain at this level. It and an earlier letter anticipated disruptive action, including selective strikes, overtime bans, and go-slows. The document also urged employers to continue to attempt to obtain written individual undertakings from employees that in return for implementation of the final SEIFSA offer, they would not participate in strike action. There had been at least six strikes over union demands at metal companies on the Reef during July. Unionists said that the strikes were not centrally co-ordinated.¹⁸⁰

Wage bargaining

A wage survey undertaken by a firm of industrial relations consultants, Andrew Levy, Johan Piron and Associates, reported on in March 1989, said that black trade unions, which had achieved some of the highest wage increases in the past four years, were expected to settle for increasingly lower pay rises in 1989. According to the firm, recent increases in the cost of living, including rises in the petrol price and in interest rates, were likely to pressurise union negotiators to push for settlements in line with members' spiralling living costs. On the other hand, a significant upsurge in the number of retrenchments recorded in January and February would force management and union negotiators

to weigh higher wages against the preservation of jobs. The report said that average pay settlements between October 1988 and February 1989 stood at 16,7%, down from a 1988 average of 17,9%. Indications were that settlement levels for 1989 would be lower than the 1988 average. Unions' consistent demands for a 40-hour working week appeared to have met resistance from employers, reductions in hours always being offset by a reduction in pay. About 46% of employees in companies which participated in the survey were shown to work between 44 and 45 hours a week, while 80% had a working week of 44 hours or more. COSATU's Chemical Workers' Industrial Union had negotiated the highest average minimum rate of R4,20 an hour.¹⁶¹

Health and paternity/maternity agreements

In February the National Union of Mineworkers (NUM) signed the first-ever health agreement between a union and a mine in South Africa. The agreement was with the Palabora Mining Company — a division of the Rio Tinto Zinc Corporation. The mine employed about 3 000 people. The NUM said that the agreement provided for the recognition of about 100 safety stewards as representatives of workers' interests in the field of health and safety. Safety stewards would be informed immediately in the event of any accident and would take part in any inspection and inquiry held thereafter. After the inquiry, the stewards and management would meet to discuss the lessons of the accident. Elected stewards would receive time off for training by management and the union. Safety stewards would hold regular meetings with sectional and departmental managements as well as with their constituents.¹⁶²

In June the Commercial, Catering and Allied Workers' Union of South Africa (CCAWUSA) concluded an agreement with Pick 'n Pay regarding parental rights which guaranteed couples employed by the retail chain up to 11 months' shared parental leave, nine of which would be paid. The agreement also provided for the saving of some of the leave for later periods until the child was four years of age. Other aspects of the agreement were that the company would not reject a job application because the applicant was pregnant and prospective mothers would not be retrenched while on parental leave.¹⁶³

In July the Amalgamated Clothing and Textile Workers' Union of South Africa (ACTWUSA) and the James North company (New Germany, near Durban) concluded the first maternity and parental rights agreement in the garment industry for the firm's 240 employees. The agreement included unlimited maternity leave with payment of one third of the salary for three months, and continued employer provident fund contributions during such leave.¹⁶² A spokesman for the union, Mr John Eagles, said, 'The garment industry is marked by no maternity protection whatsoever. There are no formal job protection agreements in existence, and the pregnant mother has to rely on the goodwill and charity of the employer to get her job back after her child had been born — definitely not a praiseworthy arrangement.'¹⁶⁴

Pension funds

In November the Transvaal Provincial Division of the Supreme Court (Pretoria) ordered the minister of manpower to appoint a conciliation board to settle a dispute between the Chamber of Mines of South Africa and the Council of Mining Unions about black membership of the Mine Employees Pension Fund. In June 1987 the minister of manpower, Mr Pietie du Plessis, had decided not to set up a conciliation board. The general manager of the chamber, Mr Peter Bosman, said that occupations previously held by whites were now also open to blacks. However, these workers were excluded from membership of the council's unions, and thus from the pension fund. He contended that all employees in the same occupation should make the same contributions in respect of the pension fund, and should receive the same benefits. This could be achieved, he said, by allowing blacks to become members of the Mine Employees Pension Fund. He said that despite negotiations the council had not relented and it was the chamber's contention that this was an unfair labour practice. The minister said in papers before the court that he was not convinced that the council's refusal to allow blacks to become members of the pension fund constituted an unfair labour practice. The council felt that blacks could form their own fund. He said that where unions affiliated to the council had won certain rights for their members over the years in the pension fund, he had sympathy with their reservations about sharing these rights with other unions.¹⁸⁶

In April 1989, in a major concession to a longstanding union demand, SEIFSA agreed in principle to the conversion of the R2bn metal industry pension fund to a flexible benefit fund. This meant that in future about 220 000 unskilled and semi-skilled employees would be entitled to choose between pension or provident funds for themselves. SEIFSA's director, Mr Brian Angus, said that the offer was conditional on agreement on details being reached and on a total wage agreement in 1989. He said that employers had decided to give way because this had been such a consistent demand from NUMSA over the years and because it appeared that most employees wanted the action. NUMSA had argued that the absence in South Africa of an adequate welfare net for the unemployed meant workers needed lump sum payouts from benefit funds to tide them over periods of unemployment.¹⁸⁷

Worker ownership

In March 1989 a clothing factory employing retrenched workers was established at Jacob in Durban by ACTWUSA. Mr Eagles said that the union had decided to open the factory after 2 000 workers had been retrenched by the Frame Group in 1988. The factory was one of the union's social responsibility programmes — to provide job security for its members. He said that as part of the retrenchment agreement, the Frame Group had given the union R2,5m to finance the factory. He said that the factory would be the biggest of its kind in the country. The initial workforce of 280 workers was expected to increase to 1 000 in two years'

time, he said. He said that profits from the factory, which would be run as a co-operative trust, would be used to set up similar projects at Ladysmith (Natal) and Port Elizabeth (eastern Cape). Mr Eagles said that workers would have a say in the running of the factory, which would be managed on a democratic basis.¹⁸⁸

Union-initiated code of labour practice

In July 1988 a 14-point code of labour practice was drafted by the German union I G Metall and the South African Co-ordinating Council of the International Metalworkers' Federation (IMF). The code, which included blanket protection for workers from dismissal for striking, was designed to ensure that South African employees had the same collective bargaining rights as their counterparts in the West German parent companies. A NUMSA spokesman, Mr Des East, said that the code was aimed at restoring or expanding rights restricted by the Labour Relations Amendment Act (see 1987/88 *Survey* p651). The code contained an obligation on companies not to take advantage of 'apartheid laws', nor of the position of workers in homelands, where labour law was allegedly repressive or non-existent. It called for the renunciation of security and emergency laws and stated that workers detained or convicted in terms of them should continue to receive wages and remain in employment. In terms of the code, companies had to be prepared to bargain on all workplace matters at company level; union representatives had a right of access to company premises; facilities for meetings on company premises had to be provided; shopsteward rights were guaranteed; and union officials could represent members at grievance or disciplinary hearings. The code granted workers the right to picket peacefully on company premises and any labour dispute had to be referred to arbitration. It also called for the renunciation of 'the undemocratic industrial council system' and for companies not to jeopardise the residential rights of their employees in company accommodation except after fair termination of the employment contract. Mr East said that the code represented a practical example of a foreign union using its muscle to improve conditions for South African workers.¹⁸⁹

At the time of writing six of the major German companies in South Africa — BMW, Hella, Mercedes Benz, Robert Bosch, Siemens and Volkswagen — had agreed either in writing or verbally to implement the code, provided adjustments could be made to suit each company. NUMSA said that companies were using this to sidestep some of the points, and this had lengthened negotiations on the issue. At the time of writing no further agreements had been signed.¹⁹⁰

Anglo American Corporation of South Africa / National Union of Mineworkers codes of conduct

At the beginning of 1989 both the Anglo American Corporation of South Africa (Anglo) and the National Union of Mineworkers (NUM) unveiled codes of conduct in connection with violence on the mines. This

had become an issue in particular during the 1987 mining strike (see 1987/88 *Survey* pp678-684). After the strike both sides had agreed that a code of conduct was needed for the mining industry.

Anglo, in its code, said that it would provide the most constructive mechanism by which investigations could be carried out by joint Anglo/NUM structures. The company documented a list of violent incidents which, it claimed, had occurred at its mines during the period April 1985 to September 1987, as follows:

- January-April 1985, Vaal Reefs (western Transvaal): a series of wildcat strikes, stoppages, sit-ins and disputes led to the closure of a shaft;
- February 1986, Vaal Reefs West Division: an unofficial shopsteward led a group attack on other employees in which four team leaders were murdered;
- March 1986, President Brand (Orange Free State): a senior canteen was disrupted and team leaders intimidated;
- April 1986, President Steyn (Orange Free State): inter-employee conflict;
- June 1986, Western Holdings (Orange Free State): four team leaders were publicly executed following an NUM-led underground sit-in and senior canteen boycott;
- September 1986, Vaal Reefs East: workers created disturbances underground in sympathy with colleagues disciplined for their involvement in the assault of a senior black employee. A tavern was petrol-bombed and others were boycotted;
- November 1986, Vaal Reefs East: clashes between groups of employees over the tavern boycott resulted in the death of 13 employees;
- December 1986, Vaal Reefs: a further ten employees died as a result of these clashes. The conflict spread to Vaal Reefs South and an additional nine employees were killed;
- January 1987, Vaal Reefs No 9 shaft: a group of workers attacked a café block and attempted to burn it down. President Steyn: inter-employee violence resulted in 30 deaths;
- February 1987, Vaal Reefs East: a supervisor was murdered;
- April 1987, Free State Saaiplaas (Orange Free State): a tavern and a concession store were destroyed by a group of workers;
- June 1987, Vaal Reefs No 9 hostel: a tavern was petrol-bombed; Western Holdings: eight people were killed in an incident outside the

shaft offices. Subsequently, an NUM shaftsteward was sentenced to death and eight other NUM members were convicted of murder with extenuating circumstances; and

- September 1987, New Denmark Colliery (southern Transvaal): seven people were killed in inter-employee violence.

Anglo, in its code, said that it believed 'that all workers have the right to join or form unions of their choice, to bargain collectively and to strike peacefully. For industrial peace to obtain all employees must also enjoy personal safety and have the freedom to make individual choices. Over a period of 30 months from April 1985 to September 1987 a pattern of violence and coercive behaviour has developed on mines associated with the corporation. This pattern involved wildcat strikes, boycotts, kidnapping and assault, and the most gruesome incident of public execution. Eighty employees lost their lives in these incidents.

'During the 1987 strike the corporation proposed a set of rules which would prevent both union and worker fights and prevent violence. In the post-strike agreement signed in March 1988, both Anglo and the NUM undertook to negotiate a code of conduct to achieve this purpose. Towards the end of 1988 the corporation proposed the wording for such a code. More recently the NUM has accused mine management of placing unreasonable restrictions on union activities. The proposed code of conduct provides the most constructive mechanism by which these presently unsubstantiated allegations can be investigated by the joint AAC/NUM committees the code proposes to create at mine level. The proposed code also provides for referral to independent arbitration where disputes cannot be resolved by the joint committees. The corporation urges the NUM to agree to the code which will facilitate the return to a relationship of mutual trust.'

Anglo said that the purpose of the code was to eliminate violence by promoting acceptable norms of behaviour. Among its principles were that:

- the parties would be accountable and accept responsibility for the actions of their officials and members;
- they would at all times seek to uphold and protect the individual rights of workers, including freedom of association and the individual, and freedom either to work when a strike has been called or to participate in a lawful strike;
- the parties would not promote or support the use of unlawful actions, including threats in any form of violence, coercion or intimidation;
- in the event of industrial action the parties would ensure that mine and hostel facilities and all essential functions operated normally and remained under the responsibility of management;
- normal access to hostels would be guaranteed to management and residents; and

- normal access to work places would be guaranteed to those employees who chose to work (areas for peaceful picketing for those workers on strike would be designated elsewhere through agreement reached between the parties).

The code provided for joint monitoring committees (JMCs) at shaft, mine, regional or head office level to monitor the implementation of the code. These committees would be composed of an equal number of management and union representatives and would hold meetings on a regular basis. Failing resolution, disputes concerning the implementation of the code might by agreement be referred to the head office JMC, and if this committee failed to resolve it, the aggrieved parties could agree to refer the dispute to arbitration.¹⁹¹

Mr Bobby Godsell, Anglo's industrial relations manager, said, 'The corporation urges the NUM to agree to the code, which will facilitate the return to a relationship of mutual trust.'¹⁹²

Responding to the code, the NUM published the results of a survey carried out on 13 gold and coal mines administered by Anglo which the union said 'unmasks Anglo's claims to be a model of civilised labour practices'. The union said that the report showed that despite the continued existence of 'limited collective bargaining processes, workers were experiencing a climate of repression and control...so severe that, in many respects, conditions are as bad, or even worse than in the period prior to unionisation. Workers question Anglo's projected image of itself as a model for future negotiated reform in South Africa. While Anglo at both local and national level will deny that its intention is to destroy the NUM, it is clear that the union is being restricted and repressed', the NUM said.

The NUM said that the survey revealed 'widespread complaints by black mineworkers' at Anglo mines. The feeling of workers, said the NUM, was that 'good industrial relations ended with the 1987 strike'.

The union accused Anglo of a number of repressive practices, including mass retrenchments, assaults of workers by mine security, the banning of union meetings, the forcing of workers to work in unsafe places, the derecognition of the NUM, the barring of union officials from mine premises, the proscription of 'workers' songs', and the housing of workers in overcrowded compounds.¹⁹³

The NUM's assistant general secretary, Mr Marcel Golding, condemned Anglo for publishing the contents of the code, and said, 'It is a further attempt to negotiate through the press by releasing the contents of the code before a meeting planned for February. Anglo's tactics of attempting to defuse the real question of its systematic attacks on the union following the strike are highlighted by the fact that all the incidents cited in its 30 months' pattern of violence happened before the August 1987 strike. The NUM survey deals with the period after this.' The issue of violence had to be seen against the larger context of apartheid, he said.¹⁹⁴

Anglo acknowledged that its mines had banned some union meetings

and videotaped or recorded others, restricted union facilities and searched hostels for illegal firearms. The union meetings were banned or taped because management 'had reason to believe emotive language would be used and issues raised leading to possible violence'.¹⁰⁶

In February 1989 the NUM unveiled a code of conduct for the mining industry to be negotiated initially with Anglo and later with other mining houses. The code was a counter-proposal to that published by Anglo in January. While the NUM proposal was similar to the Anglo one in many respects, NUM's general secretary, Mr Cyril Ramaphosa, said that it went further by dealing with the entire situation on the mines while Anglo's was restricted to the incidence of violence. Mr Ramaphosa said that the NUM was launching 'a campaign against repression on the mines', which he described as more 'intense than the state of emergency'. This would include referring the matter to the International Labour Organisation. The NUM said that the purpose of its code was to eliminate 'harassment, victimisation, racial discrimination, union-bashing, mass dismissals and unnecessary violence and conflict by promoting and maintaining acceptable norms of behaviour and restoring fundamental human rights to mineworkers.' Joint management/union representatives would monitor adherence to the code.

The code committed the parties to upholding workers' rights to:

- work, strike, and picket;
- freedom of association, movement, and expression;
- freedom from discrimination;
- privacy;
- fair disciplinary hearings;
- have democratically elected workers' committees to run hostels; and
- practise their culture and traditions.

The code outlawed the use of violence, intimidation and coercion, and the use of police and mine security staff during strikes. Management should not engage in provocative action, such as patrols of armoured vehicles, the forcing of legal strikers back to work, the videotaping of workers' meetings and movements, and the dissemination of hostile propaganda against the union.

The parties were to agree that in the event of industrial action hostels and facilities would function normally and would be under the responsibility of democratically elected hostel committees with management having an advisory role on technical and other matters; that agreed essential services would function normally under the responsibility of management; normal access to the hostel and the mine would be accorded to management, workers and union officials; normal access to working places would be granted to those workers who wished to work during industrial action; and that picketing would be allowed. The code also stipulated that during industrial action security forces

should remain in the barracks and not be used against strikers, that there would be no mass dismissals; the union should have the right to have meetings and counsel its members at any time; and that the South African Police or South African Defence Force would not be called in to deal with industrial relations matters.

The union proposed that details on the implementation of the code be negotiated at shaft, mine or other appropriate level. Co-ordinating committees would be established at shaft, mine, regional, or if necessary, head office level to monitor the implementation and adherence to the code. The committees would comprise an equal number of management and union representatives and would hold meetings on a regular basis. The basis of referral was similar to that in the Anglo code.

The union agreed to meet Anglo to draw up a joint code.¹⁹⁶

Addressing several thousand NUM members at a rally at the University of the Witwatersrand on 5 February 1989, the NUM's treasurer, Mr Paul Nkuna, said that the union's perception of Anglo's code was that it had been put forward to facilitate exploitation of workers and to deny workers freedom of association and assembly. The NUM's view was that any code should protect workers' rights, including the right to meet and freedom of movement in and out of living quarters. In reaction, Anglo accused Mr Nkuna of 'unnecessary and unconstructive rhetoric'.¹⁹⁷

At the opening of its biennial congress in April, the NUM stated its opposition to mine violence. Citing its proposals to Anglo as an indication of its sincerity, Mr Ramaphosa said that the 'about-turn' of the Chamber of Mines of South Africa on industry-wide talks on conditions on the mines, after its persistent calls for negotiation, had come after the NUM had made it clear that talks had to address the need to dismantle the migrant labour, hostel and induna systems. The chamber was clearly bent on keeping the mine compounds for maintaining authoritarian control, it said.¹⁹⁸

The chamber rejected as 'arrant nonsense' the NUM's claims that it was not sincerely committed to efforts to eliminate violence on the mines. 'It was only after repeated calls for talks that the NUM responded and then, instead of lending wholehearted support, the union used the opportunity to introduce an entirely different agenda – the migrant labour system,' the chamber's senior general manager (external relations), Mr Johann Liebenberg said. The chamber was willing to analyse how its members might reduce their dependence on migrant labour, but this was a separate long-term project. He said that it had become apparent that no progress could be made and that individual mining groups that wished to do so, could pursue direct discussions with the NUM.¹⁹⁹

Asked how uncontrolled violence could be dealt with, Mr Ramaphosa said that in the past, on some Anglo mines, joint union/management committees had been able to stem such incidents. He hoped to see similar structures on other mines.

The NUM also said that it did not deny that there was violence on the

mines and was committed to its eradication. However, all parties in the industry needed to ask themselves what the causes of the violence were. Mineowners and the NUM all agreed that the system of housing thousands of workers in single-sex compounds created a highly volatile environment that gave rise to violence. It had become fashionable for mineowners, Anglo in particular, to consider violence on the mines in isolation from the grave repression and violence that resulted from the migratory labour system. This system had not only given rise to violence, it had resulted in the suppression of fundamental human rights that were the hallmark of successful business enterprises and societies worldwide. The migrant labour system had also resulted in the authoritarian control of workers, in fact a 'hard dictatorship, paternalistic attitudes, a crude form of racial discrimination and a denial of basic human and social rights to workers', the NUM said.²⁰⁰

STRIKES

There were 1 025 strikes in 1988 compared to 1 148 in 1987. There was a significant decrease in mandays lost from 5,8m in 1987 to 914 388 in 1988. In 1988 about 39% of all strikes lasted less than one day, 16% from two to three days, 12% from four to six days, 12% from seven to 14 days, and 21% for 14 days and longer.²⁰¹ (See tables overleaf.)

It was reported by PE Corporate Services that there was an increasing trend involving the establishment of companies supplying non-union strike-breaking labour, with at least 30 such firms being established in the first six months of 1988. The company also said that a survey had shown that about 20% of employers in both the engineering and the food sector were either considering or actually implementing a policy of race substitution, as they believed that non-Africans were less susceptible, if at all, to politically motivated disruptions to production. A spokesman for the Association of Chambers of Commerce and Industry of South Africa (ASSOCOM), Mr Vincent Brett, said that partial race substitution was a viable preventive measure against industrial unrest, and he confirmed that it was being considered by some employers. He said that any subsequent rise in black unemployment levels was something that unions should be addressing and that they should have considered the possibility of black job replacement before advocating strike action. Partial substitution was feasible given that a substantial number of whites were unemployed and there had been a narrowing of wage differentials over the past few years.²⁰²

Particular strikes

Metal

One of the major strikes during 1988 was that in the metal industry over wages. Failure by the employer body, the Steel and Engineering

LABOUR RELATIONS

Strikes: 1979-88

<i>Year</i>	<i>No of strikes*</i>	<i>Total workers involved</i>	<i>Total mandays lost</i>	<i>Total wages lost</i>
1979	101	22 803	67 099	20 250
1980	207	61 785	174 614	1 401 516
1981	342	92 842	226 554	2 263 705
1982	394	141 571	365 337	4 544 362
1983	336	64 469	124 596	1 697 610
1984	469	181 942	379 712	5 174 798
1985	389	239 816	678 273	8 184 985
1986	793	424 340	1 308 958	23 166 278
1987	1 148	591 421	5 825 231	14 058 102
1988	1 025	161 679	914 388	23 879 287

*Including workstoppages, but excluding political stayaways

Strikes 1979-88: racial breakdown

<i>Year</i>	<i>Workers involved</i>			
	<i>African</i>	<i>Asian</i>	<i>Coloured</i>	<i>White</i>
1979	15 494	268	1 425	5 616
1980	56 286	224	5 265	—
1981	84 706	1 865	6 271	—
1982	122 481	1 170	17 920	—
1983	61 331	1 712	1 415	—
1984	174 897	1 725	5 304	11
1985	225 045	1 879	12 883	16
1986	400 775	1 366	13 944	255
1987	572 706	2 266	16 359	90
1988	138 653	6 308	16 573	145

Reasons for strikes: 1988

<i>Reason</i>	<i>Number</i>
Wages	319
Wages and other reason	231
Union matters	45
Working circumstances	189
Disciplinary matters	176
Other or unknown	65
<hr/> Total	<hr/> 1 025

Industries Federation of South Africa (SEIFSA), and black unions belonging to the South African Co-ordinating Council of the International Metalworkers' Federation (IMF) to settle a three-month dispute at their annual wage negotiations for the industry culminated in the 15-day strike. According to the unions, the strike at its peak involved 31 000 workers in 180 factories, management putting the figure at 15 000 strikers at 113 factories. The strike centred mainly on the Pretoria/Witwatersrand/Vereeniging (PWV) area. SEIFSA had offered a 17,4% (or 41c an hour) increase at the lower grades, bringing the minimum wage to R3,02 an hour; with the union demanding a 23% (60c an hour) increase bringing the minimum to R3,21 an hour. Although the unions failed to budge the employers on the wage offer, they won a range of other concessions in the settlement offer. These included an undertaking by employers to:

- eliminate racial anomalies in wages paid to more skilled categories of workers within five years;
- submit any allegations of racial discrimination to an independent panel of arbitrators;
- grant 1 May and 16 June as paid public holidays in exchange for any other public holidays;
- accept that the National Union of Metalworkers of South Africa (NUMSA) represented the majority of black workers in the industry and to negotiate with the union as such. (In the past SEIFSA had argued that NUMSA was just one of at least another ten unions in the industry; however, many of these represented only small groups of mainly white and coloured workers);
- allow the IMF unions to collect membership fees by stoporder facilities; and
- support the South African Consultative Committee on Labour Affairs (SACCOLA) if this body called on its members not to implement the contentious clauses of the Labour Relations Amendment Act (see above).²⁰³

The refusal by the minister of manpower to accept a SEIFSA proposal to gazette the partial agreement represented a deviation from previous years when the minister had agreed to the gazetting of the agreement despite the refusal of the IMF unions to sign it. The 1988 agreement is, therefore, 'historic', according to Dr Bernie Fanaroff, a NUMSA national organiser.²⁰⁴

Stayaways

1 May 1989

In the face of pressure from the labour movement in the form of major stayaways in 1985 and 1986 to celebrate May Day as a public holiday the government, in March 1987, announced that the first Friday in May

would be a holiday called Workers' Day. Many unions protested that the holiday should be on 1 May. In 1987 this coincided with 1 May, while in 1988 May Day fell on a weekend. In 1988, in what would seem to be a capitulation to worker pressure, the government revised its decision and declared that Workers' Day would, in future, fall on the first Monday in May. In 1989 this fell on 1 May, as it would in 1990.

The legal position is that workers in shops and offices, including factory offices, are entitled to the holiday in terms of section 11(1) of the Basic Conditions of Employment Act of 1983. In other sectors the granting of a paid holiday is a matter of negotiation between employers and workers, unless it is already determined in a wage or industrial council agreement.

16 June 1989

Over the years, as a result of pressure by the black community, many employers have accepted that 16 June — the anniversary of the outbreak of the 1976 Soweto conflict — be granted as a day off to workers. Black unions have increasingly negotiated with employers for a paid holiday on this day.

In April 1989, the White Workers' Union warned of action, including possible strike action, against employers who meddled with the legal public holiday system. The union's general secretary, Mr Attie Venter, said that a trend towards exchanging Founders' Day (6 April) for 16 June was creating an 'explosive situation', the latter being 'forced down the throats of white workers' who wished to have nothing to do with 'Soweto Day'. He cited the Steel and Engineering Industries Federation of South Africa (SEIFSA), the main employer body in the metal industry, in particular, as being responsible for this. The 1988 wage settlement for metal workers included a provision for factory ballots to determine whether the swop should occur. A SEIFSA spokesman said that the arrangement had been worked out with the consent of all unions that were party to the industrial council. This allowed those who did not wish to work on Founders' Day to have the day off.²⁰⁶

On 16 June 1989, as in previous years, workers stayed away from work in most parts of the country. Police took action against memorial meetings in some centres, and teargassed peaceful crowds at the Regina Mundi Church in Soweto.

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GOVERNMENT AND CONSTITUTION

THE FIRST TIER

Parliament

The franchise

As at 10 March 1989 there were 3 083 524 registered white voters in white-designated South Africa. There were 1 689 227 coloured and 644 001 Indian voters.¹ African South Africans outside the homelands do not have the parliamentary franchise but homeland citizens have the right to vote for legislatures in the 'independent' and non-independent homelands.

State of the parties

House of Assembly (white) (178 members)

As at 10 March 1989 the National Party (NP) had 130 representatives, the Conservative Party (CP) 23, the Progressive Federal Party (PFP) 17, the National Democratic Movement (NDM) three, the New Republic Party (NRP) one, and there was one independent member. There were three vacancies. The figures include nominated members.² The PFP and the NDM later merged to form a new Democratic Party (DP), which also included the Independent Party (which had no seats).

House of Delegates (Indian) (45 members)

Solidarity had 23 members, the National People's Party (NPP) had 12, the People's Party of South Africa (PPSA) three, the Progressive Federal Party (PFP) two and the Progressive Independent Party (PIP) one. There were four independent members. No vacancies existed.³

House of Representatives (coloured people) (85 members)

The Labour Party (LP) had 69 representatives, the Democratic Reform Party (DRP) seven, the United Democratic Party (UDP) two and the Freedom Party (FP) one. There were five independent members. There was a single vacancy.⁴

The functioning of Parliament

Tensions between the government and the Labour Party (LP) increased in January 1988 when the chairman of the ministers' council in the House of Representatives and the leader of the LP, the Rev Allan Hendrickse, demanded the immediate resignation of the minister of education and culture (own affairs) in the House of Representatives, Mr Carter Ebrahim. Mr Ebrahim had urged the party at its conference in December 1987 to adopt a more conciliatory stance towards the state president, Mr P W Botha. Mr Ebrahim refused to resign. Furthermore, he went against

the decision of his party and endorsed the call by the National Party (NP) for the postponement of a general election until 1992. The state president declined to dismiss him until he had determined 'what support he enjoyed among the majority in the house'.⁵

The LP reacted by walking out of the parliamentary standing committee on constitutional affairs, thus preventing it from processing constitutional legislation. The deadlock was resolved when Mr Ebrahim resigned, after it became clear that he did not have the support of most LP MPs.⁶

The first joint debate involving all members of all three Houses of Parliament took place on 21 June 1988 when a joint sitting debated the Promotion of Constitutional Development Bill.⁷ Although all MPs took part in the joint debate, the three houses voted separately (see *African political rights* below).

A survey conducted by *The Star* in October showed that three quarters of the respondents endorsed one of three ways of opening Parliament to Africans — 29% advocated the addition of a fourth chamber, 19% advocated the establishment of a single, nonracial Parliament and 29% opted for a federal constitution for all South Africans. Some 10% advocated the retention of the present tricameral Parliament, while 11% supported a return to a whites-only Parliament. Those who did not have any options totalled 2% of the sample.⁸

The constitutional mini-crisis

A constitutional crisis ensued in August 1988 when the houses of Delegates and Representatives blocked certain bills, that is, the Free Settlement Areas Bill, the Local Government Affairs in Free Settlement Areas Bill, the Group Areas Amendment Bill, the Slums Bill, the Prevention of Illegal Squatting Amendment Bill and the National Roads Amendment Bill. Coloured MPs walked out of a special parliamentary sitting. The decision of members of the House of Representatives to withdraw from the sitting was caused by their anger at the refusal of the government to abolish the Group Areas Act of 1966. The House of Delegates voted to postpone the legislation until the 1989 session of Parliament.⁹ A total of ten out of the 13 parties in Parliament refused to have anything to do with the bills. The House of Representatives then suspended its parliamentary activities until 1989, save the joint discussion on the Promotion of Constitutional Development Bill.¹⁰

The leader of the House of Assembly, Mr F W de Klerk, proposed a suspension of parliamentary rules so as to allow the six bills to be treated as own affairs legislation. This would mean they would have to be referred only to a committee of the House of Assembly, then back to the House of Assembly itself, for a final decision before they became law.¹¹ The Progressive Federal Party (PFP) demonstrated its opposition to the alteration of the parliamentary rules by walking out of the House of Assembly. The leader of the PFP, Mr Colin Eglin, said, 'By unilaterally changing rules which all three Houses agreed to, the National Party has plunged itself into its gravest constitutional crisis.'¹² After discussion with

Mr Hendrickse and the minister of constitutional development and planning, Mr Chris Heunis, the government agreed to withdraw all the bills concerning land arrangements and the LP agreed to consider revised versions of the proposed amendments in September.¹³

During the last week of September the House of Assembly passed the three group areas bills, but the houses of Delegates and Representatives decided to delay voting on the bills until November, in order to register their strongest rejection of the legislation. The minister of constitutional development and planning said that the action of the coloured and Indian chambers was 'tantamount to disrespect for parliamentary norms and procedures' and accused Mr Hendrickse of 'breaking' his earlier agreement. Mr Hendrickse responded by saying that he had agreed to consider the bills, but not to pass them.¹⁴

The Free Settlement Areas Bill and the Local Government Affairs in Free Settlement Areas Bill were submitted by Mr P W Botha to the PC, which discussed the bills and voted to forward them to the state president for assent. He subsequently signed the bills in 1989. The Group Areas Amendment Bill was referred to the PC in November, which agreed (with only two dissenting votes) to send the bill back to the state president with the recommendation that it be redrafted. In December the bill was referred to the Department of Development Planning for consideration.¹⁵ In February 1989 the acting state president, Mr Chris Heunis, said the government had decided to abandon the Group Areas Amendment Bill (see *The Executive* below).¹⁶

It was reported that LP MPs said in February 1989 that they would continue their strategy of refusing to pass certain legislation in order to force the NP to amend or repeal racial laws.¹⁷

Legislation

During the 1988 sitting of Parliament a total of 124 bills were tabled. Of these, eight were carried over from 1987. A total of 119 bills were passed and four were referred to the PC. Five bills were carried over to the 1989 session of Parliament. The House of Assembly had seven own affairs bills tabled, the House of Representatives four and the House of Delegates three.¹⁸

1989 general election

It was announced in May 1989 that a general election would be held on 6 September 1989. The Department of Home Affairs stated that it would be the 'biggest and most complicated' general election since Union in 1910.¹⁹ The director general of the Department of Home Affairs, Mr Gerrie van Zyl, said that he expected the vast majority of the 286 constituencies in the three chambers of Parliament to be contested.²⁰ The elections would be held on the same day for all Houses of Parliament.²¹

Resignation of MPs

On 16 May 1989 Mrs Helen Suzman MP (PFP) announced her retirement from Parliament after having served as MP for Houghton

(Johannesburg) for 36 years.²² She would thus not seek re-election after the dissolution of Parliament.

In May 1989 Mr Heunis announced his intention to retire from Parliament. A number of other ministers also announced their retirement. They included the minister of home affairs and communications, Mr Stoffel Botha; the minister of agriculture, Mr Greyling Wentzel; and the minister of economic affairs and technology, Mr Danie Steyn.²³

The executive

The state president

The state president returned to his duties in Parliament in March 1989 after a brief respite from politics following a stroke in January 1989.²⁴ In his absence, the minister of constitutional development and planning, Mr Chris Heunis, was acting state president.

In February Mr Botha suddenly announced his resignation as the leader of the NP. Following a caucus meeting to decide on the leadership of the party, the leader of the house of assembly, Mr F W de Klerk, was elected, narrowly defeating the minister of finance, Mr Barend du Plessis.²⁵

However, Mr Botha's announcement in February that he intended to resume his position as state president created uncertainty about the leadership of the government. NP MPs openly declared in Parliament that it was Mr De Klerk who now decided on their policy.²⁶

In an interview with a political reporter, Mr Alf Ries, in March 1989 Mr Botha said that had he not become ill, he would have raised the question of the separation between the posts of NP leader and state president. Mr De Klerk indicated in March that he wanted to have talks with Mr Botha on the issue of who would decide on party policy as well as the division of power.²⁷ A meeting of the NP's federal council in March rejected Mr Botha's move to separate the office of state president from that of leader-in-chief of the party. The federal council did not, however, call on Mr Botha to retire early. The council said that it would negotiate with Mr Botha over the way in which power would be exercised during the remainder of his term. The council also expressed its full confidence in Mr De Klerk as leader of the party and offered him its total support in handling the interests of the NP in its future activities.²⁸ Addressing Parliament in April 1989 for the first time since his stroke, Mr Botha announced that after the general election to be held on 6 September 1989, he would not seek re-election as state president.²⁹

President's Council (PC)

Resolution of parliamentary deadlocks

In September 1988 four bills, the Free Settlement Areas Bill, the Local Government Affairs in Free Settlement Areas Bill, the Group Areas Amendment Bill, and the Prevention of Illegal Squatting Amendment

Bill, were referred to the President's Council (PC) after the houses of Representatives and Delegates had refused to debate them (see *The constitutional mini-crisis* above).

During debate in the PC in November 1988 on the motion that the Free Settlement Areas Bill, which would allow some residential areas to be legally opened to all races, be forwarded to the state president for his assent, nine members of the LP walked out of the PC.³⁰ In a speech prior to the walkout, the leader of the LP in the PC, Mr Billy Ross, warned that his party would obstruct every piece of legislation put before Parliament in 1989 if the PC passed this and the other group areas-related bills referred to it by Mr P W Botha.³¹ However, the PC decided by 34 votes to 18 to forward the bill to the state president for his assent.³²

Reports of the President's Council

In April 1989 an ad hoc committee of the PC tabled a report on *The Restructuring of the President's Council*. The report concluded that 'there should be as much freedom as possible to nominate those with the necessary expertise and experience from any population group' to the PC. It advised that the PC should become smaller but should include African participants.³³

The constitutional committee of the PC began an investigation in 1988 into viable constitutional models. The chairman of the committee, Mr Dries Oosthuizen, said the investigation was a spontaneous one that had been prompted by the periodic talk about federal and canton constitutional systems.³⁴ The social affairs committee of the PC was examining strategies to improve race relations in South Africa. It was to use the report of the Human Sciences Research Council (HSRC) on intergroup relations in an attempt to implement some of its recommendations. The HSRC report had suggested the need for further reforms to ease racial tensions.³⁵

Constitutional legislation

The **Constitution Laws Amendment Act** was promulgated in April 1988. This act dealt, inter alia, with the qualification of voters, so as to allow blacks to participate in the municipal elections held on 26 October 1988.³⁶

The **Promotion of Constitutional Development Bill** was passed in June in a joint session by the three Houses of Parliament, although with separate voting. The acts included the establishment of a negotiating forum (formerly referred to as a national council), which would include Africans, and which would consider a new constitution for South Africa.³⁷ A member of the CP, Mr Moolman Mentz, said his party objected to the bill because it paved the way for 'white submission to multiracialism and black domination'.³⁸ The leader of the PFP, Mr Colin Eglin, said that his party opposed the measure because proposed amendments which had provided 'for blacks to elect their leaders on the basis of popular vote'

had been rejected. The PFP was committed to achieving 'a democratic and representative government and constitution for South Africa'.³⁹ Mr Peter Mopp MP (United Democratic Party) commented on behalf of the official opposition in the House of Representatives that the UDP opposed the measure because it believed all South Africans, regardless of beliefs or persuasion, should be allowed to serve on the forum. Mr Hendrickse said that the LP was committed to reform and the bill was an effort to make reform in South Africa a reality.⁴⁰

The **Constitution Second Amendment Bill**, which provided for the appointment of Africans as cabinet ministers or deputy ministers, was read for a second time in May 1989. It had not been passed at the time of writing (see *Constitutional policy* below).

Other constitutional matters

Bill of rights

The South African Law Commission was instructed by the minister of justice, Mr Kobie Coetsee, in 1986 to investigate and make recommendations on the definition and protection of group rights in the context of the South African constitutional arena (see 1987/88 *Survey* p547). A 491-page working paper was published for comment and criticism in March 1989. The paper called for a negotiated bill of rights that protected individuals from arbitrary state actions, to be implemented as soon as possible. It urged the government 'to purge the statute books' of all discriminatory laws and to state its acceptance in principle of a bill of rights 'as soon as possible after the tabling of the commission's final report'. The commission proposed a five-phase plan to introduce such a bill of rights in South Africa:⁴¹

- Parliament should endorse the idea of such a bill as part of a future constitution of South Africa;
- all legislation inconsistent with such a bill should be summarily repealed;
- an educational programme to inform the public about the aims of the bill should be launched;
- the contents of the bill and the constitutional future of South Africa should be negotiated; and
- a new constitution should be ratified by a single, general and open referendum.

The bill of rights stressed the necessity of the franchise being extended to the African population of South Africa so that greater legitimacy would be given to a new constitution. It particularly emphasised voluntary association and the formation of 'natural groups' as opposed to legally defined racial groups as enshrined in the Population Registration Act of 1950.⁴²

In general the bill of rights was enthusiastically received by groups to the left and to the right of the government. Acceptance revolved around

the contribution it made to the protection of group rights and the furthering of constitutional debate. The chairman of Lawyers For Human Rights, Mr Jules Browde SC, was enthusiastic about the bill of rights, saying that 'fundamental to us is the commission's suggestion that group rights are best protected by entrenching individual rights in a constitutional bill of rights'.⁴³ The leader of the Independent Party, Dr Denis Worrall, believed that it represented 'a major contribution to the political and constitutional debate'.⁴⁴

At the time of writing representations could still be made to the law commission, whereafter it would prepare a final report to be tabled in Parliament.⁴⁵

African political rights

In April 1988 the state president, Mr P W Botha, outlined to Parliament proposals for a new constitutional framework which would draw Africans into the process of government 'at the highest levels'.⁴⁶ He hinted at a broadening of the basis on which the state president would be elected. Furthermore, he suggested that Africans living outside the 'independent' homelands could govern their own affairs by means of elected regional authorities.

A step in implementing Mr Botha's plan was taken in June when the **Promotion of Constitutional Development Act** was passed which allowed for the establishment of a negotiating forum which would consider a new constitution for South Africa (see *Constitutional legislation* above). The act stipulated that a forum be set up to prepare a constitution that provided for participation by all South African citizens in the process of government. It would grant Africans a voice in the process on an interim basis. It could make recommendations to the government on any matter it thought to be in the national interest and it could also consider existing and proposed legislation as well as steps taken or contemplated by the government.⁴⁷

The forum would consist of the chief ministers of the six 'independent' homelands and their alternates; nine members and alternates representing Africans outside the homelands who would be selected by an electoral college consisting of members of every African local authority; the administrator of each of the four provinces; the chairmen of the three ministers' councils; the minister of constitutional development and planning and a member of the cabinet designated by the state president to be his alternate.⁴⁸ The act also allowed but did not compel the state president to appoint 13 additional members, no more than five of whom might be members of the cabinet or a ministers' council. The other eight places were reserved for people who the state president deemed would be able to make a contribution to the forum's work. Consultation between members of the forum and the state president had to take place prior to making these appointments.⁴⁹

The act stipulated that all South African citizens resident in the country were eligible to participate in the forum; but people who had been convicted of any offence for which they had been sentenced to more

than one year's imprisonment would not qualify unless they had received an amnesty or free pardon or had been released from prison and five years had passed since they were sentenced. The forum would have a chairman appointed by the state president and six co-chairmen and it was expected that they would serve on a rotating basis.⁵⁰

The prospects of acceptance of the act among African leaders seemed bleak. The only 'independent' homeland prepared to take part in the forum was KwaNdebele. The Urban Councils Association of South Africa (UCASA) is the only other organisation which has agreed to participate in the forum.⁵¹ Extra-parliamentary organisations had repeatedly rejected participation. The United Municipalities of South Africa (UMSA) joined forces with the chief minister of KwaZulu, Chief Mangosuthu Buthelezi, in refusing to participate until political prisoners were released from jail and other preconditions were met.

It was announced in January 1989 that a joint committee to address obstacles to constitutional negotiations between KwaZulu and the central government had been set up.⁵² KwaZulu felt the decision to form a committee implied the government's acknowledgement that its preconditions would have to be negotiated before constitutional talks began.

At a meeting in January 1989 it was decided to set up a national forum for liaison between the government and local authorities such as UMSA and UCASA to discuss African participation in Parliament.⁵³

Because constitutionally Africans could not become members of Parliament and because the government had ruled out the option of a fourth chamber of Parliament, the state president indicated that legislation would be introduced to enable ministers to be drawn from outside Parliament (see 1987/88 *Survey* p115).⁵⁴ The government attempted to do this in June by tabling the **Constitution Second Amendment Bill**, which allowed the state president to appoint a person who does not qualify as a member of a house as a minister or deputy minister.⁵⁵ The bill was, however, blocked by the Labour Party (LP).

The bill dealt with the appointment of African ministers as well as a new delimitation which would create 20 new seats in the three houses of Parliament (and would result in a change in the provincial distribution of seats, especially in the white chamber). The section of the bill dealing with new seats required that all houses pass it as it dealt with a semi-entrenched clause of the constitution. If the bill was rejected by any house, it could not be passed on to the PC for ratification. The LP believed that by blocking the bill, it could force the government to scrap the Group Areas Act in exchange for its passage.⁵⁶

The bill was read a second time in May 1989. The minister of constitutional development and planning, Mr Chris Heunis, said in the House of Assembly that legislation providing for the appointment of Africans as cabinet ministers or deputy ministers should be supported by Parliament in the knowledge that it was only another small step in a long process towards the ideal of a constitution negotiated and accepted by everyone.⁵⁷

Speaking in the House of Assembly, Mr Colin Eglin MP (Democratic Party) said the government had to realise that what was required was not a new definition of who could become a cabinet minister, but a new definition of who could vote.⁵⁸ The chairman of the ministers' council in the House of Representatives, the Rev Allan Hendrickse, opposed the 'appointment of certain blacks to the cabinet when the ordinary citizen does not have full rights'. He said his party had held talks with various recognised leaders in the community and they had all rejected the bill. The bill met with opposition in the House of Delegates too.⁵⁹

Mr Botha proposed that the composition of the electoral college which elects the state president would be reviewed to enable Africans to have a say in electing him.⁶⁰ The PC was also earmarked as a structure that would be reviewed and on which Africans could be represented (see *President's Council* above).⁶¹

In May 1989 the minister of constitutional development and planning indicated in Parliament that the government might be aiming for a single Parliament and cabinet for all South Africans. Mr Heunis envisaged a unique 'democracy' where numbers would not be the dominant factor. He stressed that those who wished to participate in this 'democracy' within groups would have their right to do so protected. Mr Nic Olivier MP (DP) responded by saying that there was nothing in the minister's speech that would suggest that it was any more than a logical application of the existing NP policy of own and general affairs.⁶²

The **Extension of Political Participation Bill** was published in July 1988 for comment and information. The bill, which provides for the creation of regional councils for Africans outside the homelands with both legislative and executive functions, was to be presented to Parliament only after extensive discussions with Africans.⁶³

The powers of the councils would be comparable to those enjoyed by the own affairs administrations of the three existing Houses of Parliament. The state president would be empowered to divide the country, excluding the homelands, into regions and then call for elections for members of the councils. He could decide on how many members would be elected to each council and the remuneration, allowances and other benefits of members. The councils would be empowered to make laws on issues concerning social welfare, education, art, culture and recreation, community development and local government. Areas of authority given to the own affairs administrations which were excluded by the proposed bill were health, agriculture, water supply, the calling of an election for a particular own affairs house, staff administration and various auxiliary services.⁶⁴

If one or more of the councils should cease to function, the minister of constitutional development and planning would be empowered to take over its administrative functions. The state president could also dissolve a council if he believed there were 'sound reasons' for doing so.⁶⁵ Mr Heunis was unable to say how many councils would be created, but it was understood that at least nine were envisaged — one for each of the economic development regions established by the government's

Good Hope Plan in 1982 (see 1982 *Survey* p91).⁶⁶ Responses to the bill were negative. Mrs Helen Suzman MP (PFP) said that the bill was a 'hopeless effort' to avoid reality since it only extended the concept of own affairs.⁶⁷ The chief minister of QwaQwa, Mr T K Mopeli, said that the bill recognised the permanence of urban Africans but effectively divided Africans into rural and urban people and that this would undermine black unity.⁶⁸ The chief minister of KwaZulu, Chief Mangosuthu Buthelezi, said the councils would lead to further violence and would polarise South Africa. He expressed particular concern at the extent of the new powers given to the state president.⁶⁹

It was reported in December that government planners had said that the public version of the bill was only a guideline, and would, in all probability, undergo extensive changes.⁷⁰

THE SECOND TIER

Provincial administrations

Parliament was decentralised in May 1988 when four simultaneous debates took place in the four provincial capitals of South Africa to discuss the four provincial budgets. This replaced the previous system whereby the provincial budgets were dealt with jointly in the debate on the constitutional development vote. Also for the first time, the four provincial administrators and their executive committees took part in the debates, where they could account for their administration of the budget.⁷¹

The chairman of the Progressive Federal Party (PFP) caucus, Mr Ray Swart, condemned this development as a 'classic example of the nature and cost of Nat-style democracy... Ironically, when the committees meet, white, coloured and Asian members will be devoting much time to the scrutiny of many aspects of black affairs which have been handed down to provincial administrations, while blacks themselves will be the one group not represented at all', he said.⁷² The Conservative Party (CP) was opposed to the debates as it felt they further entrenched the system of integrated government.⁷³ The CP walked out of two of the four debates in protest at what it said were government attempts to make it irrelevant as the official opposition.⁷⁴

Speaking at the National Party (NP) congress in Cape Town in October, the minister of constitutional development and planning, Mr Chris Heunis, hinted that multiracial bodies with legislative powers at provincial level were to be established. Mr Heunis said that he personally favoured legislatures at the second tier. However, he said that 'we must remember that we must have a legislature dealing with general affairs'.⁷⁵ Mr Heunis did not give any further indication as to what type of legislative authority he envisaged for second-tier government.⁷⁶

After a meeting of the extended committee of Parliament for Natal

in April, Mr Roger Burrows MP (PFP) said that sources in the NP had indicated that the government was considering allowing MPs from Natal to sit jointly with members of the KwaZulu Legislative Assembly to decide on legislation for the region. Each group would vote separately, total accord being required in a transitional structure until an elected provincial government could be devised.⁷⁷

Joint Executive Authority (JEA) for KwaZulu and Natal

The Joint Executive Authority (JEA) for KwaZulu and Natal Act, which was passed in August 1986 and which provided for joint administration on a regional level, was introduced following a request by the KwaZulu Legislative Assembly and the Natal provincial council that statutory status be given to their informal co-operative structures (see 1986 *Survey* Part 1 pp99-104; 1987/88 *Survey* p117). The JEA consisted of an equal number of representatives from Natal and KwaZulu, most of whom were members of the KwaZulu cabinet or the Natal provincial executive. Although the chief minister of KwaZulu, Chief Mangosuthu Buthelezi, and the administrator of Natal, Mr Radclyffe Cadman, were not members of the JEA, they could take part in decision-making and arbitration in the case of a dispute arising.⁷⁸

Chief Buthelezi said in February 1988 that Inkatha would debate at its national conference in March whether to withdraw from the Natal JEA. He said it was reassessing its participation in view of the government's rejection of the KwaZulu Natal indaba proposals.⁷⁹ The KwaZulu administration had seen the JEA as an interim step towards the creation of a single provincial government for the whole region (see 1987/88 *Survey* p119).⁸⁰

The conference resolved that KwaZulu would continue to participate in the JEA. It added, however, that it regarded the JEA as only a precursor to a common legislature and would remain part of it only to explore this possibility and to secure enough support for the idea within the JEA and to enable this body to call for one legislature.⁸¹

The KwaZulu/Natal Indaba

The proposals concerning the KwaZulu Natal Indaba were presented to the minister of constitutional development and planning in January 1987. By the end of 1988 they were still under review.

It was reported that government officials had said that the government was not opposed to the idea of one legislature for Natal/KwaZulu, but rejected the indaba proposals on the grounds that they did not adequately protect white interests. It was suggested that the government might approve a single legislature but felt it had to be structured in such a way as to entrench racial 'group' rights more firmly than the proposals did.⁸²

Speaking at a meeting of the Pretoria Press Club in August, the co-convenor of the indaba, Dr Oscar Dhlomo, said that he believed that 'a new mood of accommodation and preparedness to negotiate had replaced the outright criticism of the regional proposals'.⁸³

Mr Heunis announced in the House of Representatives in February 1989 that a meeting would take place between Dr Dhlomo and himself. It was understood that the meeting could pave the way for a compromise, he said.⁸⁴ It was reported that sources within the indaba confirmed that the minister of constitutional development and planning had undertaken that the cabinet would consider its proposals. This they saw as acceptance of the principles of regional power-sharing, even if the specific proposals were rejected.⁸⁵

THE THIRD TIER

Regional Services Councils (RSCs)

Legislation

The Regional Services Councils Amendment Act was enacted in May 1988.⁸⁶ Inter alia, the act made provision for the establishment of rural councils to 'promote the welfare and the interests of the rural inhabitants of a particular region'.⁸⁷ It also provided for a local body, institution or person within the area of jurisdiction of a self-governing territory to be part of the area of an RSC. Representation on RSCs was extended so that a local body could nominate at least one member to the RSC even though it made no contribution for services purchased.⁸⁸

Establishment of RSCs

At the time of writing 16 regional services councils (RSCs) had been established in South Africa. These included three RSCs in the Cape, one in the Orange Free State (OFS) and 12 in the Transvaal. The names were as follows: Algoa, Walvis Bay Enclave and Western Cape (Cape); Bloemfontein-Area (OFS); and Bushveld, Central Witwatersrand, East Rand, Eastvaal, Highveld, Lowveld, Escarpment, Northern Transvaal, Pretoria, Rustenburg-Marico, Vaal Triangle, West Rand and Westvaal (Transvaal). (See 1987/88 *Survey* p121.)⁸⁹

At the time of writing no RSCs had been set up in Natal. An official notice demarcating boundaries for four Natal RSCs had been published in March 1988. The proposed areas of jurisdiction excluded areas under the control of KwaZulu.⁹⁰ They had not been launched mainly because of the refusal of KwaZulu to participate in them. Inkatha rejected participation because 'they are just another leg of the own affairs and general affairs aspects of the constitution which Inkatha rejects'.⁹¹ At one stage the government indicated that it would press ahead with its proposal for four RSCs in Natal, excluding the area administered by KwaZulu. In mid 1989, however, the new National Party leader, Mr F W de Klerk, told Chief Buthelezi that RSCs would not be introduced in Natal.

Boundaries for a proposed RSC in Bloemfontein (OFS) were published in October 1988 which included Botshabelo (OFS), which was incorporated into Qwa Qwa in December 1987. However, the

incorporation was subsequently overturned in court. The government has appealed against the ruling. RSC officials believed that they were not compelled to include Botshabelo until the appeal, which they believed would succeed, was heard. The RSC was reluctant to include Botshabelo as it had a large population but only rudimentary services and it feared it would place a strain on RSC resources.⁹²

Conservative Party (CP) town councillors in the Orange Free State met in November to discuss third-tier government. They were opposed to RSCs and the 'integrationist policy of the government as it affects local authorities'.⁹³ In a statement released after the meeting, the CP said that it was serving on RSCs 'solely to guard the interests of whites until such time as these councils are abolished under a central CP government'.⁹⁴

Regional levies

The chairman of the Central Witwatersrand RSC, Mr Gerrit Bornman, hinted in June that RSC levies could increase in the future. The RSC felt forced to take this step because of new demands, including the envisaged subsidisation of passenger transport, and the RSC's goal in developing new land for African housing.⁹⁵ Speaking in August at a meeting of the Transvaal Association of Management Committees, Mr Bornman said that 'the magnitude of current and future infrastructural development needs, particularly in black townships, was "frightening"'.⁹⁶

Voting on RSCs

The Central Witwatersrand RSC adjusted the voting power percentages allocated to its member local authorities in November 1988. This served to move voting strength away from the emphasis on the proportion of RSC services each local authority consumed. While most black townships were allocated a slightly higher share of the vote, the increase was not enough to entitle them to more representatives on the council. The biggest gains were made in Soweto, while Johannesburg recorded the biggest decline in voting power.⁹⁷

In the municipal elections held on 26 October 1988 the CP gained control by a two-thirds majority over four Transvaal RSCs, namely Bosveld, Highveld, Northern Transvaal and Rustenburg-Marico. It restructured the budgets so that more could be spent on services for whites. In three other RSCs, Lowveld, Vaal Triangle and Westvaal, the CP gained a veto right as it controlled less than 50% of the votes but more than a third. In the Pretoria and Central Transvaal RSCs the CP held less than a third of the votes, but vowed to do everything possible to frustrate the aims of the National Party (NP).⁹⁸

Research by the South African Institute of Race Relations (SAIRR) suggested that the multiracial concept of RSCs was expected to be jeopardised by the CP control over ten of the 12 Transvaal RSCs. In February 1989 the Rustenburg-Marico RSC voted to rescind a previous decision by the council to include black representatives on its executive committee.⁹⁹

Research undertaken by the SAIRR also showed that the lack of power blacks had on RSCs was highlighted by the obligatory annual determination of voting power. It stated that after the first year of operation of the East Rand RSC, the 19 black local authorities represented on it had collectively gained 1% of the voting power, bringing their combined voting power to 22%, while the 13 white local authorities held 78% of the voting power. The research showed that, at this rate, it would take more than 11 years of upgrading in the townships before the black local authorities would be able to exert any influence by having a third of the vote on any RSC.¹⁰⁰

The research found that the small gains made in voting power of some black local authorities, despite huge increases in expenditure on bulk services, was an indication of the low infrastructural base from which the black local authorities were operating.¹⁰¹

The 1988 municipal elections

The Special Votes for Elections of Members of Local Government Bodies Bill was tabled in Parliament in June and provided for special votes to be cast in the local government elections held on 26 October 1988. It was later replaced by the Prior Votes for Election of Members of Local Government Bodies Bill, which provided that any person whose name appeared on the local government voters' list would be entitled to cast a vote before polling day. The bill was passed by all three chambers of Parliament. It did not provide for a list of prior voters to be displayed for public scrutiny as lists of special voters usually were. The application forms for prior votes were available for scrutiny by the candidates or their agents, who were entitled to be present at the polling stations during the casting of votes.¹⁰² Controversy accompanied the passing of the bill. It now became theoretically possible for all voting to take place away from the polling booths on the day of the election. Furthermore, there was no means of public scrutiny to determine whether the votes were in fact genuine. No special circumstances were required in order to cast a vote.¹⁰³

Many felt that the bill would easily provide for widespread abuse of the voting system. The Natal Indian Congress, the United Democratic Front and the Congress of South African Trade Unions attempted legally to challenge the bill. The Transvaal Indian Congress said that the bill was 'designed to prop up the percentage polls in black areas'. Furthermore, it believed that it would 'transform the elections into a virtual postal election'.¹⁰⁴ According to the minister of constitutional development and planning, Mr Chris Heunis, the protection of voters from intimidation was one of the reasons for the introduction of the system. He said also that local government bodies had requested the system to allow people who lived far from their working place to cast their votes.¹⁰⁵

The election involved 1 126 local authorities, some 500 of which were of white towns. In the Transvaal rural areas, the CP won, at a municipal level, the constituencies it held in Parliament. It also made inroads into

the rural towns of the Transvaal, where it captured both Springs and Vanderbijlpark, which were held by the National Party (NP) at parliamentary level. It made significant gains on the east and west Rands but failed to take Randfontein and Roodepoort (both on the west Rand). The party failed to make inroads in the Cape, Natal and the Orange Free State (OFS), which would be a prerequisite for winning a national election.¹⁰⁸ Results in Natal represented a maintenance of the status quo, the NP successfully keeping out the CP.

The question of the degree of participation was the essential issue in the black elections and although it was illegal to call for a boycott, anti-apartheid opposition movements did so. According to the Bureau for Information, the official black voter turnout was 25,1% of a claimed 78% registration of those eligible to vote.

Polls were lowest in the Transvaal, where 209 773 (21,7%) of registered African voters participated. The highest voting percentage was in the OFS, where 81 427 (39,2%) of registered votes were cast. In the Cape, 26,5% (68 214) of Africans cast votes and, in Natal, 29,3% (7 454) participated.¹⁰⁷ Of a total of 1 851 African wards, effective elections were held in 1 043. In 126 wards, including all the seats in four Cape townships, there were no nominations at all. In the Cape as a whole, elections were held in only 45 out of 92 African local authorities.¹⁰⁸ Large African towns and cities generally produced low percentage polls in the elections, in sharp contrast to high voting figures in rural municipalities.

The minister of constitutional development and planning lauded the election as 'a victory of the democratic processes over the revolutionary'.¹⁰⁹ While the government was aware that voter participation had not been satisfactory everywhere and a lot of work still lay ahead, local government would increasingly play a more important role in decision-making, he said.

Pro-boycott groups claimed success in their campaigns. The general secretary of the South African Council of Churches, the Rev Frank Chikane, said that the low polls in most major urban areas 'even surprised those of us who campaigned, within the constraints imposed by the state, for the boycott of the elections'. He said the low polls were achieved despite threats against African civil servants that they would lose their pensions, houses and jobs if they did not vote, and promises by the candidates of ridiculously low rents.¹¹⁰

In the previous township elections, in 1983, about 80% of Africans eligible to vote had declined to do so. The 1988 elections did not show a greater turnout, despite the government clamping down on pro-boycott opposition groups, and making it unlawful for individuals to urge people to boycott. Nearly R4,8m was spent on publicity exhorting people to vote.¹¹¹ The official poll in Soweto was 11,3% compared to the 10,7% recorded in 1983.

In some townships there seemed to have been a pattern whereby a number of councillors were ousted. In the Cape, 16 mayors were ousted. The mayor of Soweto, Mr Nelson Botile, and the chairman of the management committee, Mr Letsose Radebe, were both defeated.¹¹²

Their seats were taken by candidates of the Sofasonke party.¹¹³ The Bureau for Information said that following the elections, 247 African local authorities out of a total of 260 were functioning under elected councils. Administrators had been appointed to the remaining 13 African local authority areas where there were no councils to perform administrative functions. Following the elections, 90% of councillors' posts had been filled countrywide.¹¹⁴

A study of the results of the municipal elections in the Pretoria/Witwatersrand/Vereeniging (PWV) area undertaken by the South African Institute of Race Relations stated that in virtually all African local authorities in the PWV area, fewer than one in five adults had voted in contested wards. A further significant trend was the defeat at the polls of councillors who were identified with the government's constitutional plans.¹¹⁵

The following tables give the results of the municipal elections held in coloured, Indian and white local authorities. Tables 1, 3 and 5 represent the election results including the number of voters in uncontested wards and wards with no nominations. Tables 2, 4 and 6 represent the election results where voters in uncontested wards and wards with no nominations are not included:¹¹⁶

1. Coloured local authority elections, 1988

	<i>Orange Free State</i>	<i>Natal</i>	<i>Cape</i>	<i>Transvaal</i>	<i>Total</i>
No of wards where elections held	37	28	810	311	1 186
Uncontested wards	10	46	441	15	512
Registered voters	7 795	59 865	268 797	86 914	423 371
Total no of voters	4 972	18 036	118 602	46 450	188 060
Percentage poll	63,8%	30,1%	44,1%	53,4%	44,4%

2. Coloured local authority elections, 1988

	<i>Orange Free State</i>	<i>Natal</i>	<i>Cape</i>	<i>Transvaal</i>	<i>Total</i>
Registered voters	7 795	59 637	268 797	86 476	422 705
No of voters	4 972	18 036	118 602	46 450	188 060
Percentage poll	63,8%	30,2%	44,1%	53,7%	44,5%

3. Indian local authority elections, 1988

	<i>Orange Free State</i>	<i>Natal</i>	<i>Cape</i>	<i>Transvaal</i>	<i>Total</i>
No of wards where elections held	-	103	23	122	248
Uncontested wards	-	61	15	91	167
Registered voters	-	313 480	4 755	43 213	361 448
No of voters	-	72 298	2 672	19 800	94 770
Percentage poll	-	23,1%	56,2%	45,8%	26,2%

4. Indian local authority elections, 1988

	<i>Orange Free State</i>	<i>Natal</i>	<i>Cape</i>	<i>Transvaal</i>	<i>Total</i>
Registered voters	-	224 156	4 755	43 213	272 124
No of voters	-	72 298	2 627	19 800	94 725
Percentage poll	-	32,3%	55,2%	45,8%	34,8%

5. White local authority elections, 1988

	<i>Orange Free State</i>	<i>Natal</i>	<i>Cape</i>	<i>Transvaal</i>	<i>Total</i>
No of wards where elections held	488	449	1 207	1 130	3 274
Uncontested wards	8	171	192	103	474
Registered voters	217 809	158 253	426 687	1 508 219	2 310 968
Total no of voters	108 237	58 499	227 519	738 187	1 132 442
Percentage poll	49,7%	37%	53,3%	48,9%	49%

6. White local authority elections, 1988

	<i>Orange Free State</i>	<i>Natal</i>	<i>Cape</i>	<i>Transvaal</i>	<i>Total</i>
Registered voters	215 317	116 691	426 687	1 418 814	2 177 509
No of voters	108 237	58 499	227 519	738 187	1 132 442
Percentage poll	50,3%	50,1%	53,3%	52,0%	52%

The following table indicates the results of the municipal elections held on 26 October 1988 in African local authorities.¹⁷

African local authority elections: 1988

<i>Province</i>	<i>No of voters</i>	<i>Percentage vote</i>
Cape	68 214	26,5%
Natal	7 454	29,3%
Orange Free State	81 427	39,2%
Transvaal	209 773	21,7%
Total	366 868	25,2%

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SECURITY

SECURITY SERVICES

Defence

Expenditure

The defence budget for the 1988/89 financial year was R8,2bn, a 22,6% increase over the 1987/88 amount of R6,7bn and representing 15% of the budget as compared to 14,7% in the 1987/88 financial year.¹

According to the chief of staff of finance of the South African Defence Force (SADF), Admiral Bert Bekker, despite the growth in defence spending, the defence account remained 'chronically under-financed'.²

The minister of defence, Mr Magnus Malan, said in December that the possibility of peace in Namibia would not cause South Africa to reduce its expenditure on security forces and manpower. An economic research institute in Johannesburg, Econometrix, estimated that military disengagement from Angola and Namibia could save the government up to R5bn a year.³

In February 1989 an additional appropriation of R2,7bn for the 1988/89 general budget was tabled in Parliament. The minister of finance, Mr Barend du Plessis, said that of this amount, R560m had been requested by the SADF, owing to the changes in the security situation in Namibia and Angola. He said that R100m from the 1988 budget could offset this amount leaving R460m to be voted.⁴

The defence budget for the 1989/90 financial year was R9,9bn, a 21,2% increase over the 1988/89 amount of R8,2bn.⁵

Military service

Casualties

The minister of defence said in Parliament in March that 460 people had been killed by members of the SADF during 1987. Of this number, 340 were 'terrorists'. The remainder had been killed in shooting accidents, motor vehicle accidents and crossfire during contact with 'the enemy'.⁶

Mr Malan said in March 1989 that 34 SADF members had been killed during 1988.⁷

Conscription

Only white males are liable for conscription in South Africa, excluding the 'independent' homelands.

In March Mr Malan refused to say how many people had failed to report for military duty and how many national servicemen and members

of the permanent force had been deployed in black townships in 1987.⁸ He also refused to answer questions as to the conduct of SADF troops in the townships. He did reveal, however, that six members of the SADF had deserted during 1987. Of the six, five were national servicemen and one was a member of the Citizen Force.⁹

Speaking in August at the Technical Services Training Corps at Voortrekkerhoogte (Pretoria), the deputy minister of defence, Mr Wynand Breytenbach, said that any speculation of a change in the national service system arising from progress towards resolving the Angolan conflict was false. 'I want to place it on record yet again that no change in the national service is envisaged for the foreseeable future,' Mr Breytenbach said.¹⁰

The chief of the defence force, General Jannie Geldenhuys, said in January 1989 that while national servicemen would still be called up for two years' service in spite of the withdrawal from Namibia, steps would be taken to 'reduce the burden' of service in the form of camps for members of the citizen and commando forces.¹¹

The minister of defence announced in April 1989 that camps in the citizen force and commando force were to be reduced to a maximum of 30 days a year from July 1989.¹²

A committee of inquiry was appointed in April 1989 under the chairmanship of the chief of the air force, Lieutenant-General J P van Loggerenberg, to investigate the system of national military service and alternative forms of military service.¹³

Calls to end conscription

A meeting took place between the End Conscription Campaign (ECC) and the SADF on 15 June. Most of the meeting was taken up with discussions around technicalities other than the main purpose of the meeting, which was to discuss alternative national service.¹⁴ Representation was made by the ECC to the minister of defence in August regarding alternative forms of national service for conscientious objectors, other than religious objectors. Mr Malan found the submissions unacceptable and comparable to earlier representations made to the committee of inquiry set up in May 1984 under the chairmanship of the chief of the army, Lieutenant General Jannie Geldenhuys, to investigate the SADF and related aspects affecting the Armaments Corporation of South Africa (ARMSCOR) in the context of the economic situation and the future needs of the country (see 1985 *Survey* p420).¹⁵

In August Mr Malan broke off relations with the ECC. He accused the organisation of 'threatening the security of the state' and said 'the movement was the vanguard of those forces that are intent on wrecking the present dispensation and its renewal'.¹⁶ The ECC national secretary, Mr Alistair Teeling-Smith, responded by saying that at issue was not the ECC itself, but rather the question of conscription.¹⁷

The ECC was banned from carrying out its activities by the government on 24 August.¹⁸ This repealed an earlier government notice

on 22 August that mistakenly referred to the ECC as the 'End Conscription Committee'.¹⁹ Restriction orders were subsequently placed upon two ECC organisers, Mr Gary Cullen and Mr Teeling-Smith.²⁰

The ECC applied for an interdict in the Cape of Good Hope Provincial Division of the Supreme Court to restrain the SADF from harassing and interfering with the organisation or its members. In an affidavit, the officer commanding Western Province Command, Brigadier A K de Jager, admitted that SADF members had taken part in campaigns to discredit the ECC by printing derogatory slogans and dropping pamphlets by helicopter at an ECC gathering. The chief of the air force, Gen Van Loggerenberg, said that the actions were 'necessary military measures'. He said that South Africa was in a state of war and the courts had, therefore, no jurisdiction to rule on the actions of the military.²¹ This prompted reactions demanding that the minister of defence clarify whether he thought that the SADF was above the law in a country where an undeclared state of war existed.²² Mr Justice S Selikowitz found that the deliberate use of false information about the ECC went beyond lawful opposition and he granted an order restraining the minister of defence, the officer commanding Western Province Command and all those under them from harassing the organisation.²³ The docket was forwarded to the attorney general to decide whether prosecution would follow.²⁴

Conscientious objection

The minister of law and order, Mr Adriaan Vlok, said in August that the SADF experienced very few problems with conscientious objectors. 'There were so few youngsters who objected to national service that they made headlines when they refused their call-up,' he said.²⁵

Mr David Bruce, aged 25, was sentenced in July in the Johannesburg magistrate's court to the maximum six-year sentence under the Defence Amendment Act of 1987 for refusing to serve in the SADF (see 1987/88 *Survey*, Overview). Mr Bruce said that he was 'not prepared to serve in the SADF, which defends a racist system and is involved in what is essentially a civil war'. The magistrate, Mr P H Bredenkamp, said that 'the court has given consideration to [his] personal circumstances. However, the court is bound to the penalty as set out in the Act'.²⁶

An appeal against the sentence imposed on Mr Bruce was heard in the Witwatersrand Local Division of the Supreme Court in January 1989. Counsel for the defence submitted that the magistrate could exercise his discretion in imposing the length of sentence, but the appeal was dismissed.²⁷ In March 1989 Mr Bruce was granted leave to appeal to the Appellate Division of the Supreme Court.²⁸

In August 143 men stated that they would not serve in the SADF. The aim of the group was to lobby for alternative service for people who did not want to participate in national service for reasons other than religious ones.²⁹ Two said that their refusal to serve was based on religious reasons but, for the rest, their refusal was as a result of their political and moral beliefs. A total of 39 of the men had completed their two-year military

service, 14 were completing or had completed community service as religious objectors, six had served or were serving prison sentences and 84 were liable for their full four years of military service.³⁰

In December Mr Charles Bester was sentenced to the maximum six years' imprisonment for refusing to do military service. He pleaded not guilty to the charge and told the court that he felt obliged to obey a higher law than one that forced him to take up arms in the name of apartheid.³¹

A conscientious objector who had already served his two-year national service, Mr Saul Batzofin, appeared in the Johannesburg magistrate's court in January 1989 on a charge of refusing to serve in the SADF. He was one of the 143 men who had announced that they would not serve in the SADF. It was alleged that he was called up to do a camp between December 1988 and January 1989 but that he had refused to serve.³² Mr Batzofin's employer, Liberty Life, said that it would hold his job open even though he faced a prison sentence for refusing to do the rest of his army service. In April 1989 Mr Batzofin was sentenced to 18 months' imprisonment. He was also fined R100 or 50 days' additional imprisonment.³³

The general manager of the human resources department of AECI, Mr Bokkie Botha, stated that the company believed that a person who had served a jail term had paid his debt to society and therefore would not be discriminatory in employing objectors.³⁴

At a press conference in February 1989 a number of women called on the government to provide alternatives to military service. The women stressed that they had come together as mothers, wives and sisters and not as members of any organisation. They believed that those men who refused to serve in the army 'should be permitted to make their contribution to the nation in non-punitive, constructive, alternative service'.³⁵

Black volunteers

The National Manpower Commission said in February that the SADF would have to make increasing use of black groups to satisfy its manpower requirements in the medium and long term. It also said that military service was an additional burden on scarce manpower since it was drawn from the population group from which most skilled manpower was drawn, namely whites. To reduce the shortages, it suggested that 'various population groups would have to be utilised to a greater extent in the future'.³⁶

It was revealed in Parliament in May by the former information officer of the SADF, Brigadier J Bosman, that one third of the 3 000 troops involved in South Africa's operation in south-east Angola were not white. In addition 65% to 70% of the soldiers in the operational area were 'people of colour'.³⁷

The minister of defence said that the percentage breakdown per race group of persons who rendered voluntary service in the citizen force and commandos respectively as at 31 December 1987 was as follows:³⁸

*Racial profile of citizen force
volunteers, 1987*

	<i>Citizen Force</i>	<i>Commandos</i>
African	0%	4,1%
Coloured	1,2%	9,2%
Indian	0%	2,1%
White	98,8%	84,6%

According to Mr Malan the total numbers of Africans, coloured people and Indians who had (a) applied to join and (b) were accepted into the permanent force as members of the South African Army, South African Air Force, the South African Navy and Medical Service during 1987 were as follows:³⁹

*Applications and acceptances of Africans, coloured people and
Indians into the South African Defence Force during 1987*

	<i>African</i>		<i>Coloured</i>		<i>Indian</i>	
	<i>(a)</i>	<i>(b)</i>	<i>(a)</i>	<i>(b)</i>	<i>(a)</i>	<i>(b)</i>
South African Army	2 260	2 232	460	122	31	18
South African Air Force	95	6	191	27	102	6
South African Navy	1	1	198	179	60	44
South African Medical Service	1	1	33	18	5	0

Speaking at a passing-out parade in November at the South African Intelligence School at Kimberley (northern Cape), the minister of defence said that the citizen force and commando units were actively involved in an SADF drive to achieve intelligence coverage throughout South Africa. He said that it was not solely the responsibility of intelligence personnel to collect and process intelligence but it was also the duty of every member of the community.⁴⁰

The following regional battalions, which form part of the SADF, have been established for the non-independent homelands: the 111 Battalion based at Amsterdam for the Swazi; the 113 Battalion based at Letaba Ranch for the Shangaan, the 115 Battalion based at Messina for the northern Sotho and the 121 Battalion at Dukuduku for the Zulu.⁴¹ A report stated that the Transkei Defence Force was fewer than 3 000 strong.⁴² There were 1 000 troops under training in Venda during 1987, while the strength of the Bophuthatswana Defence Force was estimated at 1 500.⁴³

Proceedings against military personnel

Six SADF members were relieved of the necessity of facing a murder trial in Namibia after the production of a certificate authorised by the state president, Mr P W Botha, which halted judicial proceedings. The certificate was drawn up in terms of section 103(4) of the Defence Act of 1957, which exempts members of the security forces from criminal or

civil court action if 'they have acted in good faith in combating terrorism in an operational area'.⁴⁴ The trial arose out of the death of a leader of the South West African People's Organisation (SWAPO) and a former prisoner on Robben Island, Mr Immanuel Shifidi, during violence at a SWAPO rally in Windhoek on 30 November 1986. The spokesman on justice for the Progressive Federal Party (PFP), Mr Dave Dalling, said the effect of Mr Botha's intervention was that the course of justice had been interfered with. He believed that it would also undermine confidence in the judiciary and had effectively placed the SADF above the ordinary law of the country.⁴⁵

The South West Africa Supreme Court found in March 1989 that the certificate granting the six SADF members immunity from prosecution was invalid.⁴⁶ In April the state president filed notice to appeal against that decision.⁴⁷ The minister of defence said in reply to a question in Parliament that no action was to be taken against the six members of the SADF concerning the death of Mr Shifidi.⁴⁸

In August the South West Africa Supreme Court heard argument in an application contesting the validity of a certificate issued by the state president in 1986 under section 103 of the Defence Act, which effectively stopped proceedings against four SADF members charged with the murder of Mr Frans Uapota. Mrs Victoria Mweuhanga, the widow of Mr Uapota, told the court that she and her husband had been sitting outside a shop in Onengali (Namibia) when a patrol of white soldiers suddenly arrived. 'They ordered everyone to lie down on their stomachs, and then the soldiers started kicking and beating us,' she said. According to the post-mortem report, the cause of Mr Uapota's death was a massive subdural haematoma covering his entire brain resulting from a head injury. There was also serious injury to his upper abdomen and chest, including nine broken ribs and a ruptured spleen. Mr Uapota's neck had been fractured and there was evidence that force had been applied around the neck. Counsel for the applicant, Mr Sidney Kentridge SC, believed that if the state president had received the full facts of the case, he could not have formed the opinion that the four accused had acted in good faith in the combating of terrorism.⁴⁹

In December the court ruled that a report by a Colonel De Klerk that the four soldiers were acting 'in good faith' and to prevent or suppress terrorism was misleading and fell far short of the true position. It ruled that the certificate stopping the trial was invalid and that murder charges against the soldiers should stand. The government gave notice in February 1989 that it intended appealing against this ruling.⁵⁰

Other personnel matters

According to the minister of defence, 404 members of the SADF had attempted to commit suicide in 1987, and 24 members committed suicide. Of the attempted suicides, 309 attempted suicide through overdose, 65 by slashed wrists, 15 by shooting, nine by drinking poison, three by hanging, two by gassing and one by jumping from a building.⁵¹

The SADF appointed two African men as public relations officers in

January 1989. The new appointees were Lieutenant Ribs Khoza and Lieutenant Louis Malakoana.⁵²

Border security

Electric fences

The minister of defence said in February that 52 people had died as a result of contact with the electrified fences on the northern and eastern borders of South Africa. Six people had died on the northern fence between 12 August 1985 and 15 February 1988 and 46 people died on the eastern fence between 1 June 1986 and 15 February 1988.⁵³

In January 1989 the Southern African Catholic Bishops' Conference (SACBC) called on the South African and Mozambican governments to remove all landmines, booby traps and other devices that were killing and maiming Mozambican refugees. They called for the electric fences to be switched off and for a more humane form of border control to be implemented.⁵⁴

For further information on border security, see *Deployment of troops* below.

Intelligence and security services

Government spending on intelligence services in the 1989/90 financial year was budgeted to be R275m, an increase of 24,6% on the previous year's budget of R221m. The 1988/89 figure had represented an increase of 12% on the 1987/88 figure of R198m.⁵⁵

State security council

For details on the structure and operation of the state security council (SSC) see 1987/88 *Survey* pp543-545.

The state president, Mr P W Botha, said in Parliament in March that the fact that both the South African Communist Party (SACP) and the African National Congress (ANC) 'continually complain about the existence and activities of the Joint Management Centres (JMCs) and identify them as targets...is indicative of the successes that are achieved'.⁵⁶

JMCs are regional bodies centered in the main cities and chaired by a military or police brigadier (see 1987/88 *Survey* pp544). Mr Botha said in March that there were 11 JMCs in Bloemfontein, Cape Town, Durban, Johannesburg, Kimberley, Nelspruit, Pietersburg, Port Elizabeth, Potchefstroom, Pretoria and Walvis Bay.⁵⁷ The chairmen and members of the JMCs, he said, 'are functionaries of state departments and provinces and officers of the security forces. Chairmen and members of JMCs change constantly as they are transferred'. Mr Botha said the aim of the JMCs was to provide departmental inputs at regional levels so that action could be co-ordinated.⁵⁸

In March lawyers acting for residents in the KTC squatter camp (western Cape) against the minister of law and order, Mr Adriaan Vlok, requested access to documents of JMCs which referred to events near

KTC and Crossroads in June 1986. In response to a subpoena served on a commander of the South African Defence Force (SADF) to testify and submit all JMC documents, the deputy minister of law and order, Mr Roelf Meyer, issued a certificate in terms of the Internal Security Act of 1982 blocking access to documents in the interests of state security (see *Security* below).⁸⁰

A manual entitled *The Art of Counter-Revolutionary Warfare* was distributed to leading politicians and state functionaries by the state security council. Its aim was summarised by a member of the South African Police Riot Unit, Major General Bert Wandrag, who said that 'the only way to render the enemy powerless is to nip the revolution in the bud by ensuring there is no fertile soil in which the seeds of revolution can germinate'. The manual explains how to achieve this.⁸⁰ An effective intelligence system was pinpointed as indispensable to this task. All strategies were to be implemented by the JMCs. A total of 34 townships were identified for special attention where 'effective control over the population in an affected area is regained'. These spots would steadily 'expand and coalesce' into bands of loyal local populations. During 1987/88 R3,2bn was spent on upgrading in many of the 34 identified areas.⁸¹ Finance that came from levies on business to the regional services councils (RSCs) would also be used for the purpose of further upgrading urban townships.⁸²

The Johannesburg City Council passed a motion in March to support fully the JMC security network. The motion was presented by Mr Johan Fick (National Party) as an amendment to a motion proposed by Mr Tony Leon (Progressive Federal Party) that participation by the council in the JMCs was unnecessary and undesirable. Mr Leon said that the JMCs were involved in disinformation campaigns, and spent millions in an unaccountable way. Mr Fick believed that the JMCs allowed for conflict management where political reconstruction was needed.⁸³

Security police

The head of the security police, Lieutenant General Johan van der Merwe, said in August that the security police had in the past 'turned' captured ANC infiltrators and sent them away on missions against the ANC to test them. This was stated at a press briefing in Cape Town where journalists were allowed to interview a former ANC member who had become a constable in the security police.⁸⁴

Mr Vlok said in Parliament in August 1988 that 19 police informers had been murdered in 1984, 30 during 1985, 50 during 1986 and 35 during 1987. He said that it was not possible to ascertain whether or not other victims were murdered because they were suspected of being informers. Statistics to this effect had not been kept. Further, he said it was not possible to determine the motive for the murders, especially whether they had been politically motivated.⁸⁵

The SAP confirmed that a 15-year-old boy, Mr Skhumbuzo Mavimbela, who was found stealing documents from the offices of the Food and Allied Workers' Union in September, was a police informer.

When confronted, the youth confessed to working for the Vereeniging security police and said his tasks had involved tape recording youth congress meetings and retrieving documents relating to forthcoming union activities.⁶⁶

In August a South African spy, Miss Olivia Forsyth, arrived at the British Embassy in Luanda (Angola) seeking sanctuary from the ANC, which, she alleged, had kept her in confinement for 22 months and had severely tortured her believing her to be a South African spy. The British Embassy believed she was entitled to consular protection because she held a British passport. South African authorities disclaimed knowledge of her activities. A spokesman for the minister of law and order, Brigadier Leon Mellet, said that Miss Forsyth had not been recruited by, nor had she worked for, the security branch of the South African Police. Sources in Harare (Zimbabwe) believed that Miss Forsyth's controller was a former Rhodesian police chief, Superintendent Geoffrey Price, who had recruited and sent Miss Odile Harrington to Harare in 1986 (see 1987/99 *Survey* pp546).⁶⁷ The British Embassy's first secretary, Mr Glynn Davies, confirmed in September that Miss Forsyth's exit visa application was with the Angolan authorities.⁶⁸ However, in February 1989 it was revealed that Miss Forsyth was in fact a South African spy.⁶⁹ The Johannesburg Democratic Action Committee (JODAC) said that Miss Forsyth had failed in her attempt to reach the top levels of the National Union of South African Students (NUSAS) and the now restricted United Democratic Front (to which JODAC had been affiliated) because of suspicions surrounding her.⁷⁰

Another South African, Ms Joy Harnden, was revealed to be a lieutenant in the police and had penetrated such organisations as JODAC and NUSAS.

A student from the University of Natal, Mr Derek McGowan, disclosed in February 1989 that police had asked him to 'spy' on the campus in exchange for money. He was offered R250 to R500 a month, depending on the quality of the information he offered. He subsequently decided to reveal his story and resign his post in student government. The liaison officer for the Port Natal division, Major Charl du Toit, said that 'no secret is made of the fact that use is made of informers and public support in order to combat crime'. He would not, however, confirm whether Mr McGowan was a campus spy.⁷¹

A South African spy, Mr Velapi Norman Sibanda Mbiwa, was sentenced to nine years' imprisonment by the Harare High Court (Zimbabwe) in February 1989. The state alleged that Mr Mbiwa had collected information concerning houses used by the ANC and the Central Intelligence Organisation in the Harare area.⁷²

SADF intelligence

Mr Isaiah Moyo, alleged to be a member of the SADF, was convicted in March in Lusaka (Zambia) on three counts of espionage and sentenced to 50 years' hard labour. The commissioner of the Lusaka High Court,

Mr Timothy Kabalata, said that the prosecution had proved beyond reasonable doubt that between October 1982 and March 1986 Mr Moyo had collected information about Zambian strategic installations and installations of the ANC and the South West African People's Organisation (SWAPO). The information was to be passed to a Mr Peter Koekemoer, who was identified as an SADF officer. The SADF denied any knowledge of Mr Moyo and said that 'the lack of personal detail on Mr Koekemoer makes it impossible to investigate further'.⁷³ However, in April his sentence was cut to 30 years' hard labour. No reasons were given for this ruling.⁷⁴

A South African couple, Mr Olaf Bergh and Mrs Elizabeth Bergh, were charged in Botswana with treason in July. Their arrest followed the arrest of another ex-South African, Mr Barry Jean Vivier, who was arrested in Botswana after the authorities had disclosed news of an alleged abortive South African raid on Gaborone (Botswana) on 30 June. He faced charges under the National Security Act of Botswana. Mr and Mrs Bergh were charged with assisting Mr Vivier by concealing him from the police and burning SADF uniforms used by the raiders.⁷⁵ Mr Vivier was sentenced to 18 months' imprisonment for concealing information relating to the raid and communicating with one of the commandos. Mrs Bergh was sentenced to a suspended sentence of two years in jail and Mr Bergh was fined R200 for possessing ammunition.⁷⁶

Two men also involved in the abortive alleged raid on Gaborone, Mr Johannes Smit (alias Johannes Basson) and Mr Theodore Hermensen (alias Dirk van Niekerk), appeared in October in the High Court in Francistown (Botswana) on charges of attempted murder of three policemen. Mr Basson admitted to being a member of the intelligence service of the SADF and of being party to a raid 'acting on the orders of the head of the South African Intelligence Service to kill or capture an ANC member in Gaborone known as Oupa'.⁷⁷ The two South Africans were arrested shortly after they opened fire on unarmed police, unaware that their group had abandoned the raid.⁷⁸ They were both found guilty of taking part in an abortive raid into Botswana and sentenced to ten years' imprisonment and eight lashes by the Francistown High Court.⁷⁹

In October three alleged South African agents, Messrs Kevin Woods, Michael Smith and Philip Conjwayo appeared in the Harare High Court accused of terrorism in bombing a house in Bulawayo belonging to ANC members by means of a car bomb. They also faced a charge of murder of a casually hired driver, Mr Amon Obert Mwanza, who drove the car to the house.⁸⁰ The trial was continuing at the time of writing.⁸¹

Mr Dennis Behan, alleged to have been the commander of a group of South African commandos, made an abortive attempt in July to free alleged South African agents, Messrs Guy Bawden, Barry Bawden, Conjwayo, Woods and Smith from Zimbabwe. The five men were due for trial on charges of murder and espionage. Mr Behan was arrested in Botswana. A prosecutor in the attorney general's office in Zimbabwe, Mr Yunus Omerjee, alleged that Mr Behan was 'acting on the instructions of the South African military intelligence'.⁸² He was to go on

trial on 15 May 1989 on charges of terrorism and sabotage if it was decided that the courts in Harare had jurisdiction over him.⁸³

Justice

Mr Justice Michael Corbett was appointed as the new chief justice in November. He succeeded Acting Chief Justice P J Rabie.⁸⁴

The legal system

Mr Justice John Didcott, delivering the Ernie Wentzel Memorial Lecture at the University of the Witwatersrand in October, spoke of the 'state of lawlessness' which pervaded the South African legal system. He described the legislature as an undemocratic one since it did not 'represent or speak for the large majority of South Africans', and said that it had 'statutorily delegated to the executive the power to make the laws by regulation and decree'.⁸⁵ He added that judicial endeavours to keep the legal process under control and to harmonise its workings with the law's requirements had largely proved to be in vain. 'The Appellate Division has decided in case after case that has come before it...that the capacity for the courts to assert and protect the rule of law in that situation is so attenuated as to be, for all practical purposes, insignificant.' He believed the result was a society where not the law 'but sheer unbridled power' was what mattered, 'and the outcome must inevitably be abuses of it'.⁸⁶ He called for a major effort to salvage the law and recommended the enactment of a constitutionally entrenched bill of rights, which would be the supreme law of the land in the areas it governed, taking precedence there over all legislation and executive decrees (see 1987/88 *Survey* p547, and chapter on *Government and Constitution*).

Speaking in October at a conference on 'Democracy and the Judiciary' held by the Institute for a Democratic Alternative for South Africa (IDASA), Mr Justice J J Trengove said that judges faced a dilemma of administering justice to all 'without fear, favour or prejudice'. Yet the laws passed by Parliament were inherently unjust as the majority of the population was unrepresented. He, too, advocated the need for a bill of rights to be guaranteed in the constitution and that the judiciary be granted powers of guardianship to ensure that those rights were respected.⁸⁷

The minister of justice said in Parliament in March that 65 lawsuits had been brought against him in his capacity as minister during 1987. The majority of the cases revolved around unlawful detention (18 cases) and assault (19 cases). Of the 65 cases, 12 were settled out of court, six claims had been stopped by order of the plaintiff and 47 were still proceeding. No money had been paid out as a result of successful lawsuits brought against him but R107 749 had been paid out in out-of-court settlements, which included settlements reached pursuant to letters of intention to institute actions during 1985 and 1986 and settled during 1987.⁸⁸

Legal aid

In its report for the year ending 31 March 1987, the Legal Aid Board gave the following statistics concerning applications for legal aid:⁸⁸

Applications for legal aid: 1986/87

	<i>Number of applications</i>	<i>Number of cases refused</i>	<i>Number of cases referred to attorneys</i>	<i>Number of cases resolved by the board's representatives or referred to the state or other institutions</i>
Criminal cases	9 526	7 207	1 369	950
Civil cases	41 370	13 775	10 564	17 031
Quasi-judicial matters	3 845	124	80	3 641
Cases pending	10 235	—	—	—
Total	64 976	21 106	12 013	21 622

The board attributed the increase of 5 418 applications in 1986/87 over the 1985/86 figure of 59 558 to economic conditions. It estimated that the increase would have been as high as 40%, as was the case at the end of December 1986, if the Legal Aid Board had not been compelled to suspend services owing to a lack of funds during the period under review.⁸⁹

The means test on which legal aid was rendered to indigent persons was determined by the board itself. The report stated that the test was no longer adequate since it provided only for the 'lower layer of indigent persons'. However, owing to a shortage of funds and the demand for legal aid, the means test limit could not be increased in spite of increased state contributions to the board. The situation was exacerbated by the lack of funds obtainable from private institutions.⁹¹

The minister of justice, Mr Kobie Coetsee, announced at a public meeting in Badplaas (eastern Transvaal) in September that a reserve fund had been created for the Legal Aid Board to provide for financial obligations already incurred. He said that in terms of a five-year programme, the following sums had been voted by the government for the board: R12m for 1988, R15m for 1989/90, R17m for 1990/91, R19m for 1991/92 and R22m for 1992/93. He said that this fund would prevent the possibility of the board deferring any essential services or restricting the payment of legal costs.⁹²

Following a decision handed down in the Durban and Coast Local Division of the Supreme Court in June 1988, which held that trials in which the accused had no legal representation could be declared unfair, Lawyers for Human Rights (LHR) launched a national campaign in July to provide accused with legal representation (see 1987/88 *Survey* p549). They set out to involve 2 000 lawyers in a project which would provide representation for 20 accused per day. Lawyers were asked to volunteer their services for three days per year. The national director of LHR, Mr Brian Currin, said that 'it has been estimated that 100 000 to 150 000 people go to jail every year following trials in which they are not

represented'.⁹³ Mr Currin admitted that this project would service only a small proportion of people requiring legal representation. However, he hoped it would 'engender a representation ethos and will ultimately result in legal representation...becoming an absolute requirement'.⁹⁴

The Legal Aid Act passed by the Bophuthatswana administration in March denied legal aid to anyone charged with treason or sedition. The minister of justice, Mr G Mothibe, said that 'persons facing charges that might incur the death penalty were not necessarily entitled to the privilege of legal assistance' (see chapter on *The Homelands*).⁹⁵

Personnel

The minister of justice said in Parliament in February that one black person had been appointed as an acting judge, namely Advocate Hassan Mall SC, who had been appointed in 1987 (see 1987/88 *Survey* p550). No full black judges had been appointed within South Africa, he said. The reason given for this was that appointments were made on merit only. 'The only criterion for appointment as a judge is that he should be a fit and proper person. Judges are mainly appointed from the ranks of senior advocates. At present there are only two advocates outside the white group who have this status. One of them has held an acting appointment'.⁹⁶

The head of the Department of Criminal and Procedural Law at the University of Zululand, Professor Charles Dlamini, said that African lawyers who had distinguished themselves at the Bar should apply for silk, so that the scarcity of African senior counsel could not be used as an excuse for the lack of African judges. He stated that while the majority of the South African population was African, white attorneys, advocates, magistrates and prosecutors outnumbered their African counterparts by more than ten to one. There were no African prosecutors or magistrates, except in the homelands, he said.⁹⁷

Of the 884 magistrates employed by the Department of Justice, 874 were white. Of the 928 regional and ordinary court prosecutors, 835 were white.⁹⁸

The minister of justice said in December that South Africa 'must find avenues to introduce more people of colour into the legal profession'. He said that this was imperative for the continued legitimacy and status of the legal profession in the eyes of all South Africans.⁹⁹

Commenting on Mr Coetsee's remarks, the director of the Centre for Applied Legal Studies at the University of the Witwatersrand, Professor John Dugard, said that 'it would be difficult to appoint black judges immediately as judges are normally appointed from the ranks of senior counsel and professionally there are only two Indian senior counsel inside the country eligible for such an appointment'. He also said that it might be difficult for a black person to accept such an appointment as the South African legal system and the judiciary were questioned by the majority of South Africans and most foreign governments.¹⁰⁰ The chairman of the Black Lawyers Association, Mr Keith Kunene, believed the question was whether blacks would take appointments as judges and, if

they did, whether they would be viewed as collaborators.¹⁰¹

Sentencing

A total of 21 people were serving life sentences for offences against the security of the state as at 31 December 1987.¹⁰²

The minister of justice said in March that 145 males and one female were serving sentences exceeding ten years for offences against the security of the state. A total of 95 males and seven females were serving sentences exceeding five years, and 48 males and three females were serving sentences exceeding two years.¹⁰³

The trial of Mr Jacobus Vorster following the murder of a farm labourer, Mr Eric Sambo, was completed in the Louis Trichardt circuit court in November (see 1987/88 *Survey* p550). Mr Vorster was fined R3 000 for beating Mr Sambo to death after he had accidentally killed his dog. He was ordered by the court to pay compensation of R130 per month for 60 months to Mr Sambo's wife. Mr Vorster also received a five-year suspended sentence. Evidence led in court revealed that on 12 December Mr Vorster brutally assaulted Mr Sambo before loading him on to the back of a van which was then driven to another farm where Mr Sambo was chained to a tree and heavily assaulted with sticks. A loaded gun was also placed on his head and the trigger pulled. He was finally left tied to a tree.¹⁰⁴ A post-mortem revealed that he had died of a brain haemorrhage resulting from beating.¹⁰⁵ Before passing sentence, Mr Justice JJ Strydom said that Mr Vorster's youth and the fact that many labourers were dependent on him for work acted as mitigating factors.¹⁰⁶

In March 1989 Mrs Helen Suzman MP (Progressive Federal Party) submitted a petition requesting that a parliamentary committee be appointed to consider charges against Judge Strydom and, if necessary, to ask the state president to remove him from office. She believed he was 'guilty of conduct in his judicial capacity amounting to misbehaviour or evidencing incapacity of a serious or material nature'. The speaker of Parliament, Mr L Le Grange, rejected her impeachment petition and said that a racist tendency in sentencing could not be substantiated by five judgements given over a period of 15 years.¹⁰⁷

Punishment

Corporal punishment

The figures for corporal punishment of men sentenced during 1988 were as follows:¹⁰⁸

Men sentenced to corporal punishment during 1988

	<i>Corporal punishment coupled with imprisonment</i>		<i>Corporal punishment not coupled with other sentences</i>
	<i>(a) not suspended</i>	<i>(b) partly suspended</i>	
African	158	3 113	22 712
Coloured	58	1 940	11 461
Indian	1	37	267
White	10	212	964

Capital punishment

A total of 285 people were awaiting execution on 18 November 1988. Of the 285, 219 were African, 43 were coloured, six were Indian and 17 were white. Speaking in Parliament in November, Mr Coetsee said that 83 people on death row had been convicted for politically related offences.¹⁰⁹

According to the minister of justice a total of 117 people were executed during 1988. Of that figure, 76 were African males, 38 were coloured males and three were white males. Of the total, 103 were hanged for murder, seven for murder and rape, three for rape, two for murder and robbery with aggravating circumstances and two for murder and attempted robbery with aggravating circumstances.¹¹⁰

Of the 117 executions, a total of 46 were for crimes of violence by blacks against whites, while two whites were hanged for crimes of violence against blacks. One white person was executed for murdering a person of the same race.¹¹¹

According to the national director of Lawyers for Human Rights, Mr Brian Currin, 218 people were sentenced to death during 1988, although there were 48 reprieves and 27 successful appeals.¹¹²

According to a report in *The Star*, between the creation of union in South Africa in 1910 and 1987, a total of 4 110 persons had been executed (excluding the 'independent' homelands).¹¹³ Between 1910 and 1947 the average annual number of hangings was 21 people. (There were no figures for 1948.) Between 1949 and 1968 this rose to 76 people; between 1969 and 1987 the average was 96 people.¹¹⁴

Details on the death sentence from 1983 to 1987 (excluding the 'independent' homelands) revealed in Parliament in June by the minister of justice were as follows:¹¹⁵

Details on the death sentence from 1983 to 1987

	1983	1984	1985	1986	1987
Number of people sentenced to death	182	168	189	207	248
Number of people refused leave to appeal	122	103	96	102	143
Number of sentences altered	16	20	12	12	1
Number of convictions reversed by Appellate Division	3	6	7	8	2
Number of sentences commuted by the state president	30	26	28	20	11
Number of people executed	90	115	137	121	164

The 117 executions in 1988 were accordingly the lowest number since 1984.

The minister of justice said in Parliament in September that a total of 101 people had been sentenced to death from the beginning of 1985 to

14 September 1988 for unrest-related incidents. The information was furnished in respect of persons who were sentenced to death for offences of murder by the so-called 'necklacing' method, burning, stabbing, stoning, terrorism, shooting and landmine explosions.¹¹⁶

Sentences for unrest-related incidents from 1985 to September 1988

	1985	1986	1987	1988	Total
Sentenced to death	8	13	48	32	101
Executed	0	5	4	8	17
Commuted	0	0	0	1	1
Pending	6	6	32	32	83

Figures for the Transkei published by the Prisoners' Welfare Programme (PRIWELPRO), which was banned in September 1988 in the Transkei, put the number of prisoners awaiting execution at 30 (see *Security* below). The organisation said that condemned prisoners spent an average of a year on death row and were denied private consultations with their attorneys. Research had shown that 155 people had been sentenced to death in the Transkei in the ten years from April 1977 to September 1987. Of these, 86 had been hanged. The rest had had their sentences commuted or were still on death row.¹¹⁷

A former director general of justice, Mr J P J Coetzer, called in April for the abolition of the mandatory death sentence in cases where no extenuating circumstances could be found. He believed the decision should rather be left to the court. He also called for an automatic or free right of appeal for those who had been sentenced to death. The present system of *pro deo* representation (where the state appointed an advocate for those who could not afford one) should be abolished and incorporated into the legal aid system, Mr Coetzer said.¹¹⁸

Speaking in the debate on the justice vote in the House of Assembly in May, Mr Dave Dalling MP (Progressive Federal Party) referred to Mr Coetzer's statement and called for an investigation into the death penalty.¹¹⁹ In reply, the minister, Mr Coetsee, said that nothing said in his budget vote warranted the appointment of a commission of inquiry into the death penalty. However, he said that the government might possibly formalise the process of confidential private advice which a judge might give to the executive. 'We will then negotiate with the judiciary to ensure that we receive absolutely precise advice from them as to whether there may be clemency when no extenuating circumstances have been found.'¹²⁰

Mr Coetsee gave details on the procedures followed regarding prisoners awaiting execution. Such prisoners were sedated if this was recommended by a medical doctor.¹²¹ In reply to a question as to whether condemned prisoners were accompanied to the gallows by a doctor or a minister of religion, the minister said that the death sentence was carried out in accordance with the stipulations of the Prisons Act of 1959. Furthermore, it was standing policy 'to approach executions and

everything related thereto with responsibility and the utmost respect'. Medical treatment and assistance by medical doctors was always available to prisoners, including those sentenced to death. The spiritual care of prisoners was a matter between the prisoner and the church concerned. He said that the question of accompaniment to the gallows was regulated by section 35(2) of the Prisons Act. This prescribes that the people who attend the execution are the commissioned officer in charge of the prison, a medical officer and other members of the prison service who may be necessary. Permission for anyone else to attend an execution could only be given by the minister of justice.¹²²

In May two policemen, Captain Jack la Grange and Sergeant Robert van der Merwe received a double death sentence and a sentence of ten years' imprisonment for the murder of two men, Mr B Ogle and Mr P Pillay, and for the attempted murder of Mr E Molokoane. Sergeant Van der Merwe applied for leave to appeal against the judge's finding of no extenuating circumstances in the murder of Mr Pillay, against the death sentence for the murder of Mr Ogle and the ten-year sentence for the attempted murder of Mr Molokoane. Captain La Grange applied for leave to appeal against conviction and sentence for both counts of murder and culpable homicide.¹²³ Their applications were rejected in May by Mr Justice Irving Steyn as he could see 'no prospect at all of these appeals succeeding'.¹²⁴ They were reprieved in November 1988. Captain La Grange had his sentence commuted to 25 years and Sergeant Van der Merwe was to serve 15 years.¹²⁵

Three former bus drivers, Messrs Stanford Ngubo, Johannes Buthelezi, Bethwell Sebelo and a fourth man hired to undertake a murder, Mr Vusumuzi Khuzwayo, were convicted in the Durban and Coast Local Division of the Supreme Court in August by the judge president, Mr Justice J A van Heerden, of murdering Mr Petford Shezi in November 1986. Mr Shezi was a driver of the Putco bus company who had refused to join a strike. Judge Van Heerden found that there were no extenuating circumstances and the death sentence was imposed.¹²⁶

In September Mr Philip Bhekumuzi Ngidi, aged 19, one of the youngest people on death row, had his death sentence commuted to ten years' imprisonment by the Appellate Division (AD) of the Supreme Court in Bloemfontein. Mr Justice T T Spoelstra had found him guilty in 1987 of the murder of a policeman in Soweto (southern Transvaal) with no extenuating circumstances.¹²⁷

Three men, Messrs Solomon Mangaliso Nongwati, Paulos Tsietsi Tshehlane and Tjeluboyo Mgedezi, were convicted of killing five alleged informers during unrest at the Vaal Reefs mine (western Transvaal) in May 1987. Messrs Nongwati and Tshehlane had their sentences set aside in October by the AD. The court found Mr Nongwati guilty of public violence and imposed a 30-day sentence, which he had already served. Mr Tshehlane's sentence was overturned completely.¹²⁸ Mr Mgedezi's appeal was successful in the case of two charges. However, his appeal against the two other death sentences failed.¹²⁹

On 7 September 1988 the AD heard a petition from a woman and five

men sentenced to death for the murder of Mr Kuzwayo Dlamini on 3 September 1984 (see 1987/88 *Survey* p553). The petition of the 'Sharpeville Six' was to the chief justice for leave to appeal against the trial court's refusal to reopen their case for further evidence. They appealed on the grounds that some of the evidence at the trial was falsely procured by the police.¹³⁰ The application was dismissed in the AD in November by the acting chief justice, Mr Justice P J Rabie. Four judges of appeal, Mr Justice M M Corbett, Mr Justice C P Joubert, Mr Justice G G Hoexter and Mr Justice H J O van Heerden concurred.¹³¹

In November 1988 Mr Botha announced that he had reprieved 13 prisoners who were awaiting execution. Among those reprieved were the six convicted of the murder of Mr Dlamini. Of the six, Mr Duma Joseph Khumalo and Mr Francis Don Mokgesi were sentenced to 25 years' imprisonment, Mr Reginald Sefatsa was sentenced to 20 years and Mr Mojalefa Reid Malebena, Mr Oupa Moses Diniso and Ms Theresa Ramashamola to 18 years' imprisonment.¹³² Two policemen, Mr David Patrick Goosen and Mr Leon de Villiers, were also reprieved. They had been sentenced to death in May 1988 (see *Police conduct* below) for the murder of Mr Mlungisi Stuurman while they were out patrolling in the Cradock area (eastern Cape).¹³³ Mr Goosen's sentence was commuted to 15 years while that of Mr De Villiers was commuted to 20 years' imprisonment. Also reprieved were Mr Ajay Sookay, Mr Shadrack Nyati and Mr Shadrack Masuko, who were convicted of three unrest-related murders. They would now serve 20 years' imprisonment each.¹³⁴ The other two reprieved were Captain La Grange and Sergeant Van der Merwe (see above).

In December Mr Justice A S Botha substituted a sentence of ten years' imprisonment for the death sentence which had been imposed on Mr Albert Peterson for robbery with aggravating circumstances by Mr Justice Braam Lategan during 1988. The court also allowed Mr Peterson leave to appeal against conviction and the ten-year sentence. Judge Botha said the original sentence was 'so shockingly inappropriate that it flabbergasted him'. He added that 'what is particularly disturbing is that the trial judge, in a previous case which came on appeal to this court, made a mistake of exactly the same sort as here'. The national director of the Society for the Abolition of the Death Penalty, Professor Dennis Davis, commented that if it could be shown that the death penalty were of an arbitrary nature, there would be a very strong case for its abolition.¹³⁵

Amnesty International said in its report on the death penalty published in April 1989 that South Africa had, together with Nigeria, the highest execution rate of all African states. It added that death sentences were imposed disproportionately on blacks by an almost entirely white judiciary. Referring to murder trial statistics, the report said that between June 1982 and June 1983, 81 blacks were convicted of murdering whites and 38 were hanged. During the same period, 53 whites were convicted of murdering whites, but only one was hanged. None of the 21 whites convicted of murdering blacks was hanged.¹³⁶

Speaking in the debate on the justice vote in the House of Assembly in April 1989, the minister of justice said that the government was not insensitive to the issue of the death penalty and was receptive to ideas of reform.¹³⁷

Fifteen people were executed between 1 January 1989 and 26 April 1989.¹³⁸

The South African Institute of Race Relations called for a moratorium on executions or the general exercise of clemency, and for the establishment of a commission of enquiry into capital punishment.

At its 1988 annual general meeting, the Council of the Institute passed the following resolution:

- 'Noting that the high number of executions in South Africa in recent years is causing increasing concern in all sectors of the population;
- and noting further that South Africa compares increasingly unfavourably with most other countries as regards the relative numbers of people sentenced to death;
- and believing that the imposition of the death penalty contributes to tension and destructive controversy in South African society;
- and further believing that the effectiveness of the death penalty as a deterrent requires intensive inquiry;

the Council of the South African Institute of Race Relations resolves to call for an immediate moratorium on, or the general exercise of clemency in regard to, executions, and to request the government to establish a commission to enquire into the issue of capital punishment in South Africa.'

The full text of the resolution was also conveyed to the government.

Police

The South African Police (SAP) celebrated its 75th anniversary during 1988.

The minister of law and order, Mr Adriaan Vlok, embarked on a campaign to 'clean up the image of the SAP'. He said at the same time that he expected 'a fairer deal from the SAP's critics'. Mr Tiaan van der Merwe MP (Progressive Federal Party) commented that 'while the cause of illegal action by some policemen is due to undemocratic action by the government and the granting of excessive powers to the security forces under emergency laws, it is encouraging to note Vlok's concern'.¹³⁹

Speaking at a Republic Day function in Verwoerdburg (Pretoria) in June, Mr Vlok gave assurances that unlawful actions by members of the police — regardless of race or rank — would not be tolerated. Mr Vlok was speaking with reference to the conviction of two members of the riot police in Cradock (eastern Cape) for unlawful activity.¹⁴⁰

A White Paper on The Organisation and Functions of the South African Police was tabled in Parliament in May as part of the 75th anniversary of the SAP. The minister of law and order believed that South Africa's

enemies had presented an image to the world of the police being unapproachable, unfriendly and even oppressive. This had caused hostility towards them and the isolation of the SAP from the general public. The aim of the report was to make members of Parliament conversant with the organisation and functions of the SAP, as well as practices, activities and procedures which could be of importance to members of Parliament.¹⁴¹

The Police Amendment Bill was tabled in Parliament in January 1989. It amended various sections of the Police Act of 1972. It drastically increased the penalties for anyone who aided or incited a policeman to take any action to evade a lawful command. If the bill were approved, the sentence for a such a person would be increased to a fine of R4 000 or one year's imprisonment or both. A further provision empowered the commissioner of police to dismiss any policeman without a hearing 'if he has reasonable grounds to believe that a member of the force strikes or conspires to strike'. A further provision allowed police to be seconded to any government department, to the police in Namibia, or to an 'independent' homeland. The minister of law and order was given powers to reinstate any dismissed policeman after he had considered representations from the person concerned.¹⁴²

Personnel

South African Police (SAP)

In February the minister of law and order said in the House of Assembly that no person attached to the Afrikaner Weerstandsbeweging (AWB) would be tolerated in the SAP. He said that 'radicalism either to the left or to the right of the moderates is unacceptable to us in the Police Force'. He added that 'someone who is a member of the United Democratic Front (UDF) or African National Congress (ANC) cannot be a member of the SAP. We do not want such people in the police force'.¹⁴³

During 1987, 2 339 Africans, 880 coloured people, 153 Indians and 5 843 whites enlisted in the SAP.¹⁴⁴ Mr Vlok said in Parliament that 1 837 policemen of all ranks had resigned from the SAP during 1987. Another 8 731 new recruits had been received during this period. The shortage of policemen in each province as at 1988 was as follows: 421 in the Cape, 491 in Natal, 64 in the Orange Free State and 1 316 in the Transvaal.¹⁴⁵

The minister of law and order said in March that up to 12 February 1988, 7 721 policemen and policewomen had been trained at colleges. Of that number, 2 800 were African, 903 coloured, 244 Indian and 3 774 white.¹⁴⁶ Only 48% of all police warrant officers 'regardless of race' had passed matriculation examinations. The percentage of police officers who had not passed matric was 2,9%.¹⁴⁷

The minister of law and order said in Parliament in June that at 10 May 1988, 54,5% of the SAP consisted of white members, 7,8% consisted of coloured people, 3,9% of Indian members and 33,8% of African members.¹⁴⁸ He said that the police force had expanded over the past few

years to 194 policemen per 100 000 people. He compared this figure to West Germany's 310 policemen for every 100 000 people. Statistics indicated that there were approximately 53 000 policemen in South Africa.¹⁴⁹

In May Mr Vlok said in Parliament that no Indian policemen were present in the Orange Free State. They would be transferred to that area in due course in proportion to the increase in the Indian population in that area.¹⁵⁰

Mr Vlok said in August that no salary increases had been granted to members of the SAP from February 1988 except for the removal of disparities in the salaries of African, coloured and Indian members of the police force with effect from 1 March 1988 in accordance with a cabinet decision.¹⁵¹

Police Reserve

At 31 December the numerical strength of the Police Reserve, which consisted of members of the SAP who had resigned, was 3 044 active members and 16 860 non-active members.¹⁵²

Reserve Police Force

On 31 December 1987 the Reserve Police Force, consisting of citizens who render services voluntarily to the SAP, consisted of 272 officers and 15 451 non-commissioned officers.¹⁵³ Mr Vlok said in March that 1 162 persons had joined the Reserve Police Force at police stations in the Cape Province, 1 901 in the Transvaal, 450 in the Orange Free State and 768 in Natal during 1987.¹⁵⁴

Mr Vlok said in April in the House of Delegates that 232 Indians had joined the Reserve Police Force in 1987. A total of 103 Indian police reservists had retired and 111 people had dropped out of the reserve force during 1987. The highest rank held by an Indian at April 1988 in the Reserve Police Force was that of captain.¹⁵⁵ Figures for other race groups were unavailable.

Special constables

Mr Vlok said in Parliament in March that the remuneration of special constables remained at R13 per day. This had not been altered since the introduction of the system of special constables in 1986 (see 1986 *Survey* Part 2 p861). They also received eight paid rest-days per month.¹⁵⁶

Mr Vlok revealed that the duration of the basic training course for special constables was six weeks, which took place at the Koeberg Training Centre (western Cape).¹⁵⁷

In March 1989 the minister of law and order said that the services of 137 of the 336 special constables in the Pietermaritzburg area had been terminated. The services of three had been terminated owing to misconduct, while 32 had been dismissed as a result of criminal charges that had been lodged against them. A total of 15 of those who had been charged criminally had been convicted and sentenced. The services of the remaining 102 special constables were terminated because, for

various reasons, they no longer wanted to serve in the force,' he said.¹⁵⁶

According to Mr Vlok 398 special constables had been trained by the SAP between 25 August 1987 and 27 February 1988 and were deployed in the police divisions of Natal, northern Transvaal and the Orange Free State.¹⁵⁹ The turnover of the constables was low, more than 80% of those enlisted still being in service, he said.¹⁶⁰

Municipal police

Until November 1988 the municipal police were attached to the 252 black local authorities. The 10 062 policemen fell under the Department of Constitutional Development but were trained and supervised by the SAP.¹⁶¹ In November the municipal police came under the control of the SAP.¹⁶² This move was preceded by concern among government officials and other security forces about the increasing toll of municipal police involved in criminal activities. Although they nominally reported to the black councils, various mayors admitted that they had little control over the police.¹⁶³

The minister of constitutional development and planning, Mr Chris Heunis, said in Parliament in April that 349 municipal police had been charged with a variety of crimes, including murder, robbery, assault, theft, rape and contraventions of the Arms and Ammunitions Act of 1937 since 25 August 1987. He said that 'municipal policemen are obliged to wear some visible form of identification and produce their identification on demand'.¹⁶⁴

Municipal police had been issued with firearms. The minister of constitutional development and planning said that it was not possible to gather information about the circumstances of the cases in which firearms had been used. As at April 1988, 9 119 constables were employed in black townships. All had been on a 12-week training course under the supervision and guidance of the police.¹⁶⁵

The chairman of the Johannesburg management committee, Mr François Oberholzer, said in June that a municipal police force for Johannesburg was still being planned. He said that 'what is envisaged is an extension of the town clerk's task force of about 16 officers which is called out during emergencies — not a fully-fledged police force trained by the SAP. In this way, up to 100 people can be trained within the service and employed on a part-time basis as a small municipal police force'.¹⁶⁶

Prisons

Finance

The amount budgeted for the directorate of prisons for the 1989/90 financial year was R751m, an increase of 19% over the previous year's estimated amount of R630m.¹⁶⁷

Population

According to the 1986/87 report of the Department of Justice, South Africa's average daily prison population of sentenced and unsentenced

prisoners increased from 111 401 in 1985/86 to 114 098 in 1986/87 (excluding prisoners in Bophuthatswana, the Ciskei, the Transkei, and Venda). On 30 June 1987 there were 113 660 people in custody in South African prisons.¹⁶⁸

During the period 1 July 1986 to 30 June 1987 the maximum number of people that could be accommodated in prison was 84 854. This was 911 more than in the previous year. Additional accommodation was made available during the year with the commissioning of a new prison at Groenpunt (Vaal Triangle) and by modernising existing accommodation and additions at prisons throughout the country. The overpopulation rate for that period was 34%. Mrs Helen Suzman MP (Progressive Federal Party) described the overpopulation rate as 'alarming' and said it 'will result in the increasing difficulty in controlling prisoners and could be responsible for the number of deaths by assault'.¹⁶⁹

Mrs Suzman drew a comparison between the prison population in the United Kingdom and South Africa. 'The daily average prison population [in the UK] is 55 000 compared to our 114 098. Their total population is 57m people and our total population is about 30m. I want to make it quite clear to the honourable minister that this is not a reflection on the Prisons Service. It is a reflection on our South African society and the way society is organised in this country.'¹⁷⁰

The minister of justice, Mr Kobie Coetsee, said in March that there was an average of 19 735 awaiting-trial prisoners in South African prisons on the last day of each month during 1987.¹⁷¹ At the end of March 1988 there were 89 000 sentenced and 21 674 awaiting-trial prisoners in South Africa.¹⁷²

During the period 1 July 1986 to 30 June 1987 there were 963 escapes from prisons, compared to 1 007 during the period 1 July 1985 to 30 June 1986.¹⁷³ During this same period, 2 317 children, of whom 1 914 were African, were either admitted to prison with their mothers or born in prison.¹⁷⁴

An inter-departmental task group under the chairmanship of the deputy minister of education, Mr Sam de Beer, was set up by the cabinet to investigate facilities other than prisons for African children awaiting trial, children convicted of offences and children who had to be removed from their domestic environment for safety purposes. The departure point of the task group was to investigate and plan additional institutions for the care of African children in order to afford the courts a wider discretion as to the placing of children in the most appropriate facility, the best possible care and the maximum protection for the children and the rest of society. Mr De Beer said that young political detainees held under emergency regulations would not be committed to new places of safety. Two new schools of industry were being built at Kinross (eastern Transvaal), and a reform school was being built at Rawsonville (Cape).¹⁷⁵

Mr Coetsee said in Parliament in April that prisoners spent 302 work days on hire to private persons during 1987. An amount of R1,6m was received from 30 December 1986 to 4 January 1988 for the hire of prison

labour by private individuals, including farmers. The money was paid into the state revenue account.¹⁷⁶

Community service

Mr Coetsee announced in July that he had instructed his department to create an infrastructure for the implementation of community service sentences. This could alleviate the 34% overcrowding rate in South African prisons, he said.¹⁷⁷

The minister said in January 1989 that legislation that had previously been passed providing for courts to impose community sentences as an alternative form of punishment would come into operation on 1 February 1989. In terms of the legislation, community service would be performed under the supervision or control of a person, organisation or institution which would, in the opinion of the court, promote the interests of the community. Provision was also made for state liability for damages arising from the performance of community service. Various co-ordinators had been appointed at all magistrate's courts to organise, develop and manage all matters in connection with community service.¹⁷⁸

Conditions

The South African Prison Services stated in May that two sufferers of Acquired Immune Deficiency Syndrome (AIDS) and nine carriers of AIDS had been found in jails and had been placed in isolation. The two men were white while the carriers consisted of seven African and two coloured men. A spokesman for the South African Prison Services, Colonel D J Immelman, emphasised that 'although homosexual tendencies were found among prisoners, homosexual activities were not tolerated. The necessary criminal and/or disciplinary steps are taken against transgressors'. The spokesman on health for the PFP, Dr Marius Barnard, believed the authorities should distribute condoms to prevent the spread of AIDS. In reply Col Immelman said that that would be tantamount to condoning homosexuality.¹⁷⁹

It was reported in May that a number of prisoners on Robben Island were not receiving the visits to which they were entitled owing to a shortage of white prison guards who could speak African languages and could be used to staff the visiting bay while prisoners received guests. African warders were forbidden to undertake these roles.¹⁸⁰

Speaking in the debate on the justice vote in May Mr Dave Dalling MP (PFP) expressed concern over visits by judges to detainees and to prisoners in general. In terms of the prison regulations, judges should at all times be afforded admission to a prison. During the period July 1986 to June 1987 judges visited prisons on 257 occasions. He said that while '241 prisons exist in the Republic, simple arithmetic tells one that in theory each prison was visited barely once by a judge... Very likely some prisons were visited more than once by more than one judge, certain prisons were probably not visited at all'.¹⁸¹

Mr Coetsee appointed a committee in July to investigate an incident at the Goedemoed Prison (northern Cape) where a member of the South

African Prison Services was held hostage and stabbed by a group of prisoners. Four people were wounded. The prisoners demanded that their grievances concerning food and clothing be aired through the media.¹⁸²

Deaths in prison

According to the 1986/87 report of the Department of Justice, 21 unsentenced prisoners died in custody during the year ending June 1987. A total of 15 died of natural causes, five by suicide and one as a result of an assault by fellow prisoners. Of the 153 sentenced prisoners who died in custody, 130 died of natural causes (18 of them of pneumonia), 13 died by suicide, seven as a result of assault by fellow prisoners, two as a result of accidents and one through a motor vehicle accident.¹⁸³

Mr Coetsee said in Parliament in March that no prison warders had been killed by prisoners in 1987. However, nine members of the South African Prison Services had been seriously injured by prisoners during 1987 and a further 99 members had received medical treatment or consultations for minor injuries sustained as a result of assaults by prisoners.¹⁸⁴

Political prisoners

The minister of justice announced in March that there were 21 prisoners serving life sentences for offences against the security of the state as at 31 December 1987.¹⁸⁵ Of these 17 belonged to the African National Congress (ANC), one to the Pan-Africanist Congress (PAC) and three had been jailed for 'politically motivated' offences but did not belong to any well-known political organisation. The longest-serving prisoner was Mr Jeffrey Masemola, who had been sentenced to life imprisonment in June 1963 for sabotage.¹⁸⁶

In February 1988 the deputy minister of information and of constitutional planning, Dr C J van der Merwe, said that the events surrounding the release of Mr Govan Mbeki in November 1987 'had a negative effect on the prognosis for the release of other people' (see 1987/88 *Survey* pp571-572).¹⁸⁷

The minister, Mr Coetsee, said in the no-confidence debate in Parliament in February that the renunciation of violence could never be the sole condition for determining the release of long-term security prisoners, and took second place to tactical considerations that were in the best interests of the country.¹⁸⁸

In May, in the House of Delegates, the state president, Mr P W Botha, revealed a new set of preconditions for the release of long-term political prisoners and detainees. He said that he could 'only release detainees when they tell me that they renounce violence, that they will take part in constitutional talks and that they will not use any political organisation with violent means to achieving political goals'.¹⁸⁹

An intense local and international campaign was waged to secure the release of Mr Nelson Mandela, a jailed ANC leader who celebrated his

70th birthday in July in Pollsmoor Prison (Cape Town).¹⁹⁰ However, Dr Van der Merwe announced that 'the government does not see its way clear at this stage to release Nelson Mandela'.¹⁹¹

Mr Mandela was admitted to the Tygerberg Hospital (Cape Town) in August suffering from severe inflammation of the left lung which was diagnosed as tuberculosis.¹⁹² Following his illness, the state president announced at the Natal National Party congress in August that if Mr Mandela continued to be co-operative, 'he will make it possible for me to act in a humane way and in such a way that we can have peace in South Africa instead of violence'.¹⁹³ Mr Botha said that the government would not risk releasing Mr Mandela 'when one considers the disruptive effect this could have on the black election' (ie the October municipal elections).¹⁹⁴

After his treatment for tuberculosis, Mr Mandela was moved to the Constantiaberg Clinic (Cape Town) to recuperate.¹⁹⁵ In December Mr Mandela was moved to a house in the grounds of a prison at Paarl (Cape) where his family was allowed to stay more freely with him and on a continual basis.¹⁹⁶ The leader of the PFP, Dr Zach de Beer, welcomed Mr Mandela's transfer on humanitarian grounds but said he was still being denied the 'opportunity of making his contribution towards the country's future'.¹⁹⁷

The South African Prison Services denied in August that a trade unionist, Mr Oscar Mpetha, had turned down a conditional offer of release by rejecting conditions barring him from political meetings, talking to journalists and restricting him to a specific area. Mr Mpetha's son, Mr Temba Mpetha, said that his father had rejected conditions that called for him to renounce violence and accept other conditions.¹⁹⁸ At age 79, Mr Mpetha was the oldest political prisoner in South Africa (see 1987/88 *Survey* p572).

Mrs Ruth Gerhardt, sentenced in 1983 to ten years' imprisonment, along with her husband, Mr Dieter Gerhardt, who received life imprisonment for treason, applied in September to the Transvaal Provincial Division of the Supreme Court for her release from prison in line with the state president's clemency offer made to political prisoners in 1985. In court she referred to a statement made by the state president which said that the government would be willing to release Mr Mandela and other political prisoners if they unconditionally rejected violence as a political instrument.¹⁹⁹ The commissioner of prisons, Mr Willem H Willemse, who was named as one of the co-respondents in the action, denied that Mr Botha ever made the offer in a contractual sense.²⁰⁰ Mr Justice R J Goldstone dismissed the application finding that the state president's statement to Mr Mandela was not an unconditional offer to release him or any other security prisoners.²⁰¹

Release of political prisoners

The president of the banned PAC, Mr Zephania Mothopeng, aged 76, who was serving a sentence for terrorism, became seriously ill while in the Diepkloof Prison (Soweto).²⁰² He was released from prison in

November together with Mr Harry Gwala, aged 68, who was serving a sentence for terrorism and furthering the aims of the ANC. According to the Department of Prisons, the two were released on 'humanitarian grounds'.²⁰³ The president of the Methodist Church of Southern Africa, the Rev Stanley Mogoba, commented on the release by saying that 'we believe that their release came because both were of advanced age and failing health — a condition to which we believe imprisonment in no small way contributed'.²⁰⁴ On his release, Mr Gwala said that he would not return to politics but reiterated that he was still a member of the South African Communist Party.²⁰⁵

Four long-term political prisoners, Messrs Alson Tshitahe, Theo Cholo, Justice Mpanza and Sandi Sijake, were released from Robben Island in June after serving prison sentences of between ten and 15 years for terrorism. Mr Tshitahe was immediately served with a deportation order.²⁰⁶

Six prisoners from Robben Island were unconditionally released in July before completing their sentences. They were Messrs Monde Tshete, Vuysile Matinise, Ben Mashinini, Galo Veto and Richard Chauke — all of whom had been sentenced to between 11 and 15 years' imprisonment for sabotage or participation in terrorism, and Mr Keno Hlatshwayo, who had been sentenced to seven years for participation in terrorism.²⁰⁷ The six had rejected the government's offer of freedom for political prisoners if they renounced violence.²⁰⁸

A long-term political prisoner at the Wellington Prison (Transkei), Mr James Kati, was granted an early release in August. He was convicted in October 1982 on charges of terrorism and sentenced to 13 years' imprisonment. On appeal, his sentence was reduced to seven years.²⁰⁹

Two former east Rand activists, Messrs Mongezi Tshongweni and Vusi Thabethe, who were convicted of terrorism in 1988 and sentenced to six years' imprisonment on Robben Island were freed in February 1989 following a successful appeal in the Transvaal Provincial Division of the Supreme Court. Their sentences were reduced from six years to four years of which three-and-a-half years were suspended.²¹⁰

Ms Helen Passtoors, who was serving ten years for smuggling arms for the banned ANC, appeared in February in the Kroonstad (Orange Free State) magistrate's court on a charge of attempting to escape from prison. A statement by the South African Prison Services said that Ms Passtoors was found in a manhole in a stormwater drain in the courtyard of the Kroonstad women's prison in December 1987. The case was adjourned to March.²¹¹ The president of Zaïre, President Mobutu Sese Seko, disclosed in December that Zaïre was negotiating for the release of Ms Passtoors. He said that the minister of foreign affairs, Mr Roelof (Pik) Botha, had assured him that the case would be reopened and that, if released, Ms Passtoors would be transferred to the Zaïrean authorities who would hand her over to the Belgian government.²¹² Ms Passtoors was released from prison on probation and handed over to the Belgian authorities. She signed an undertaking not to take part, encourage or execute any violent acts nor to encourage such acts, and also not to enter

South Africa or any of its neighbouring countries. In return the Belgian authorities agreed to permit the posts of three South African diplomats expelled from that country to be reinstated.²¹³ On returning to Belgium, Ms Passtoors tore up her pledge to Pretoria saying, 'I do not consider myself to be bound by the contents of this note imposed on me in a situation in which...a real free choice was impossible'. She reiterated her dedication to 'the struggle of the oppressed people of South Africa'.²¹⁴

SECURITY ACTION

The Promotion of Orderly Internal Politics Bill, introduced in Parliament in March 1987, was discussed again in Parliament in May 1988. Responding to criticisms that the bill would lead to the cutting off of funds from foreign sources for social upliftment in South Africa, the minister of justice, Mr Kobie Coetsee, said that the government welcomed the use of foreign funds for upliftment projects in areas ranging from job creation to education and health. However, he told Parliament that the intention of the bill was to prevent foreign funds being used 'to endanger the safety of the public or the maintenance of public order'. What was involved primarily 'is the monitoring of foreign funding and the placing of controls on the use of funds for politically subversive or illegal activities'.²¹⁵

The bill was dropped in November after being investigated by a parliamentary joint committee and replaced with the Disclosure of Foreign Funding Bill, which would require all organisations and people to reveal all sources of external funding and to have their books audited. The new bill was unanimously accepted by the joint committee appointed to investigate the former bill.²¹⁶

In 1989 the South African Council of Churches (SACC) announced that it would defy the proposed bill and called on the government to withdraw it. The Southern African Catholic Bishops' Conference also announced that it would defy the bill.²¹⁷ The bill was passed by all three houses of Parliament in March 1989. However the government did not indicate when it would come into effect.²¹⁸

In the run-up to the October municipal elections in October police distributed pamphlets in townships around the Peninsula which offered rewards of up to R1 000 for people who informed the police of inhabitants who promoted unrest, made fire bombs or were involved in 'necklace' killings. The liaison officer for the western Cape, Lieutenant Attie Laubscher, confirmed that the pamphlets had been distributed.²¹⁹

Bannings

Bannings of gatherings

The minister of law and order, Mr Adriaan Vlok, said that from 12 June 1986 to 22 February 1988, 49 meetings had been prohibited in terms of

the emergency regulations.²²⁰ He also said that 316 people had been arrested for attending prohibited gatherings under the Internal Security Act (ISA) of 1982 during 1987 and 56 people had been arrested in terms of the emergency regulations.²²¹ For details on the banning of gatherings under the emergency regulations, see *State of Emergency Regulations* below.

Right-wing organisations were subject to banning orders under security legislation during the period under review. An outdoor meeting of the Afrikaner Weerstandsbeweging (AWB) was banned under the ISA in March.²²²

The banning of gatherings occurred frequently throughout the period under review. The minister of law and order said in Parliament in May that during the month of May itself, police had called on people to disperse at five gatherings prohibited under the ISA.²²³

Mr Coetsee exempted all organisations connected with the 150th anniversary celebrations of the Great Trek from the ban on gatherings in terms of the ISA. This was necessary because, according to the legislation, any gathering except a gathering for a bona fide sports occasion or for a funeral was prohibited by the minister of justice in terms of Government Notice 621 of 31 March with effect from 1 April 1988 to 31 March 1989.²²⁴

Bannings of organisations

A total of 24 South African anti-apartheid organisations were declared 'unlawful' from 1950 to 1987 under security legislation.²²⁵ From 1950 to 1988, 42 were banned in the 'independent' homelands under the specific homeland security legislation. Of the 42, 39 were banned in the Transkei, one in the Ciskei and two in Bophuthatswana.²²⁶ The number of organisations that were banned under the emergency regulations during 1988 was 32.²²⁷ For further details of organisations banned under the emergency regulations, see *State of emergency regulations* below.

Lieutenant Peet Bothma, a spokesman for the minister of law and order, commented after the banning of the Blanke Bevyrydingsbeweging van Suid Afrika (BBB) in November that 'among those groups being closely monitored are several left-wing organisations and student groups, mostly affiliated to the United Democratic Front (UDF), and, on the right, the AWB, and the New National Front, which rose from the ashes of the banned BBB' (see *State of emergency regulations* below). The tendency for organisations to surface after their banning under a new guise was singled out by Lt Bothma as problematic for the government.²²⁸

The banning orders on 15 organisations were lifted in the Transkei in January 1989.²²⁹

Bannings and restrictions of persons

In September the government introduced a new method of banning by publishing the name of the affected person or persons in the *Government*

Gazette. Brigadier Leon Mellet, a spokesman for the minister of law and order, said that 'the new regulations will flush out of hiding certain people and also provide the minister with the option of silencing those who still manage to elude the police'.²³⁰

The minister of law and order said in February 1989 that during 1988, 135 detainees had had restrictions placed upon them in terms of the emergency regulations soon after they had been released from detention.²³¹ Following the banning of an anti-apartheid conference that was to be held in Cape Town in September, three officials of the Congress of South African Trade Unions (COSATU) who organised the conference were restricted. They were Messrs Chris Dlamini, Sydney Mafumadi and Donsie Khumalo (see chapters on *Political Developments and Labour Relations*).²³²

A prominent former African National Congress (ANC) leader, Mr Govan Mbeki, unsuccessfully challenged in the Eastern Cape Division of the Supreme Court the restriction orders which were imposed on him within weeks of his release from Robben Island in November 1987 (see 1987/88 *Survey* pp571-572).²³³ His restriction orders were subsequently tightened in June and prevented him from attending any gathering of more than ten people.²³⁴

A lecturer in the Department of Law at the University of the Witwatersrand and the education officer of the UDF, Mr Raymond Suttner, detained in terms of the emergency regulations, was released in September after 27 months in detention. On his release he was served with restriction orders which included prohibiting him from conducting any activities on behalf of the UDF, the Johannesburg Democratic Action Committee (JODAC), the National Education Crisis Committee (NECC) and certain other UDF affiliates.²³⁵ This type of restriction order became the format of subsequent restriction orders imposed on other released detainees.²³⁶

The leader of the Release Mandela Campaign (RMC), Mr Aubrey Mokoena, and a former ANC leader, Mr Philip Matthews, were restricted in September. Mr Mokoena was restricted from taking part in activities of the UDF and from addressing organisations. He was also placed under house arrest. Mr Matthews had served 12 years on Robben Island (Cape Town) from 1963 to 1975. On his release, he was banned for five years and placed under house arrest.²³⁷

The editor of *The New Nation*, Mr Zwelakhe Sisulu, was released in December after two years in detention. He was restricted after his release. He was prohibited from returning to his job, giving interviews to journalists, leaving the Johannesburg magisterial district without police permission, being outside his home between 6pm and 6am daily, entering any educational institution, being in the same room with more than ten people including himself, attending any meeting at which the government or local authority policy was criticised, and from taking part in the activities of a number of specified organisations. He also had to report to the police station twice daily.²³⁸

Approximately 700 people who were released from detention after a

nationwide hunger strike were served with restriction orders (see *Detentions* below).²³⁹

Listings

A new list containing the names of 417 people who may not be quoted in terms of section 56(1) of the Internal Security Act of 1982 was gazetted in August.²⁴⁰ Of these 117 were living abroad in exile, 20 were deceased and the remaining 280 were either resident in South Africa or serving sentences in South African prisons.²⁴¹

Censorship of the media

State of emergency media regulations

On 10 June 1988, in terms of section 3 of the Public Safety Act of 1953, the state president, Mr P W Botha, reimposed the state of emergency in South Africa. **Proclamation R99** set out the new media regulations.²⁴² Among them were the following:

Regulation 3(1)(c) prohibited the disclosure of the date, place and purpose of a restricted gathering. This regulation had previously been struck down in the case of *Release Mandela Campaign v State President* in April 1987 (see 1987/88 *Survey* p820).

Regulation 3(1)(d) prohibited the publication of information relating to the success or extent of a strike, the incidents in connection with a strike, or the way in which the public was incited, intimidated or encouraged to join a strike.

Regulation 3(1)(f) made it illegal to quote a person who intimidated, or of whom it is commonly known that he is, an office bearer or spokesman of an organisation which had been declared an unlawful organisation in terms of the Internal Security Act of 1982 or had been served with a restriction order. People could not be quoted if their remarks threatened the safety of the public order or the termination of the state of emergency. This clause affected statements in a personal capacity of office bearers of all 18 organisations which were banned in terms of the emergency regulations of 10 June 1988.

Regulation 6 governed the prohibition of the production, importation or publication of certain periodicals. In the case of a registered periodical, in terms of **regulation 6(1)**, 'if the Minister is of the opinion that it is necessary for the safety of the public...he may issue an order by notice in the Gazette prohibiting the production, importation into the Republic or publishing of all further issues of a periodical specified in the order for such period as may be specified in the order, but not exceeding three months at a time'. In the case of an unregistered periodical, the period was for six months.

Regulation 7 related to the issuing of a warning by Mr Stoffel Botha, the minister of home affairs and of communications, to persons concerned in the production of a publication which systematically or repeatedly published subversive propaganda. In terms of **regulation 7(5)**

the minister had to give notice in writing of the examination of that periodical, stating the grounds for examination. In all cases the editors had two weeks in which to make representations in connection with the examination to the minister. **Regulation 7(6)** no longer exempted the minister from saying what type of action (banning or censoring) was being considered while the examination was being made.

The publishers of a periodical would be warned if the minister believed that material contained in the publication was calculated to threaten the safety of the public or the maintenance of public order or would cause a delay in the termination of the state of emergency.

If a publication had been warned — either under the current or the previous emergency — it could be suspended or censored for up to three months in terms of a notice in the *Government Gazette*. Unregistered publications could be closed or censored for up to six months.

The regulations also empowered the minister to suspend a publication without prior warning if it had previously been suspended under the current emergency.

In terms of **regulation 7(9)(a)**, if a periodical had been served with an order under the previous media regulations after 1 May 1988, and this order was operational on 9 June 1988, then the minister could further prohibit publication for a maximum of two months. The minister had, in terms of **regulation 7(9)(b)**, to issue such an order before 20 June 1988.

Regulation 8 referred to the continuation of prohibited periodicals. If the minister was of the opinion that a periodical was a continuation of or substitution for any periodical which was prohibited, he could issue an order prohibiting the production, importation or publication of all further issues for such a period as was specified in the order relating to the previous publication.

Regulation 9 related to the seizure of certain publications or recordings. **Regulation 9(2)** stated that if a publication had a particular effect, the seizure of such a publication could then be ordered. The effects taken into account were the following:

- promoting or fomenting revolution or uprisings in South Africa or other acts aimed at the overthrow of the government otherwise than by constitutional means;
- promoting, fomenting or sparking the perpetration of acts referred to in (b) or (c) of the definition of unrest (defined as any gathering in contravention of the emergency regulations or other law, the physical attack by a group of persons on a security force or on a member of a security force or on a member of a local authority or on the house or family of a member of the security force or local authority, or any conduct which constitutes sedition, public violence or any contravention of the Intimidation Act);
- promoting or fomenting the breaking down of public order in the Republic of South Africa or in any area of South Africa or in the community;

- stirring up or fomenting feelings of hatred or hostility in members of the public towards a local authority or a security force, or towards members or employees of a local authority or members of a security force, or towards members of any population group or section of the public;
- promoting the public image or esteem of an organisation which is declared an unlawful organisation under the Internal Security Act of 1982 or the emergency regulations;
- promoting the establishment or activities of certain structures referred to in paragraph (a)(viii) or (ix) of the definition of 'subversive statement' (see 1987/88 *Survey* p821); and
- promoting, fomenting or sparking actions, strikes or boycotts (see 1987/88 *Survey* p821).

Court decisions

The legality of challenged clauses of the emergency regulations governing the media was decided on in the Appellate Division (AD) of the Supreme Court in September. In 1986 in the Natal Provincial Division of the Supreme Court, Mr Justice N S Page and Mr Justice B Galgut found part of the regulations made by the state president on 11 December 1986 were void and had no effect in law. The regulations were amended in January 1987. The judgement was given on an application by the United Democratic Front and the Release Mandela Campaign (RMC).

In the second case, the RMC, the chairman of the RMC, Mr Aubrey Mokoena, the Detainees Parents' Support Committee, the Durban Detainees Support Committee and the Black Sash brought an urgent application in the Durban and Coast Local Division of the Supreme Court in 1987. Mr Justice R N Leon found that the definition of a 'subversive statement' in the media regulations was of no force and effect in law. Judge Leon also held to be of no force and effect in law a notice by the commissioner of police dated 10 April 1987, which identified — for the purpose of definition of subversive statement — participation in any campaign for the release of persons detained under sections 28 or 29 of the Internal Security Act of 1982, and which identified types of participation deemed to be subversive.

The AD set aside the two decisions in September. The acting chief justice, Mr Justice P J Rabie, upheld appeals by the state president, the ministers of justice and law and order and the commissioner of the SAP against both the Natal decisions.²⁴³

Implementation of the regulations

The chairman of Times Media Limited (TML), Mr Pat Retief, said in April that the right of the minister of home affairs to suspend newspapers on the strength of his opinion 'threatens the freedom of expression of every inhabitant of our country'. He said the regulation empowering the minister to suspend newspapers was dangerous and 'seems unnecessary

given the panoply of existing laws available for use against alleged transgressors'.²⁴⁴

The production of the periodical *South* was banned for a month according to a notice in the *Government Gazette* in May.²⁴⁵ The minister of home affairs said that the banning was effective from 9 May 1988 up to and including 10 June 1988.

In reply to a member of the Labour Party in the House of Representatives, Mr Charlie Green, who wanted to clarify whether Mr Stoffel Botha intended banning the publication *The Weekly Mail* following a warning issued to it, the minister said that 'the decision was up to the editor... because there were specific prohibitions in regard to propaganda which a newspaper may publish. If the editors decide to continue publishing the matter...they have taken the decision into their own hands'.²⁴⁶ The minister launched an attack on the 'alternative' press by branding some sections as 'media terrorists'. He believed that they proclaimed the revolutionary message by publicising deeds of terror and said that 'the government simply cannot allow itself to be coerced by the argument that by suppressing one evil, another will arise in its place. If the suppression of publications led to subversive resistance, the government would have to take further action'.²⁴⁷

The Weekly Mail received a final warning in terms of the media regulations in October. A letter from the minister of home affairs stated that he had objected to eight articles written in the newspaper. A co-editor of *The Weekly Mail*, Mr Irwin Manoim, said that the newspaper had been given two weeks to respond to the letter following which the minister was empowered to suspend its publication.²⁴⁸ On 26 October the two editors submitted a 14-page representation to the minister appealing to him to meet them and arguing against the threatened suspension.²⁴⁹ The minister then decided to close *The Weekly Mail* from 1 November to 28 November 1988 in terms of regulation 7(3) of the media emergency regulations. It was suspended for a month for consistently publishing material which, the minister said, posed a threat to public safety and delayed the termination of the state of emergency (see 1987/88 *Survey* pp816-817).²⁵⁰

During the period that *The Weekly Mail* was suspended, the minister of foreign affairs, Mr Pik Botha, told the Foreign Correspondents' Association that *The Weekly Mail* was one of the most 'vicious' newspapers he had seen and that it 'contributed to more violence in this country'. The editors of the paper said that there was 'not a shred of truth to Mr Botha's allegations. To report on violence is very different from orchestrating it'.²⁵¹

Approximately 30 000 copies of the Western Province Council of Churches' publication *Crisis News* were seized by the police at Cape Town's central post office in August. The edition had focused on the municipal elections held on 26 October. The copies were seized in terms of the emergency regulations.²⁵² Similarly 4 500 copies of the Muslim newspaper *Al-Qalam* were seized in terms of the emergency regulations as it called for Muslims not to vote in the municipal elections.²⁵³ The

offices of *Al-Qalam* were raided nine times subsequent to the seizure.²⁵⁴

A news publication, *Free Azania* was served with a final warning by the minister of home affairs in October.²⁵⁵

After three editions, a new Afrikaans newspaper, *Vrye Weekblad*, received a threat of closure from the minister of justice, Mr Kobie Coetsee. A notice received at the offices of the paper said that the minister was withholding registration as it 'could be used to express the views of illegal organisations as defined by the Internal Security Act of 1982'. He considered determining an amount of R40 000 be paid before registration could take place. The editor, Mr Max du Preez, was given until 24 November to make representations.²⁵⁶ In December the minister of justice announced that the newspaper would have to pay an amount of R30 000 for registration.²⁵⁷

Deportations

Messrs Alson Tshitahe and Sandi Sijake, who were released from Robben Island in June, were served with deportation orders on their release. They had served ten-year sentences for 'terrorism' and sabotage and for furthering the aims of the African National Congress (ANC).²⁵⁸ However, Mr Tshitahe's order was later withdrawn. He intended applying for the restoration of his South African citizenship.²⁵⁹

Detentions

Statistics

According to the Human Rights Commission (HRC) approximately 73 000 detentions had taken place since the 1960 state of emergency (see 1959/60 *Survey* p62). A total of 21 863 people had been detained under security legislation and 51 000 people under the emergency regulations during the three emergency periods of 1960, the partial state of emergency declared in 1985 and from 1986 onwards.²⁶⁰

It estimated that 32 000 people had been detained under the emergency regulations between 12 June 1985 and September 1988. The official figure since 12 June 1986 for people detained for a period exceeding 30 days was 16 000. The highest daily average detainee population was 8 000 in July 1988.²⁶¹

A total of 51 people from the 'independent' homelands were known to be in detention on 30 June 1988. Four of the detainees were from Bophuthatswana, 23 were from the Ciskei, seven were from the Transkei and 17 were from Venda.²⁶²

According to the minister of justice, Mr Kobie Coetsee, of the 154 detainee cases that were referred to the Board of Review in 1987 none were recommended for release.²⁶³ Mr Vlok said that 71 detainees who were held under section 29 of the Internal Security Act of 1982 (ISA) had submitted written representations in 1987 relating to their release. None of these had resulted in their release.²⁶⁴

He also said in Parliament that 638 people held in terms of the ISA

had been released between 12 June 1986 and 30 March 1988. The minister would not reveal similar information regarding emergency detainees as he did not consider it in the interests of public safety.²⁶⁵

In April 1989 the minister of law and order said that 82 detainees were being held under section 29 of the ISA.²⁶⁶ On 12 May 1989, 50 detainees were being held in terms of the emergency regulations, following the release of most of these after a hunger strike held in February 1989 (see below).²⁶⁷

Detention of juveniles

Mr Vlok said in July that a total of 290 children aged 15 or under had been detained under the emergency regulations in 1987. Charges against 71 of the children had been laid or 'were to be laid' and the other 219 had not and would not be charged.²⁶⁸

A total of 94 juveniles held under the emergency regulations were reported to have been hospitalised between 1 January 1987 and 11 February 1988. Of the total, 22 were aged 20, 25 were 19 years of age, 19 were 18 years of age, 13 were 17 years of age, 12 were 16 years of age, two were 15 years of age and one was aged 14.²⁶⁹

A conference was held at the University of the Witwatersrand in April at which it was claimed that at that date a total of 300 children aged 17 or under were being held in prisons and police stations throughout the country. However, in an address at the Lakeside Festival at Verwoerdburg (Pretoria) in June the minister of law and order said that 'official figures indicated that there were fewer than 100 [children] aged 16 or 17 now in police custody'.²⁷⁰

Treatment of detainees

The minister of national health and population development, Dr W A van Niekerk, said in March that state doctors had made 3 800 visits to detainees during 1987. Reports of such visits were submitted to his department. Action had been taken in respect of 20 cases involving alleged assaults, 50 cases involving hunger strikes, 30 cases involving depression and 50 cases involving minor complaints.²⁷¹

Allegations of torture

The Transvaal Provincial Division of the Supreme Court granted an interdict in January 1988 to prevent police from assaulting and maltreating two detainees held under emergency regulations in KwaNdebele. The detainees were said to have been tortured and assaulted in November and December 1987.²⁷²

The International Commission of Jurists charged South Africa's security forces with widespread use of torture and violence as part of what it claimed was a repressive state strategy. It stated in a 160-page report in May that the provisions of the ISA had created a series of criminal offences of a political nature 'in extremely wide and often vague terms'. It claimed that the government was faced with a dilemma of how to reconcile 'a repressive strategy to contain the disenfranchised

majority' with their 'pretensions to legitimacy within the western liberal tradition'.²⁷³

Police were investigating an alleged incident of torture at the hands of several members of the South African Defence Force (SADF) which was detailed in affidavits handed to a member of the Progressive Federal Party, Mr Roy Ainslie. The affidavits alleged that four youths had been locked in a dog's kennel for more than two days and had been assaulted and showered with water after being detained in KwaNdengezi (Natal). The youths also alleged that they had been beaten while being questioned. One of them had been wounded in the face with bird-shot, another had been given electric shocks and the others had had suffocating tyre tubes placed around their necks during interrogation.²⁷⁴ In a 'line-up', the youths successfully identified eight assailants, all of whom belonged to the SADF, but at the time of writing, no proceedings had been instituted.²⁷⁵

In January 1989 a detainee, Mr Robert Nana Maliti, who was detained for carrying a limpet mine allegedly intended for the minister of law and order, had to undergo emergency brain surgery to remove a clot as a result of injuries sustained while in detention. Mr Maliti claimed that he had been severely assaulted. The police, however, claimed that 'he tripped up a flight of stairs'. On the day of his discharge from hospital, the detainee made a statement saying that he had been assaulted by the police. At the time of writing, Mr Maliti was being held in terms of section 29 of the ISA.²⁷⁶

Deaths in detention

According to the *Human Rights Update*, 68 people had died in detention from September 1963 to August 1988.²⁷⁷

A detainee, Mr Sthembele Zokwe, held under the Transkei Public Safety Act of 1977 in the Transkei, was fatally wounded while in police custody at his home in January. An attorney, Mr Mzwandile Ntsaluba, said he had inspected the room in which Mr Zokwe was shot and he had counted 54 bullet holes in the walls, windows and furniture.²⁷⁸ The commissioner of the Transkei police, General Leonard Kawe, said that Mr Zokwe had been detained in connection with terrorist activities and the possession of explosives. He had been accompanied by six policemen to his home, where he was to have shown them the explosives. He confirmed that a murder case was being investigated by a senior member of the police force.²⁷⁹

A detained trade unionist and northern Transvaal publicity secretary of the UDF, Mr Alfred Makaleng, died in the Johannesburg Hospital after collapsing in Nylstroom Prison (northern Transvaal) in August. He had been arrested in Pietersburg in terms of the emergency regulations on 12 June 1986. The family was given permission to have a private pathologist present at the post-mortem where it was concluded that Mr Makaleng died 'of natural causes'.²⁸⁰

Three members of the South African Police (SAP) were suspended in November after a detainee, Mr Oupie Thabiso Mpete, who was being

held for an alleged criminal offence, was found dead in the Reivillo Police Station (northern Cape). The commissioner of the SAP, General H V de Witt, ordered an investigation into the death.²⁶¹

Police were investigating the death of a security detainee, Mr Amos Khoza, who died in a fall from the seventh floor of a block of flats in Johannesburg in December.²⁶²

For further information about people who died while in police custody, see *Police conduct* below.

Disappearances in detention

The Human Rights Commission (HRC) said in August that it had information of 13 detainees who had gone missing while in detention.²⁶³ A legal firm in Johannesburg said it was involved in 11 cases of missing activists.²⁶⁴

The former general secretary of the Mamelodi Civic Association, Mr Stanza Bopape, 'disappeared' from police custody in October. Police said that Mr Bopape, who was held under security legislation on 9 June, was alive after his escape while being transported to Vereeniging on 12 June. They claimed that he had obtained the keys to unlock his handcuffs while his three escorts were changing a flat tyre. A lawyer acting for the father of the missing detainee said that a number of factors supported the father's conviction that his son was dead. He had failed to reappear in South Africa or elsewhere and he had not tried to contact his family. Other inconsistencies included the three-week delay police took in informing his father that his son had escaped. The police had also not searched for him at his parents' home.²⁶⁵ At a meeting arranged with the minister of law and order and Mr Matome Bopape, Mr Bopape's father, the minister told Mr Bopape that his son, who had been handcuffed, had at the same time picked up a policeman's jacket, taken out the keys to his handcuffs, unlocked them, climbed out of the car and walked into the veld and disappeared into a forest before being seen by any of the three policemen. Although they allegedly had not seen him escape, two shots were still fired at him.²⁶⁶ In February 1989 Mr Bopape met the African National Congress in order to locate his son.²⁶⁷

Another person held in police custody, Mr Nicholas Tlhapi, was reported to have disappeared after having been stopped at a road block and detained in March 1986. One of Mr Tlhapi's companions who was placed in detention in the Stilfontein police cells (west Rand) at the same time as Mr Tlhapi said that he had seen Mr Tlhapi lying on the cell floor bleeding. The police claimed, however, that Mr Tlhapi had been released.²⁶⁸

Action by detainees

Hunger strikes

A trade unionist, Mr Thozamile Taai, undertook a 33-day hunger strike in January 1988 to back his demand that he be charged or released from detention under section 29 of the ISA. He was charged at his hospital

bed with participating in and inciting an illegal strike. The charges were subsequently withdrawn.²⁸⁰

A hunger strike was undertaken by 11 people being held in Pollsmoor Prison (Cape Town) who protested against unequal treatment based on racial criteria. It ended when the prison authorities undertook to resolve some of the problems.²⁸⁰

Female detainees at Diepkloof Prison (Johannesburg) went on a hunger strike in July and sent a memorandum of complaints to the minister of law and order revolving round the provision of food and medical attention and demanding an end to their detention without trial. Two weeks later, the entire male population of the prison embarked upon a hunger strike but this was called off soon after it began, when prison authorities agreed to negotiate over grievances listed in a lengthy memorandum sent to Mr Vlok. The grievances spoke of deteriorating prison conditions.²⁹¹ In December emergency detainees at the Diepkloof Prison were involved in a one-day fast to mark the 30th month of the state of emergency.²⁹²

In January 1989, a nationwide hunger strike involving 594 detainees held under both the emergency and security legislation began.²⁹³ This was the 37th hunger strike since the state of emergency was declared in 1985. The detainees called for their unconditional release, some of them having been in detention since 1986. On 9 February 1989 lawyers representing the hunger strikers embarked upon a solidarity hunger strike for 24 hours.²⁹⁴ As the hunger strike entered its 21st day, Mr Vlok agreed to meet lawyers of the detainees to discuss their possible release.²⁹⁵ He agreed to look into the personal details of each detainee and said that a 'substantial number of detainees will be released within a fortnight'.²⁹⁶ Various church leaders consulted the detainees and persuaded them to suspend their hunger strike so as to give the minister an opportunity to fulfil his promise.²⁹⁷

Some of the hunger strikers who were hospitalised were chained to their beds in the Johannesburg Hospital. Police acknowledged that it was their policy to use leg-irons on occasion. The National Medical and Dental Association expressed outrage at this development and described the shackling as incompatible with medical care.²⁹⁸

At the time of writing, a total of 900 release warrants had been signed by the minister of law and order.²⁹⁹ However, release was, in most cases, accompanied by restriction orders. According to the Human Rights Commission, most of those released were issued with restriction orders under the emergency regulations, some former detainees being held under virtual house arrest. About 700 detainees were known to be subject to restriction at the end of April 1989. Most of them had to report to police stations daily and had to remain indoors for at least 12 hours overnight.³⁰⁰

Escapes

Three detainees held under the emergency regulations, Messrs Murphy Morobe, Mohammed Valli Moosa and Vusi Khanyile, took refuge in the

United States consulate-general in Johannesburg after escaping from the Johannesburg Hospital in September. They refused an offer from the minister of foreign affairs, Mr Roelof (Pik) Botha, that they could leave the consulate without the threat of further detention. They sent a memorandum to the minister of law and order demanding the release of detainees, the lifting of the restrictions on all organisations, and an assurance that they would not be redetained or restricted in terms of the emergency regulations. They also called for the lifting of the state of emergency. Another detainee, Mr Clifford Ngcobo, who had been in detention since April 1988, also escaped to the consulate-general while undergoing treatment as an outpatient. However, he left before the three men were released.³⁰¹ In October the three left the consulate-general after being there 37 days. At a press conference held immediately after their release, the three men said that 'we believe our stay in the consulate has served the purpose of highlighting detention and the plight of detainees'.³⁰²

Deployment of troops

Troops in the townships

The South African Defence Force (SADF) continued to be utilised in the townships during the period under review. According to the minister of defence, Mr Magnus Malan, the SADF had erected 14 temporary military bases near unrest areas in black residential areas at a cost of R5,7m between 1 May 1987 and 30 April 1988.³⁰²

Mr Malan said in Parliament in March 1989 that seven official complaints had been lodged with the SADF during 1988 regarding the actions of troops in black townships. Three complaints concerned incidents of assault, resulting in one SADF member's being found guilty and fined R50 or ten days' imprisonment. In one case of rape, a fine of R50 was imposed. Other complaints involved the pointing of a firearm, alleged murder and alleged harassment. (In the latter instance the commanding officer resolved the dispute with the plaintiff.)³⁰⁴

In February the mayor of Pietermaritzburg, Mr Mark Cornell, called on the SADF to halt 'the bloody township war which is spreading into the city and threatening to spill over into other regions'. He believed that the police force and the few hundred reinforcements did not have the necessary manpower to stem the violence.³⁰⁵

An east Rand activist and secretary of the Duduza Civic Association, Mr Vusi Mashabane, alleged that on 9 February 1988 eight SADF members had made him lie on a grave and had held a gun to the back of his neck while they interrogated him. The police public relations division in Pretoria confirmed that they were investigating complaints laid by Mr Mashabane 'in which members of the defence force were involved'. Shortly after Mr Mashabane's abduction, an identity document and diary, which were later traced to a Lieutenant G F van Rooyen of the SADF, were found in the Mashabane house. Members of the Mashabane family said they had identified the SADF members allegedly involved in

the raid at an identification parade held at the Springs Police Station (east Rand) on 23 February.³⁰⁶ A defence force spokesman confirmed that members of the defence force were alleged to have been involved in certain incidents at the Mashabane home on 9 February.³⁰⁷ In April the attorney general declined to prosecute the SADF members.³⁰⁸

In April it was reported in Parliament by Mr Jan Van Eck MP (Independent Party) that in the early hours of the morning on 26 March a large contingent of members of the South African Police (SAP), police reservists and members of the SADF surrounded hostels in the African township of Kaya Mandi (Cape). They searched all the beds demanding that the occupants produce their bed cards to prove that they had paid their monthly bed rental. More than 300 women and 142 men who either had no such bed cards or could not produce them at that moment were arrested and jailed. A number of babies, including one who was five days old, were taken to jail with their mothers. Between the time that they were arrested and five o'clock that same day when they were released, food and water were denied to them, including the request to buy food with the money they had with them. Two babies had fainted as a result of the treatment. Mr Van Eck stated that the government was losing whatever moral right it might have to force anyone to do military service when it used members of the SADF...on raids on black hostels because men refused to pay 100% extra to have their wives sleep in a single bed with them.³⁰⁹

In July two schoolchildren, Paul and Musa Cele, said in a statement sworn before their lawyers that uniformed troops had picked them up at gunpoint in Durban, had forced them into open graves at the Chesterville Cemetery and had tried to bury them alive. Eventually the soldiers had left and the two boys had sought help. They said that several people had witnessed the incident and this might have saved them from worse treatment. A SADF board of inquiry was conducting an investigation into the allegations of assault arising out of the incident.³¹⁰

Mr Samuel Mbongo was awarded R62 500 damages by the minister of justice in January 1989 after being shot by a member of the SADF in 1986. Mr Mbongo was returning from work when a group of youths was chased by soldiers. A soldier caught him in the foray. While he tried to plead with the policeman by telling him that he was not an activist, he was shot in the arm, which was later amputated.³¹¹

The minister of defence was ordered by the Johannesburg magistrate's court to pay out a civil claim totalling R20 000 to 47 applicants who brought an order against him after members of the defence force had thrown teargas into a bus of students from the University of the Witwatersrand that was returning from a rally in Orlando in 1986. The students had been ordered off the bus but teargas had been thrown into the bus while they were still alighting.³¹²

Cross-border expeditions

In the period under review there were fewer incursions into neighbouring states by the South African Defence Force than in previous years.

Botswana

An SADF raid on a house in Botswana in April resulted in the death of four people. The deputy police commissioner of Gaborone, Mr Norman Moleboge, said the four people had first been shot and then set alight. The minister of defence, Mr Magnus Malan, said that the raid had 'stopped the killing and maiming of innocent people at a later stage'.³¹³ The office of the president of Botswana as well as international leaders strongly condemned the raid.³¹⁴ The funeral was undertaken under the auspices of the United Nations, which met all expenses.³¹⁵

South Africa decided to erect a 24km security fence along the Botswana border. This was believed to be a direct result of clashes in early August between South African security forces and the African National Congress (ANC) and the Pan-Africanist Congress.³¹⁶

Diplomatic relations between South Africa and Zimbabwe became increasingly strained in February 1988 when South Africa warned Zimbabwe that it would not tolerate any further cross-border attacks without counter-attacking. Zimbabwe, in turn, accused South Africa of running a sabotage network in its territory that was responsible for a seven-year campaign of bombings and assassination attempts.³¹⁷

Emergency regulations

In terms of section 2(2) of the Public Safety Act of 1953 a proclamation declaring a state of emergency may not remain in force for longer than 12 months. However, the section provided that a new proclamation could be issued 'at or before the expiration of the said period of 12 months'. On 10 June 1988, the state president, Mr P W Botha, in Proclamation 96 reproclaimed the existence of a state of emergency in terms of section 2(1) of the Public Safety Act, and promulgated emergency regulations in terms of section 3(1)(a) and 3(1)(b) of the act. The emergency took effect in the whole of South Africa (excluding the 'independent' homelands). In June 1989, the emergency was renewed for a further year.

Speaking in Parliament in June 1988, Mr Botha said that serious consideration had been given to whether the state of emergency could not be lifted. He added that 'it is not really the government's wish to continue the state of emergency. It is the government's aim that conditions will so change that the state of emergency may, indeed, be lifted'. He believed that in spite of the visible decline in unrest-related incidents, there was, however, still a high underlying climate of revolution, which could lead to an escalation of unrest if the state of emergency were to be lifted.³¹⁸

The regulations

In terms of section 3(1)(a) of the Public Safety Act, the state president could, in any area where a state of emergency had been declared under section 2 of the act, by proclamation in the *Government Gazette*, 'make such regulations as appear to him to be necessary or expedient for providing for the safety of the public or the maintenance of public order

and for making adequate provision for terminating such emergency or for dealing with any circumstances which, in his opinion, have arisen or are likely to arise as a result of such emergency'.

The regulations remained the same as those contained in Proclamation R96 of 11 June 1987, except for a number of changes. For example, **Regulation 3(1)**, which provides for the arrest and detention of persons, was amended so that the reasons for the arrest no longer included that 'for the safety of that person himself', but rather 'for the safety of the public or the maintenance of public order or for the termination of the state of emergency'.

Among regulations added to the regulations by **Proclamation R170** of 22 September 1988³¹⁹ was **Regulation 8(5)**, which specified that 'any order issued in respect of a person under regulation (1) shall be made known by the minister to that person either:

- (a) by publishing the order in the *Government Gazette* or, where applicable, in the official gazette of a self-governing territory, or
- (b) by handing or tendering such order, or a copy thereof, to that person or by causing such order or copy to be handed or tendered to that person by a member of a security force.³²⁰

Regulation 9 provided that the minister, if he was 'of the opinion that it is necessary for the safety or the public, the maintenance of public order or the termination of the state of emergency', might 'without prior notice to any person and without hearing any person, issue an order by notice in the *Gazette* whereby persons in general or persons belonging to a category of persons specified in the order are prohibited, or are prohibited without the written consent of the minister or the commissioner, from:

- (a) carrying on an activity or performing an act specified in the order;
- (b) carrying on activities or performing acts of a nature, class or kind specified in the order; or
- (c) (i) having with or on them a thing specified in the order; or
(ii) being clothed in apparel specified in the order, at a place or in an area or in circumstances likewise specified.

The order could be operational for a specific or unspecified period. The minister or the commissioner might grant written consent for the performance of these activities, under conditions which he might determine. He might grant consent only if he was convinced that the public order would not be threatened.

Restrictions on organisations

On 10 June 1988 the ministry of law and order reimposed restrictions on 18 organisations preventing them 'from carrying on or performing any activities or acts whatsoever' in terms of a notice in the *Government Gazette*. The 18 organisations had been restricted in February and in March 1988 (see 1987/88 *Survey* p587).³²¹ The orders against the activities

of the Congress of South African Trade Unions (COSATU) were also reimposed.³²²

The End Conscription Campaign (ECC) was served with restriction orders in August in terms of Proclamation R97 of 10 June 1988.³²³ In October in terms of regulation 7(1) of Proclamation R97, Mr Vlok issued a notice prohibiting the Azanian Co-ordinating Committee and the Soweto Students' Congress from carrying on or performing any activities or acts whatsoever.³²⁴

The Port Elizabeth Youth Congress and the Transvaal Students' Congress were also prohibited in October in terms of a notice published in the *Government Gazette*.³²⁵ Similarly, a right-wing organisation, the Blanke Bevrydingsbeweging van Suid Afrika (BBB), was prohibited in November from carrying out its activities.³²⁶

Eight organisations were restricted under the emergency regulations during December. They were:

- the Black Students' Society and the Rhodes University Black Students' Movement;³²⁷
- the Mitchell's Plain Student Congress and the Western Cape Students' Council;³²⁸ and
- the Democratic Teachers' Union, the National Detainees' Forum, the Western Cape Students' Congress, and the Western Cape Teachers' Union.³²⁹

In terms of Proclamation R97, the White Nationalist Movement of South Africa, which was formed after the BBB had been restricted in November, was prohibited from carrying on or performing any activities or acts whatsoever.³³⁰

Restrictions on funerals

Between June 1988 and January 1989 orders were issued restricting, in specified areas, funeral ceremonies, including memorial services, commemoration services, funeral processions or burials of any persons who had died in or during any security action or unrest, or of wounds sustained by him/her in or during any security action or unrest. The orders were issued by the divisional commissioners of police in terms of the powers vested in them in terms of **Regulation 10** of Proclamation R97 of 1988.

On 10 June 1988 and 15 July 1988 orders were issued by the divisional commissioners of police for the eastern province, the east Rand, Natal, Port Natal, Soweto and the west Rand restricting funeral ceremonies in 74 townships in South Africa.³³¹

For details on the orders issued, see 1987/88 *Survey* p591.

In addition to the above restrictions, restrictions were also placed on the funerals of the following people between 22 June 1988 and 20 January 1989: Messrs Tsakane Patrick Baloyi, Michael Patrick Banda, Modisoatsile Stephen Bogacu, Freddie Bosch, Notsikelelelo Cothoza, Emmanuel Bongani Gasa, Mncedisi Jackson Ketelo, Sipongiseni

Hamilton Khumalo, William Kgobo Mabotja, Kenneth Bethuel Themba Mahlaba, Mfanafuti Johnstone Makhatini, Jobi Mhlongo, Simon Mutsi Monametsi, Joseph Boxer Mthembu, Lindiwe Mthembu, Vusumuzi Gift Mtshali, Surendra Naidu, Nhlanhla Lucky Ngcobo, Sibusiso Pius Ndlovu, Sifiso Howard Nxumalo, Makhose Nyoka, Jabulani Sibisi, Manzi Walter Vilakazi, Ms Kati Mhlongo and Ms Irene Ntombifuti Mkwayi.³³²

Bannings of gatherings

Several gatherings were banned in terms of orders issued by commissioners of police. In September, October and December 1988, the divisional commissioner for the western province and the commissioner of police prohibited meetings in terms of the powers vested in them under Regulation 7(1) of Proclamation R97 of 1988. On 22 September a conference organised by COSATU and other anti-apartheid groups was banned shortly before it was scheduled to take place.³³³ On 19 October a meeting organised by the Mowbray Youth Congress and Gardens Youth Congress to be held at the City Hall in Cape Town was prohibited. On 2 December 'any gathering in any building which is or may be organised or advertised by the Mothopeng Reception Committee, and any gathering in any building, excluding a bona fide gathering of members of his family, which is or may be organised with the purpose of honouring or welcoming Zephania Lekoama Mothopeng' was prohibited until 5 January 1989 in terms of the emergency regulations. Mr Mothopeng, a Pan-Africanist Congress leader, had been released from prison in November 1988 after having served a 15-year sentence for terrorism.³³⁴ On 6 December an order prohibiting a gathering to be held by the Delmas Trialists Ad-Hoc Support Committee to be held at the University of the Witwatersrand as a protest gathering against the Delmas treason trial was issued.³³⁵

Detention

Provision for the arrest and detention of people in terms of the emergency regulations was made under **Regulation 3** of Proclamation R97 of 1988.

The emergency regulations governing prisons were published in Proclamation R98 of 1988. An amendment was made in terms of **Regulation 4** which stated that a detainee who was held in terms of the previous emergency regulations and who had been redetained without release in terms of the current regulations need not be re-examined by the medical officer, although this was subject to the provisions of regulation 111 of the prison regulations.³³⁶

Police conduct

The minister of law and order, Mr Adriaan Vlok, said in March that 15 policemen had been suspended and five dismissed as a result of arrests, interrogations, detention or other unrest-related activities during 1987.³³⁷

Deaths and injuries owing to police conduct

Mr Vlok said in March that a total of 400 people had been killed and 623 had been wounded by the police in the execution of their duties during 1987. The minister said that of the dead, 342 were Africans. Some 185 people had been killed and 288 wounded while trying to escape arrest.³³⁸

In February two children, Rosaline Cloete and Michael Julies, aged four and 13 years respectively, were killed and 13 injured when a crowd of people allegedly threw stones at the police after the arrest of a man in connection with the illegal possession of marijuana in Langverwag in Upington (northern Cape). A spokesman for the police said 'officers opened fire on a crowd after they had refused to disperse. The police were conducting a routine narcotics investigation'. The minister of law and order ordered an urgent investigation into the killings.³³⁹ A police sergeant was suspended following the incident.³⁴⁰ The sergeant, Mr Willem Byleveldt, who was seen as responsible for the shootings, was found not guilty in the Northern Cape Division of the Supreme Court in August.³⁴¹

The chairman of the Tumahole Youth Congress (TUYCO), Mr Master Johannes Lefu Nakeli, was shot dead in September by a member of the municipal police force of the Parys township (Orange Free State).³⁴² Another executive member of TUYCO, Mr Joseph Mofokeng, was arrested in November and allegedly shot dead by municipal police while he had his hands above his head.³⁴³ Members of TUYCO brought an urgent interdict in the Orange Free State Provincial Division of the Supreme Court in November to restrain the minister of law and order, the Tumahole Town Council and 11 policemen from assaulting, unlawfully injuring and molesting them. Police gave an undertaking pending their response on 9 February 1989.³⁴⁴

Prosecutions of policemen

The trial of Warrant Officer Leon de Villiers and Constable David Patrick Goosen continued in the Eastern Cape Local Division of the Supreme Court during the period under review. They were charged on two counts of murder, two of assault and one of attempting to defeat the ends of justice. The charges arose out of incidents in the African township in Cradock (eastern Cape) where ten members of the unrest unit had been sent to monitor a funeral. WO De Villiers admitted in court that he was heavily under the influence of liquor when he went on night patrol in Cradock. A young policeman, Constable Booyens, testified that he had kicked Mr Mlungisi Stuurman on the head during his interrogation by WO De Villiers and Const Goosen. In dealing with the subsequent investigation, he said that the whole squad had agreed to say that Const Goosen had taken Mr Stuurman to the river alone to wash the blood off his face. While they were there, Const Goosen had slipped and a shot had gone off.³⁴⁵

The court found that the two policemen accused of murder had deliberately planned the murder of Mr Stuurman. They were charged

with two counts of murder but were acquitted on one count. They were also convicted of attempting to defeat the ends of justice by attempting to hide the crime. No extenuating circumstances were found and the two policemen were sentenced to death.³⁴⁶ It was reported in November that the state paid their defence counsel's fees and the fees of a psychiatrist and a pathologist who were called as expert witnesses. This was the first time in South Africa that white policemen were sentenced to death for crimes committed while on duty in an African township. An application for leave to appeal was denied.³⁴⁷

For details of the death sentences (later commuted) against two policemen convicted of murdering blacks, see *Capital punishment* above.

Civil actions against the police

The auditor general, Mr Joop de Loor, said in February 1989 that compensation paid to victims of police action had increased by 85% to R3 440 733 in the 1987/88 financial year. A large part of this, R1 737 632, had been paid to victims of police action during riots. The number of cases rose from 77 in the 1986/87 financial year to 148 in the 1987/88 financial year.³⁴⁸

The court action into the events arising from the destruction of large parts of the squatter camps at KTC, Portland Cement, Nyanga Bush and Nyanga Extension (western Cape) in 1986 continued during the period under review. A total of 21 KTC families and the Methodist Church of Southern Africa were suing the minister of law and order for R312 000 in damages. The claims hinged on the allegation that the SAP caused the destruction of squatter camps during May and June 1986 either by taking part in or by escorting, protecting and providing the vigilantes with logistical support in their aim to raze thousands of shacks.³⁴⁹

Evidence was led in the Cape of Good Hope Provincial Division of the Supreme Court by a former vigilante, Mr Getyamana Mselanto, who testified that a leader of Crossroads, Mr Sam Ndima, had told him and other vigilantes that they should go to KTC and the Zolani Centre to burn houses and the police would not interfere. A cameraman, Mr Bjorn Rudner, said that during a 20-minute battle between vigilantes and KTC residents, police had fired shotguns and teargas only at the residents. He testified further that police had guarded entrances to the township where no people were let in except for a group of vigilantes, five abreast and armed with weapons.³⁵⁰

The policeman who was second in command of the Peninsula riot squad, Major Dolf Odendaal, told the court in August that he believed that it would be a solution if, in unrest situations, police were by law allowed to shoot anyone holding a stone.³⁵¹ Maj Odendaal denied knowledge of a witdoeke vigilante network in a shanty section of Khayelitsha township from where the witdoeke — known for their white armbands — launched their attacks. According to an entry in the incidents book kept at the Khayelitsha Police Station, police officers were told to 'work with discretion with these people', who would be

wearing white armbands on their right arms 'as identification'.³⁶²

The case was postponed indefinitely in December when Mr Justice M R de Kock took ill. The official record of the trial stood at 10 000 pages at that date.³⁶³

Mr Vlok paid approximately R44 000 in damages arising from the shooting of a former pupil, Mr Hamilton Ngubane, in KwaThema, Springs (east Rand) during 1985. As a result of wounds sustained he suffered persistent pain and weakness. He said that after the shooting he was taken to a local police station and charged with public violence. He was subsequently found not guilty and discharged.³⁶⁴

The minister of law and order paid out R25 000 in damages in an out-of-court settlement to the father of a 16-year-old girl, Sibongile Maluma, who lost her sight after being shot in the face by the police in Nelspruit (eastern Transvaal) in 1986. Mr Vlok also paid the legal costs.³⁶⁵

A photographer, Mr Peter Magubane, who was shot during unrest following a funeral in Katshehlong (east Rand), lost a civil claim for damages for R37 399 from the minister of law and order in the Transvaal Local Division of the Supreme Court in October. Mr Justice D A Melamet rejected Mr Magubane's account of what transpired at the funeral and said, 'It was highly improbable that the crowd gathered in the street was peacefully singing and dancing.'³⁶⁶

The general secretary of the Institute of Contextual Theology, Father Smangaliso Mkhathshwa, received R25 000 and legal costs in December from the minister of law and order for torture in detention (see 1987/88 *Survey* p540). Father Mkhathshwa had sued the government for R40 000 for being unlawfully and intentionally interrogated, assaulted and humiliated by security force members while in detention in 1986.³⁶⁷

The Cape of Good Hope Provincial Division of the Supreme Court granted an order in January restraining police from assaulting, shooting, killing, arresting and detaining residents of Bongoletu Township (southern Cape). The police were further restrained from 'seizing possessions, entering homes, threatening, insulting, harassing and intimidating in any manner whatsoever, and interrogating in any manner other than that prescribed by law, any inhabitant of Bongoletu'. The application was the second one filed in order to restrain the special constables of Oudtshoorn.³⁶⁸

A similar order was granted to residents of the Thembalesizwe Township in Aberdeen (eastern Cape) by the Eastern Cape Division of the Supreme Court in January against unlawful acts and assaults perpetrated by special constables and members of the South African Police (SAP).³⁶⁹ An order was also successfully applied for by residents of the township of Hofmeyr (eastern Cape). The interdict restricted special constables from acting unlawfully against residents.³⁶⁹

Inquests and inquiries

A committee of inquiry appointed by the KaNgwane administration to investigate and report on the shootings at KaBokweni on 11 March 1986

found that police, who had been afraid, had overreacted and fired birdshot without justification at a dispersing group of youths at the KaBokweni magistrate's court. Two people were killed and 51 were injured. Members of the SAP who had been responsible for the shooting refused to attend the findings.³⁶¹

A police investigation into the issue had been ordered by a previous minister of law and order, Mr Louis Le Grange, but the findings were never made public. The official police statement after the shootings was that the police had been forced to fire into the crowd of youths in self defence. Calls for a full and independent inquiry had been made by the Progressive Federal Party (PFP) and the United Democratic Front (UDF) but Mr Le Grange had opted for an internal inquiry.³⁶²

The inquest into the events in 1985 in Athlone (western Cape), commonly referred to as the 'Trojan Horse' incident, continued in the Wynberg magistrate's court in February (see 1985 *Survey* p488). In the incident two children, Michael Miranda and Shaun Magmoed, aged 11 and 16 years respectively, and Mr Jonathan Claasen, aged 21, were killed. Evidence before the court was that members of a police task-force were ordered to conceal themselves in wooden crates on the back of a truck which was then driven twice down a road in the suburb of Athlone. On its second trip into the suburb, it came under a hail of rocks and stones. The policemen sprang from their hiding places and without warning, started firing in the direction of the stone throwers. Sergeant James Sayer, who was in the cab of the lorry, was asked whether he thought there was any opportunity for people to get away before the shooting began. 'I won't say there was,' he replied.

The magistrate, Mr G Hoffman, found that the task-force was negligent and caused the death of the three victims. Mr Hoffman said that 'there was not a shred of evidence' to show that Messrs Miranda and Claasen had thrown stones, and although Mr Magmoed had been identified by a witness as wearing a green shirt, he found the teenager had not thrown stones either. Mr Hoffman said a state of emergency had been declared 11 days before the incident and 'the police could not hide behind a state of emergency'.³⁶³

The attorney general of the Cape, Mr Niel Rossouw, declined to prosecute the policemen.³⁶⁴ The minister of justice, Mr Kobie Coetsee, said in the House of Assembly in May that he was not prepared to intervene over the attorney general's decision.³⁶⁵ The families of Mr Magmoed and Mr Miranda decided to launch a private prosecution in terms of the Criminal Procedure Act of 1977.³⁶⁶ The 13 policemen who were involved in the incident were to appear in court in the first private prosecution for murder in South Africa.³⁶⁷

In June an inquest was held in the Kgapane magistrate's court (Lebowa) into the death in police custody of a student leader, Mr Ngwako Ramalepe on 18 October 1985. Mr Ramalepe had been arrested on the previous day following student demonstrations in the township. The family's lawyer, Mr Dikgang Moseneke, alleged that the police had inflicted wounds before dumping Mr Ramalepe and another student at

the roadside. A pathologist, Dr David Loubser, said that Mr Ramalepe had died from loss of blood caused by exposed veins ruptured by severe beatings. He said that he observed more than 40 sjambok wounds on the body, which were found to have been inflicted at the same time. He said he found blood in the stomach which implied that Mr Ramalepe had swallowed blood during the beatings. The wounds had been caused by a hard, inflexible object.³⁶⁸

The inquest magistrate concluded in February 1989 that the death of Mr Ramalepe had been caused by multiple wounds, and acts amounting to an offence of murder, inflicted by the Lebowa police who were on duty at the time. He said the matter would be referred to the attorney general for a decision regarding a possible prosecution.³⁶⁹

An inquest into the deaths of 12 residents from Mamelodi (Pretoria) on 21 November 1985 opened in the Pretoria North magistrate's court in June.³⁷⁰ A former divisional inspector of the northern Transvaal police, Brigadier Hertzog Lerm, told the inquest hearing that he had not given orders for the use of live ammunition during the Mamelodi shootings. He said that he had ordered only that teargas be used. He added that there was no need to shoot at the thousands of people, including pensioners, as none of the people in the crowd carried dangerous weapons and the crowd was not violent or aggressive, as earlier testified at the inquest.³⁷¹ The state pathologist, Professor J D Loubser, said that most of the victims were shot in the back.³⁷² The inquest was postponed until 1989.

The death in detention of Mr Benedict Mashoke in 1987 through hanging was investigated in the Lydenburg magistrate's court (eastern Transvaal) in June. His mother, Mrs Rose Mashoke, said that the last time she had seen her son 'he looked extremely pale, haggard and withdrawn. He told me that...members of the security branch had been waking him up at 5am and had taken him to another prison for the express purpose of torturing him there'. He was found hanging in his cell a few days after the meeting with his mother. In her affidavit Mrs Mashoke stated that she had found signs of assault on his body when she was called to identify him at the mortuary. His right eye had protruded out of its socket and his face appeared to be swollen. She found no marks on his neck to indicate that his death had been by hanging. These observations were confirmed in the pathologist's report. The court found that no one was responsible for the death of the detainee (see 1987/88 *Survey* p542).³⁷³

An official of the Institute for a Democratic Alternative for South Africa (IDASA), Mr Eric Mntonga, died under mysterious circumstances in 1987. The Zwelitsha magistrate's court (Ciskei) found that his death was caused by an act 'amounting to an offence on the part of persons unknown'. The district surgeon who conducted the post-mortem, Dr B Wingreen, said that Mr Mntonga had head and abdominal injuries, and had suffered manual strangulation. He also found that he had sustained stab wounds to his chest and abdomen after his death and that his ankles and legs had markings from being tied

together.³⁷⁴ The executive director of IDASA, Dr Alex Boraine, wrote a letter to the president of the Ciskei, President Lennox Sebe, to register his disapproval of the handling of the inquest. 'It is disquieting that the inquest took place without prior knowledge of those who knew him best and who may have been able to contribute to the possibility of his killers being brought to justice,' he said.³⁷⁵

In January 1989 six Ciskei security officers, General Zandisile Ngwanya, General Phakamile Mountain Ngcanga, Colonel Mabandla Mbejeni, Major Mphekiseli Potwana and Warrant Officers Thamsanqa Hlulani and Khayaletu Ncandana, were formally charged with his murder and served with an indictment at the Zwelitsha magistrate's court. During the trial it was revealed that he was killed at the police cells of the Mdantsane Police Station (Ciskei). None of the six policemen charged with the murder denied their involvement in the murder. The policemen were convicted of culpable homicide and defeating the ends of justice and were sentenced to a total effective 33 years' imprisonment in March 1989. The chief justice of the Bisho Supreme Court, Mr Justice Benjamin Pickard, said in sentencing the six that they had abused their power and positions and that assaults on people in detention could not be tolerated.³⁷⁶

An inquest into the death in police custody of Mr Siphso Mutsi took place in the Welkom magistrate's court (Orange Free State) in April. Counsel for the Mutsi family, Mr Aaron Mendelow SC, said that it was unlikely that the deceased had suffered epileptic fits as alleged by police.³⁷⁷ Rather, his death had been caused by the brutal assault on his person by Warrant Officer M Sithole and Constables M Mashabe, Makhube and M Moya. During the inquest a former detainee, Mr Sello Dithebe, said that he had seen a policeman kick Mr Mutsi in the face and WO Sithole had placed a wet canvas bag over his head. The magistrate, Mr J P Seamen, said that he could not make a finding as to the cause of his death and he referred the docket to the attorney general.³⁷⁸

The inquest into the death of Mr Ashley Kriel, who was shot dead at his home in the western Cape in July 1987 while being arrested, was heard in the Wynberg magistrate's court in December (see 1987/88 *Survey* p566).³⁷⁹ Warrant Officer Jeff Benzien, who was present at the killing of Mr Kriel, was cross-examined during a terrorism trial in the Cape of Good Hope Provincial Division of the Supreme Court in June. According to one witness at the trial, Mr Nicklo Pedro, WO Benzien had started his interrogation with the words, 'Do you know Ashley Kriel? It is I who shot him and you are lucky to be alive today.' WO Benzien, however, denied this in court.³⁸⁰ Counsel for the Kriel family, Mr Jeremy Gauntlett, argued that there was a conflict of facts between WO Benzien's affidavit and that of the forensic expert, Dr David Klatzow. His report stated that his examination of the photographs together with the gun 'leads me to conclude that the muzzle of the gun was not in contact with the deceased at the time it was discharged, but was probably greater than approximately 8cm from the deceased when the fatal shot was fired'.³⁸¹ The inquest was continuing at the time of writing.³⁸²

The inquest into the death in 1987 of an east Rand student leader, Mr Caiphus Nyoka, took place in the Benoni magistrate's court (east Rand) in December (see 1987/88 *Survey* p562).³⁶³ Evidence before the court was that his family was informed of his death only two days after he was shot. On inspection of his son's body, Mr Nyoka found blood spattered around the bed and walls. At the time of writing the inquest was continuing.³⁶⁴

An inquest into the death in detention in 1986 of the former vice chairman of the Congress of South African Students (COSAS), Mr Simon Marule, took place during the period under review. He died one day after he was transferred from the Modderbee Prison (east Rand) to the Boksburg/Benoni Hospital (east Rand). It was argued by the counsel for the Marule family that the task of the inquest court was to establish whether any act or omission by anyone had hastened Mr Marule's death. It emerged during the inquest that none of the doctors who had seen Mr Marule before his death had carried out more than superficial medical tests, which would have indicated the seriousness of Mr Marule's medical condition.³⁶⁵ The conclusions of the inquest in March 1989 were that Mr Marule had not died because of inadequate medical treatment.³⁶⁶

Political trials

Treason trials

In September 1988 the *Human Rights Update* knew of 258 persons facing charges of treason in eight trials. This figure included 195 people on trial for treason in the Bophuthatswana General Division of the Supreme Court (see chapter on *The Homelands*).³⁶⁷

Speaking at a National Party congress in Bloemfontein in September, the minister of justice, Mr Kobie Coetsee, said that as of September 1988, 51 people had been found guilty on various charges of treason and were serving prison terms varying from ten to 15 years' imprisonment to life sentences. In addition, 89 people were serving prison sentences for terrorist activities. He reaffirmed that the death sentence could be imposed for terrorism. He said it was wrong to believe that people guilty of terrorism received lighter sentences.³⁶⁸

Since January 1988, 54 people had been charged with treason. Of the 54, 24 were acquitted of treason (but mostly convicted on alternative charges of terrorism or sedition); the rest were either still on trial or had treason charges pending against them.³⁶⁹

Alexandra

For details of the trial involving the general secretary of the National Union of Metalworkers of South Africa (NUMSA), Mr Moses Mayekiso, and four other members of the Alexandra Action Committee (AAC), see *Labour Relations* chapter.

A second Alexandra treason trial involving sedition charges against eight Alexandra residents arising out of unrest in Alexandra (Johannesburg) during 1986 reopened in February (see 1987/88 *Survey* p576). The accused included Messrs Ashwell Mxolisi Zwane, Vusi Andries Ngwenya, Andrew Mafutha, David Mafutha, Arthur Selby

Vilikazi, Albert Ali Sebola, Piet Mogano and Philemon Phalongwane. During the case it was submitted by the state that to usurp the authority of the judiciary was treason. Mr E du Toit SC said that 'for the first time in South African history persons took it upon themselves to create unconstitutional alternatives to the police, local authorities and especially the judiciary'.³⁰⁰ He went on to say that the conduct of the Alexandra youth grouping, to which the accused belonged, had fitted within the parameters of the call of the African National Congress (ANC) to make the country ungovernable.³⁰¹

Mr Justice F H Grosskopf delivered his judgement in September saying that the state had not proved common purpose or a conspiracy between the ANC and the eight members of the Alexandra Youth Congress. He also found no evidence to suggest that the eight had conspired to attack police and drive them from the townships.³⁰²

They were found guilty of sedition for the role they had played in a 'people's court', but not guilty of treason and subversion. Messrs Zwane, Ngwenya, David Mafutha and Mogane were sentenced to eight years' imprisonment, half of which was conditionally suspended. Messrs Andrew Mafutha, Vilakazi, and Sebola received a sentence of six years' imprisonment, half of which was conditionally suspended. Mr Phalongwane was sentenced to four years' imprisonment, of which the entirety was conditionally suspended.³⁰³

Bethal

The Bethal (eastern Transvaal) treason trial continued during the period under review in a special circuit court in Bethal after having been moved from a circuit court in Piet Retief (south-eastern Transvaal). Messrs S Dladla, E Ebrahim, and A Maseko appeared before Mr Justice H Daniels facing alternative charges of terrorism and eight counts of attempted murder arising from landmine blasts near Volksrust (southern Transvaal) and Breyten (eastern Transvaal) in 1986. The state contended that Ms Helen Passtoors, who was already serving a sentence for treason, had helped an alleged senior member of the outlawed ANC, Mr Ebrahim Ismail Ebrahim, enter and leave South Africa illegally in 1985. According to the indictment, he was in charge of the ANC's regional political military committee, based in Swaziland, which co-ordinated the ANC's machinery in the Transvaal and in Natal from 1984.³⁰⁴

The trial was moved to the Witwatersand Local Division of the Supreme Court in August. The defence advocate, Mr L Gering, lodged an application that Judge Daniels grant permission that additional evidence be heard in London. The application for the London hearing was based on the assertion that senior members of the ANC and of the South African Congress of Trade Unions (SACTU) would deny allegations made by secret state witnesses during the trial.³⁰⁵

A former attorney from Durban, Commissioner John Peter Herholdt, heard evidence in London from members of the ANC including Ms Todzi Memela and Messrs Vusi Khumalo, John Nkademeng, Jacob

Zuma and Ronnie Kasrils.³⁹⁶ Three of those who testified were members of the ANC's national executive committee.³⁹⁷

Mr Ebrahim was found guilty on the main charge of treason in November. Mr Maseko, who was found to be an active member of the military wing of the ANC, was also found guilty of treason. Their co-accused, Mr Dladla, was convicted on an alternative charge of terrorism. Referring to extensive documentary evidence before the court, Judge Daniels said, 'It has been proved that Mr Ebrahim joined and actively supported the ANC conspiracy, with the hostile intent to overthrow the South African government since at least 1981.'³⁹⁸ He also saw Mr Maseko as 'part of the ANC's conspiracy to overthrow the government of South Africa'. He stated that both men were conclusively South African citizens. This had been contested in the trial during 1987 (see 1987/88 *Survey* pp576-577). However, Mr Dladla's citizenship had not been conclusively proven and, as such, he could not be found guilty of treason, and was therefore guilty on the alternative charge of terrorism.³⁹⁹

Mr Ebrahim was sentenced to 20 years' imprisonment for high treason. Mr Maseko was sentenced to 23 years' imprisonment and Mr Dladla to 12 years' imprisonment.⁴⁰⁰ Leave to appeal against the conviction and sentence was refused.⁴⁰¹ However, leave to appeal against the judgement which held that Mr Ebrahim was subject to the jurisdiction of the court was granted.⁴⁰²

Delmas

The 'Delmas' treason trial, the longest treason trial in the history of South Africa, came to an end during the period under review (see 1987/88 *Survey* pp574-575). Bail had been granted to all but three of the 19 accused, Messrs Popo Molefe, Patrick 'Terror' Lekota and Moses Mabikela Chikane.⁴⁰³

The state attempted to prove that the accused, through various methods, had conspired to overthrow the state after directives from the ANC and the South African Communist Party (SACP). The state charged that their conspiracy had led to the unrest that had engulfed the country during 1984 and 1985. The defence argued that there was no causal link between the actions of the accused and the mass unrest.⁴⁰⁴ All the accused pleaded not guilty when the trial opened on 16 October 1985.

Judgement began on 15 November 1988. In his judgement Mr Justice K van Dijkhorst found that the state had proved that a dominant part of the United Democratic Front (UDF) leadership had acted as an internal wing of the banned ANC. He said that it was symptomatic of all speeches given by UDF members and supporters that one did not hear an outright condemnation of violence.⁴⁰⁵ The judge stated that the essential element of treason was hostile intent. 'The fact that propaganda and protest might, in the given circumstances, amount to high treason made this case unique and difficult in that a line had to be drawn where legitimate protest ended and power-play began,' he said.⁴⁰⁶

The judge detailed the protest march in which thousands of people

had demonstrated against councillors on 3 September 1984. He ruled that the organisers must have known that the march would lead to violence. The march culminated in riots throughout the Vaal Triangle and left many dead, including four councillors.⁴⁰⁷

Judge Van Dijkhorst divided the accused into three groupings. (This excluded the three who had been acquitted in November 1986.) He believed that Messrs Patrick Baleka, Oupa Jon Hlomuka and Teboga Geoffrey Moselane were black consciousness supporters; Messrs Lekota, Molefe and Chikane were members of the UDF; and the rest were associated with the Vaal Civic Association (VCA). He found three accused, Messrs Maleka, Hlomuka, and Moselane not guilty of the charges against them.⁴⁰⁸ Messrs Molefe, Lekota and Chikane were found guilty of treason as they had 'been a part of the UDF's conspiracy to render South Africa ungovernable and to overthrow the government with violence'.⁴⁰⁹ Another activist, Mr Thomas Madikwe Manthata, was also found guilty of treason. Seven leaders of the VCA were found guilty on the alternative charge of terrorism for their part in events leading to the riots and political upheaval in the Vaal Triangle. He said the VCA had been 'bent on the destruction of the black local authority system and accepted violence was a necessary and inevitable part of this'.⁴¹⁰ They included Messrs Gcinumuzi Malindi, Tsietsi Mphuthi, David Naphtali Nkopane, Tebello Ramakgula, Sekwati Mokoena, Jacob Serame Hlanyane and Sam Hlabeng Matlole. The judge found the state had not proved its case against five co-accused and they were acquitted. They were Messrs Morake Petrus Mokoena, Bavumile Herbert Vilikazi, Simon Tseko Nkoli, Palemotse Jerry Thlopane and Thabiso Andrew Ratsomo.⁴¹¹

Messrs Molefe and Chikane received ten-year sentences. Mr Lekota received a sentence of 12 years. Mr Manthata was sentenced to six years for treason. Mr Malindi, who had previously been convicted for public violence, was jailed for five years for terrorism. The other six members of the VCA were given wholly suspended, five-year sentences. However, the judge imposed restrictions upon the six, including two-year prohibitions against attending any public meeting which involved more than 20 people and against issuing press statements.⁴¹² They could not serve in any organisations nor participate in political protest.

Judge Van Dijkhorst granted 11 of the convicted men leave to appeal to the Appellate Division of the Supreme Court about certain aspects of the case, including the dismissal of one assessor (see 1987/88 *Survey* p575).⁴¹³ Messrs Lekota, Molefe and Chikane were granted leave to appeal against certain findings of the court on, among other things, the UDF's policies and campaigns and the organisation's connection with the ANC. Mr Manthata was granted leave to appeal against his conviction. None of the accused could appeal against their sentences.⁴¹⁴

Delmas II

Four men who faced 49 charges, including high treason, Messrs Jabu Obed Masina, Frans Ting Masango, Neo Potsane and Joseph Makhura,

appeared in court in the south-eastern Transvaal town of Delmas in February 1989. The four men refused to participate in the proceedings of the court. They stated that 'our refusal to participate in the proceedings stems from our belief that this court and its judicial system cannot operate independently from the political system within which it functions. Furthermore, all of us were held in solitary confinement without access to legal representation for eight months. During this period we were tortured and brutally assaulted. We, as members of Umkhonto we Sizwe, the military wing of the African National Congress, are involved in a national war of liberation... Also true is that the South African government and its defence force leaders constantly stated that South Africa is in a state of war. We as soldiers, cannot, and should not, stand trial in a civilian court'.⁴¹⁵

Mr Justice M de Klerk entered a plea of not guilty for all four men at the start of the trial. In April 1989 Judge De Klerk sentenced Messrs Masina, Masango and Potsane to death. This was against his own judgement but he was compelled to do so by the views of the two assessors. He was convinced that the three trialists were influenced by their circumstances, and that this diminished their blameworthiness. However he was overruled by the assessors who found insufficient evidence to suggest that the attitudes and states of mind of the accused were influenced by the conditions that they found themselves in, and that outside influences could not be considered mitigating factors. Mr Makhura was sentenced to an effective 25 years' imprisonment for multiple counts of attempted murder.⁴¹⁶

Messina

The trial involving two men, Mr Mthetheleli Zephania Mncube and Mr Mzondeleli Euclid Nondula, continued in Messina during the period under review. They were charged with murder, contraventions of the Arms and Ammunition Act of 1937 and the Terrorism Act of 1967 and an alternative charge of treason following landmine explosions in the Messina area in 1985 that had resulted in ten people being killed and many injured (see 1987/88 *Survey* pp575-576). Both men were found guilty of 38 of the 41 charges against them, including murder in April. Both pleaded not guilty to the charges. The judge said that there was little doubt that Mr Mncube had received ANC military training outside South Africa, that he had promoted the aims of the organisation, and that he had endangered the security of the state.⁴¹⁷ Mr Nondula was found guilty on 22 charges of attempted murder, of terrorism and of being in possession of arms and ammunition.

Mr Justice J P O de Villiers sentenced the two men to multiple death sentences. Mr Mncube was given the death sentence four times. He was sentenced to death for terrorism and an effective 25 years for attempted murder and terrorism. He was sentenced to 20 years each on two charges of attempted murder, the sentences to run concurrently, and a further five-year sentence for terrorism, which was to run consecutively. Mr Nondula was given the death sentence six times. He was sentenced to an

effective 25 years' imprisonment with ten-year sentences for each of the 22 counts of attempted murder of which he was found guilty. These were to run concurrently and a further five-year sentence for terrorism was to run consecutively. Mr Nondula was given a seventh death sentence for treason. Leave to appeal was granted.⁴¹⁸

Trials under security legislation

According to the minister of law and order, Mr Adriaan Vlok, a total of 81 people were charged with offences under the Internal Security Act (ISA) of 1982 during 1988. Two were acquitted, two were convicted of lesser offences and 71 were still on trial or awaiting trial as at February 1988, he said.⁴¹⁹

Seven people appeared in the Pretoria regional court on charges under various sections of the ISA relating to possession of arms, recruitment of people for military training and the promotion of the aims of the Pan-Africanist Congress (PAC). Two of the accused, Messrs Achmad Cassiem and Yusuf Patel, were members of the Cape-based Muslim organisation Qibla. The other accused were Messrs Mabatut Enoch Zulu, Siyabulela Ndoda Gcanga, Vincent Alson Mathunjwa, Sestiba Paul Mohlolo and the Rev Daniel Saul Nkopodi. The state alleged that Qibla had agreed to assist the banned PAC in its local activities in exchange for military training.⁴²⁰ In October all seven accused were found guilty on 19 charges, including terrorism and subversion.⁴²¹ All were sentenced to a total of 134 years, with the Rev Nkopodi receiving a sentence of 38 years, of which he was to serve 16 years.⁴²²

In March an alleged insurgent of the ANC, Mr Gordon Webster, pleaded not guilty in the Natal Provincial Division of the Supreme Court to murder and 12 counts of contravening the ISA. The charges relating to contravention of the ISA were in respect of terrorism, and the charges relating to murder and attempted murder arose from an explosion at the Chamberlain Road electricity substation in Durban in which one man was killed and two were seriously injured in 1986.⁴²³ The court heard that Mr Webster had planned to return to South Africa from Bophuthatswana to capture Mr Justice D L L Shearer, who was the presiding judge in the trial of Mr Robert MacBride, and other policemen who had been involved in his capture.⁴²⁴ However, in April Mr Webster changed his plea to guilty and offered to submit a statement in terms of the Criminal Procedure Act of 1977.⁴²⁵

He was found guilty in April of the murder of a policeman and the attempted murder of two other people as well as on 12 counts of terrorism.⁴²⁶ Mr Justice S W McCreath imposed an effective 25-year sentence on Mr Webster. Passing judgement, Judge McCreath said that Mr Webster's background and personal circumstances were accepted as providing extenuating circumstances, and said that Mr Webster was affected 'by a complex situation as a result of his parentage and the colour of his skin'.⁴²⁷

A group of 15 people appeared in the Cape of Good Hope Provincial Division of the Supreme Court in March on charges of terrorism. They

included Messrs Ashley Forbes, Peter Jacobs, Leon Scott, Nicklo Pedro, Anwa Dramat, Nazeem Lowe, Walter Rhoode, Clement Baadjies, Jeremy Veary, David Fortuin, Ashraf Karriem, Wayne Malgas, Colin Cairncross, Colin Peterson and Ms Yasmina Pandey. The trial, which had begun in 1987, took a surprise turn when the state released a summary of charges which differed substantially from the preliminary indictment. They were linked to at least ten attacks in the western Cape between 1985 and 1987. The 15 refused to plead when they appeared in court. Mr Forbes read out a statement outlining why he and his 14 co-accused refused to plead, saying that 'apartheid has prevented the majority of the people in South Africa from participating in the making of the laws which are now being enforced against me... Consequently I find myself unable to plead to charges which label me as a terrorist for opposing apartheid and I regard the prosecution itself as a crime against humanity'.⁴²⁸ All 15 received six-month jail sentences for contempt of court in May, after they had defied the judge and chanted slogans from the dock.⁴²⁹

Counsel for the defence said that Mr Forbes had been tortured by a security policeman when a wet cloth had been applied to his head, smothering him and causing him to lose consciousness. The security officer, Warrant Officer Jeff Benzien, told Mr Forbes that he would take him '...to the verge of death as many times as I want to'.⁴³⁰ WO Benzien denied allegations about his methods of interrogation of some of the accused. However, when asked whether he had received training in the interrogation of suspected terrorists, he replied that 'interrogation, which is an art, can be learnt'.⁴³¹

Messrs Forbes, Jacobs, Pedro, Lowe, Dramat, and Baadjies were convicted of terrorism, after admitting responsibility for several terror attacks. Messrs Fortuin, Veary, Rhoode, Malgas, Cairncross, Karriem and Peterson were convicted of contravening section 54(4) of the ISA and were acquitted of terrorism. Mr Scott was convicted of furthering the aims of a banned organisation and Ms Pandey was acquitted on all charges.⁴³²

Sentence was passed in December. Mr Forbes was jailed for 15 years with an additional ten years suspended for five years. Mr Jacobs was sentenced to 14 years' imprisonment with ten years suspended for a further five years. Mr Pedro received the same sentence as Mr Jacobs. Mr Dramat was sentenced to 12 years' imprisonment with ten years suspended for five years. Mr Lowe and Mr Baadjies were sentenced to ten years with ten years suspended on the same conditions. Mr Fortuin was sentenced to two years with an additional five years suspended for five years. Mr Veary, Mr Malgas and Mr Karriem received the same sentence as Mr Fortuin. Mr Rhoode was given a wholly suspended sentence. Mr Cairncross, Mr Peterson and Mr Scott received suspended sentences.⁴³³

Eleven alleged ANC members or supporters were charged with treason or alternatively terrorism as defined in the ISA of 1982 in the Wynberg regional court in March 1988. They were Messrs Tony Yengeni, Michael Lubambo, Mubutu Nduku, Wellington Nkwandla, Thetheli

Tetana, Gary Kruser Christopher Giffard, Sitlabo Maglale and Alpheus Ndude, and Ms Jennifer Schreiner and Ms Lumka Nyamaza.⁴³⁴ The case was postponed until 1 March 1989 and the main charge against the group was altered from treason to terrorism in the Cape of Good Hope Provincial Division of the Supreme Court.⁴³⁵ The accused refused to plead to the charge of terrorism. Mr Tony Yengeni, speaking for the group, said 'our understanding of treason is that it is a crime against the people. It would, for instance, be treason to betray the people of this country and take up arms against them. But our people have been treasonably betrayed. The racist majority regime rules by force, through the barrel of the gun and without a mandate from the people. The regime, therefore, stands accused of treason and the people do not and will not withdraw that charge'.⁴³⁶

Public violence trials

According to the Annual Report of the South African Police, cases of public violence declined by 75,8% from 8 156 in 1986 to 1 973 in 1987.⁴³⁷

A group of 22 men and three women were found guilty in April of murdering an Upington township policeman in 1985 whose body was then set alight. This is the largest group ever convicted of murder in a single South African trial. Police in Pabelello (northern Cape) fired teargas to break up a meeting called on 13 November 1985 to protest against municipal rent increases. A crowd later attacked the home of a policeman, Mr Lucas Sethwala, with stones. He opened fire, wounding one of the attackers, and fled across a field. He was caught by a group of people, who allegedly killed him and then set his body alight. The case raised controversy as the accused were among those who stoned Mr Sethwala's home and were not part of the group that eventually killed him. Mr Justice J Basson of the northern Cape circuit court convicted the accused of murder under the legal principle of 'common purpose'.⁴³⁸

The advocate for the 25, Mr Ian Farlam SC, asked the court to consider community service as an alternative to jailing them. He requested Judge Basson to ask the National Institute for Crime Prevention and Rehabilitation of Offenders (NICRO) to evaluate, under the Criminal Procedure Act, their suitability for community service.⁴³⁹ Judge Basson granted the request but stressed that he was granting the order at the request of the defence, and said that he did not want to 'raise anyone's expectations' by making such an order.⁴⁴⁰

In March 1989 the state asked that no extenuating circumstances be found for 13 of the 25 defendants in the trial. Among the 13 are a 60-year-old mother of ten children, and a former mayor of Pabelello, Mr Kenneth Khumalo.⁴⁴¹ Fourteen of the accused were sentenced to death on 26 May 1989. Judge Basson imposed sentences on the remaining accused ranging from six to eight years' imprisonment. Six sentences were suspended and they involved the performance of community service. If the conditions of the community service were not adhered to, the sentences would become immediately operational.⁴⁴²

An application for leave to appeal against the sentences and convictions of the Upington trialists including the death sentence on behalf of 14 trialists was refused in June 1989 on the grounds that no reasonable prospects existed for the success of such an application.⁴⁴³

Trials for 'necklacing'

In July two men, Messrs Elliot Nkuma and Joseph Mahlalela, were convicted for the 'necklace' murder of Mr M Mpapne that took place in 1986. During the case, the state argued that a 'mob', including the two accused, took Mr Mpapne to an open field, poured petrol over him and placed a tyre around his body before setting him alight. The head of the Department of Psychology at the University of Cape Town, Dr Don Foster, told the court that individuals changed in crowd situations and that there was 'a change in the characteristics of mind, identity and behaviour...to warrant the status of extenuating or mitigating circumstances in the case of what may be termed crimes of collective passion'.⁴⁴⁴ However, the court found that there were no extenuating circumstances and the two men were sentenced to death.⁴⁴⁵ The men successfully applied for leave to appeal against their convictions and sentences, and to reopen their case to hear new evidence.⁴⁴⁶

Two accused in a 'necklace' trial in Stutterheim (eastern Cape) were found guilty of public violence in July in the East London Circuit Local Division of the Supreme Court. They were each sentenced to five years' imprisonment, three of which were conditionally suspended for five years. They were Messrs Wonke Maqubela and Neliswa Dyandyi. Eight other accused were acquitted on all charges. The ten had been accused of murdering Mr N Magala on 14 November 1985. They had all pleaded not guilty to charges of public violence, arson and malicious damage to property.⁴⁴⁷

The Appellate Division of the Supreme Court reserved its judgement in the appeal of the first white man to be convicted of a 'necklace' murder. Mr Henry George Burt of Pretoria was convicted of the murder of a policeman, Mr Jacob Ndimande, in May 1987. Mr Burt was convicted by Mr Acting Justice W J Human in the Transvaal Provincial Division of the Supreme Court and was sentenced to death. Counsel for Mr Burt submitted that the trial court had rightly found the case against him had rested on circumstantial evidence. He contended that the court had erred when it had found that there was sufficient proof leading to the deduction that Mr Burt had burnt Mr Ndimande to death.⁴⁴⁸

Travel document controls

Passports

The Department of Home Affairs said in January 1989 that an increased number of applications for passports had been turned down during 1988. A spokesman for the department said 210 passports and travel documents had been denied to South African citizens during 1988. He said that in the same period, one in 1 000 people had been denied the right to travel internationally.⁴⁴⁹

The managing editor of the Durban-based news agency, Press Trust of South Africa, Mr Marimuthu Subramoney, was once again refused a passport by the minister of home affairs, Mr Stoffel Botha. Mr Subramoney claimed that his applications for passports had been turned down 12 times (see 1987/88 *Survey* p533).⁴⁶⁰

The former national chairman of the ANC, Mr Govan Mbeki, was refused a passport in March to visit his three children in exile.⁴⁶¹

The passport of the director of the Institute of Social and Economic Research at the University of Rhodes, Professor Peter Vale, was withdrawn in July. A spokesman for the Department of Home Affairs said that it was not the policy of the department to comment on the reasons for the withdrawal of passports.⁴⁶²

Visas

An Afrikaans poet, Mr Breyten Breytenbach, was refused a visa in February to receive an honorary doctorate from the University of the Western Cape.⁴⁶³ The director general of home affairs, Mr Gerrie van Zyl, did not give reasons for the refusal. However, it was speculated that Mr Breytenbach's efforts to arrange the meeting between the ANC and several South Africans at Dakar in July 1987 had weighed heavily against his application (see 1987/88 *Survey* p706).⁴⁶⁴

In April the government refused to grant visas in April to a seven-member medical delegation from the American Association for the Advancement of Science who were to have visited South Africa. The delegation was to have discussed with South African doctors and others how the emergency legislation had affected the provision of medical services to the general population, including those in detention.⁴⁶⁵ Later in April the minister of home affairs said in Parliament that he had decided not to approve the visa application for those who wished to discuss how general and emergency legislation had affected the provision of medical services to the public. He felt that 'it was evident that South Africa had nothing to gain from a visit of the delegation'.⁴⁶⁶

Immigration authorities in South Africa refused to issue a visa to Mrs Sheila Suttner, the mother of a recently released detainee, Mr Raymond Suttner, in September. She was told that she could reapply at any time but that she needed continually to state that she had previously been refused a visa.⁴⁶⁷ Later in October, a visa was granted to her 'on compassionate grounds'.⁴⁶⁸

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POLITICAL DEVELOPMENTS

GOVERNMENT INITIATIVES

Constitutional Policy

During the period under review the government continued to seek ways to proceed with reform initiatives, while at the same time restricting several individuals and organisations. The year 1988 opened with a statement by the minister of law and order, Mr Adriaan Vlok, that government strategy was to implement a counter-revolutionary plan, then to bring 'good government to the people by providing adequate education, housing and employment'. It would then find a political solution acceptable to the majority of people.¹

Although the government announced various proposals to draw Africans into the decision-making process at first tier level (see chapter on *Government and Constitution*) the state president, Mr P W Botha, told the House of Delegates in May that while the reform process had not stopped, many of the government's reform initiatives could not be brought into being overnight.² At another meeting in May, Mr Botha admitted that constitutional reform 'should have gone a lot quicker'. He blamed the delay on foreign intervention and reluctance among some South Africans to give up 'strong traditions'.³

Speaking on the direction the government's reform initiative was taking, the minister of constitutional development and planning, Mr Chris Heunis, said that the point of departure of the National Party (NP) was that it wished to lead the country to a democratic dispensation for all communities in which no single group would dominate another.⁴ The future of South Africa would be secured on the basis of providing for group and common interests.

At the same time the the government served restriction orders on 18 organisations in February and by the end of year another ten organisations had been restricted (see 1987/88 *Survey* p19).⁵

In April Mr P W Botha outlined in Parliament proposals for a new constitutional framework which would draw Africans into the process of government 'at the highest levels'.⁶ The plan included proposals for African inclusion in the cabinet and the President's Council; the establishment of a national council; the establishment of regional councils for Africans outside the 'independent' homelands; and a leaders' council on which all Africans would be represented (see also chapter on *Government and Constitution*).

In June the first joint debate involving all members of the three houses of Parliament discussed the National Council Bill (see 1987/88 *Survey* p749 and chapter on *Government and Constitution*).⁷ Only the proposals for a national council received majority support. Legislation to establish the council had been delayed for almost two years as the government

attempted to persuade African leaders to agree to join it. Mr Botha suggested in April that the name 'national council' be dropped as the government did not want to be seen to be prescriptive and that it might be called the 'great indaba'.⁸ The bill establishing the council was renamed the Promotion of Constitutional Development Bill and was passed by a joint sitting of all three houses in June (see chapter on *Government and Constitution*).

The Promotion of Constitutional Development Act stipulated that the name of the negotiating forum would be determined by the forum itself. The forum would plan and prepare a constitution which would provide for the 'participation by all South African citizens in the process of government' and would also grant Africans a voice in government 'on an interim basis'. It could make recommendations to the government on any matter which, in its opinion, was of national interest and it could also consider existing and proposed legislation, as well as steps taken or contemplated by the government.

According to the minister of information, broadcasting services and the film industry, Dr Stoffel van der Merwe, however, the time was not right for the implementation of the act. Dr Van der Merwe told a meeting in August that although African leaders did not want to participate in the national council, it was necessary to set up the statutory structure for the council in order to have it ready when the time was right for implementation.⁹

During 1988 the government did not substantially change its attitude towards the ANC or its imprisoned leaders. The release of imprisoned ANC leaders is a condition that many black leaders have imposed for their participation in any government negotiating forum. Mr Nelson Mandela, a prominent jailed ANC leader, remained in jail, where he had been for the last 26 years under sentence of life imprisonment. Dr Van der Merwe said in April that he would prefer to see Mr Mandela out of prison but that Mr Mandela had refused to renounce violence. Dr Van der Merwe said, however, that there was 'hope' for Mr Mandela's release and that the circumstances of Mr Mandela's release had to be seen in the wider political context. 'What is keeping Mr Mandela in prison is the prognosis which could result from his release,' Dr Van der Merwe said.¹⁰

The ban on the ANC could not be lifted while the organisation was 'totally linked with the Communist Party', Mr P W Botha told the House of Delegates in May. Mr Botha added that detainees would be released only when they renounced violence and gave an undertaking to take part in constitutional structures.¹¹

In August Mr Mandela was admitted to Cape Town's Tygerberg Hospital for treatment for tuberculosis. In September he was not returned to prison after his discharge but was transferred to a private clinic, where he was visited by the minister of justice, Mr Kobie Coetsee.¹² In November Mr Mandela was transferred from the clinic to a private home in the grounds of the Victor Verster Prison in Paarl in the western Cape. The government insisted that he would not be returned to prison but that he was still a prisoner. These events prompted

on-going speculation that his release might be imminent.¹³

Besides the national negotiating forum, the government attempted to establish other structures which would attract participation from the black community.

In January, commenting on the Self-Governing Territories Bill, Mr Heunis said that it aimed at 'expanding the power of government of the self-governing states to make democratic processes more accessible to the people'. The bill extended further powers to non-independent homeland administrations (see the chapter on *The Homelands*) but acknowledged that they were part of South Africa and should be accommodated in its constitutional dispensation.¹⁴

In the same month Mr Heunis announced that local government elections would be held for all races on 26 October. He said that about 7 600 councillors would be elected, the largest number of public representatives elected in a single day in the country's history (see chapter on *Government and Constitution*).¹⁵

The Black Local Authorities Act of 1982 was to be amended to allow shack dwellers living within the borders of a local authority to vote in the municipal elections. Any African person over the age of 18 who had lived in the area for at least three months or who owned immovable property in it would be eligible to register as a voter. These conditions would exclude people living in informal settlements outside local authority areas, as well as those in homelands and trust areas (areas earmarked for incorporation into a homeland).¹⁶

Africans living in trust areas were not eligible to vote in the municipal elections because they lacked a local government system, the minister of education and development aid, Dr Gerrit Viljoen, said in June. He added that the development of such a system was an urgent priority.¹⁷

Indian people living in the Johannesburg white group area of Mayfair were disqualified from voting in any municipal elections.¹⁸ They could not vote for management committees in Indian areas because they did not live in them and only whites could vote in Johannesburg municipal elections. Mr François Oberholzer, chairman of Johannesburg's management committee, said that he had lobbied for residents of Johannesburg's Indian group areas to be allowed to vote in Lenasia management committee elections. For information on and an analysis of the results of the elections, see the chapter on *Government and Constitution*.

Group Areas

In 1988 there was intense controversy over the Group Areas Act of 1966. The government attempted to revise the act by making some areas open to residence by all races, while policing white areas more strictly. This was unacceptable to the House of Representatives and the House of Delegates, who wanted to see the act repealed rather than reformed. In June the two houses decided not to process any legislation amending the Group Areas Act and to boycott the rest of the parliamentary sitting

because the National Party (NP) 'was ignoring their feelings in relation to the Act'.¹⁹ As a result of the decision, the three bills amending the Group Areas Act — the Group Areas Amendment Bill, the Local Government Affairs in Free Settlement Areas Bill and the Free Settlement Areas Bill — were not debated by the black houses.²⁰

The bills provided for severe penalties for people who bought, sold or occupied property in contravention of the Group Areas Act; for a mechanism to create legal 'open' residential areas; and for the establishment of a nonracial management committee for one or more free settlement areas.

In an attempt to ensure that the bills were passed, the House of Assembly then resolved to treat them as own affairs legislation. The leader of the house, Mr F W de Klerk, said that this step was necessary to thwart actions designed to frustrate the operation of the constitution.²¹

The impasse was later resolved in a meeting between Labour Party (LP) and NP leaders, the LP agreeing to debate the bills in a special joint session of Parliament which was held on 26 September. The House of Delegates also agreed to participate in the debate.

Mr De Klerk said the bills recognised that there were many people in favour of separate residential areas and many against them; it provided a way of catering for both views. The bills were a 'dramatic new step' to meet realities and practicalities.²²

The minister of constitutional development and planning, Mr Chris Heunis, told the joint sitting of Parliament in September that 14 areas in various parts of the country could 'conceivably' be considered for proclamation as open areas by the proposed Free Settlement Areas Board.²³

Although both black houses took part in the joint debate, they refused to vote on the bills until 1 November. Mr De Klerk accused the LP of breaking an undertaking to 'dispose' of the bills, a charge which it rejected.²⁴ The bills were, however, passed by the House of Assembly and the state president later gave the black houses 14 days to consider them, after which they could be referred to the President's Council (PC).²⁵ The PC accepted the Local Government Affairs in Free Settlement Areas Bill and the Free Settlement Areas Bill and referred the Group Areas Amendment Bill back to the government for redrafting. The bill was subsequently abandoned.

Separate amenities

Regarding social segregation, the deputy minister of constitutional development and planning, Mr Roelf Meyer, told Parliament in March that the government was investigating the repeal of the Reservation of Separate Amenities Act of 1953 and its replacement by a law to be applied on a 'non-discriminatory basis'.²⁶ During the period under review advances were made in the desegregation of trains in the western Cape (see chapter on *Social Segregation*).

In August the administrator of the Cape, Mr Gene Louw, said that a

committee of inquiry had been appointed to investigate the utilisation of beaches in the Cape. He said that circumstances and utilisation patterns had changed in recent years and his administration had resolved to consider 'providing access to coastal recreation amenities acceptable to all communities'.²⁷

The question of segregated amenities became a key issue after the municipal elections in October 1988, in which the Conservative Party (CP) took control of more than 90 towns in South Africa, mainly in the Transvaal. The CP threatened to reimplement strict racial segregation of all municipal facilities in the towns where these policies had recently been changed (see chapter on *Social Segregation*). In November attention focused on Boksburg when its CP-controlled town council announced the reintroduction of social segregation. Segregated amenities were, however, the norm in many NP-controlled towns.

Education

During 1988 the government's policy essentially remained that of providing separate education facilities for different race groups at the primary and secondary levels. However, the minister of education and culture in the House of Assembly, Mr Piet Clase, announced in March that the government was no longer applying racial quotas at white technikons. He said that they could decide for themselves how many students of other races to admit.²⁸

In August Mr Clase told the Natal NP congress that underutilised white teacher training colleges would not be opened to all races. Education colleges were there to maintain the values of a particular community; his department could not make provision for other communities as this would not be in the interests of education, he said.²⁹

In April the minister of national education, Mr F W de Klerk, said in the House of Assembly that the government's ten-year plan to achieve greater racial parity in education, announced in 1986, had been postponed because of the country's negative economic growth and would have to be reviewed. He said this did not mean that the plan would not be implemented; he was in the process of negotiating the plan's implementation with his colleagues, in particular, the minister of finance.³⁰

In August the deputy minister of education, Mr Sam de Beer, said that African education could not be normalised until the legitimate political aspirations of African people had been addressed.³¹ He added that the detention of scores of pupils, the presence of the South African Defence Force (SADF) at the schools and the banning of the National Education Crisis Committee (NECC) were undesirable.³²

Government initiatives in southern Africa

In the second half of 1988 the government took steps which significantly altered relations between South Africa and other countries in southern Africa.

In late August military representatives of South Africa and a combined Cuban and Angolan delegation signed a treaty at Ruacana to end hostilities in northern Namibia. Earlier in the month the parties had agreed on a ceasefire, the withdrawal of South African troops from Angola and a start to the independence process in Namibia.³³

In September the state president, Mr P W Botha, held talks with the presidents of Mozambique and Malawi. Mr Botha's trip to Mozambique was his first official visit to an African state since he had become state president in 1984.³⁴

The Mozambican news agency, AIM, quoted official sources which said that the leaders would discuss matters of common interest 'in the spirit of the Nkomati accord, a mutual non-aggression treaty signed by the presidents of the two countries in 1984'.³⁵

Later in the month Mr Botha met the president of Zaire in that country.³⁶ This last visit occurred on the eve of talks in Brazzaville in the Congo to discuss proposals for peace in Angola and Namibia.

In December South Africa, Cuba and Angola signed a four-point protocol in Brazzaville that set 1 April 1989 as the date for the implementation of United Nations Resolution 435 for Namibian independence. The protocol detailed a timetable for a complete Cuban troop withdrawal from Angola within 27 months of the signing of the agreement.³⁷

NON-GOVERNMENT POLITICAL DEVELOPMENTS AND PROTEST

This section deals with political developments that were not initiated by or ascribed to a single political organisation.

Business

During the period under review organised business expressed its opposition to aspects of government policy.

In August 1988 a group of South African businessmen, including a former chairman of the Anglo American Corporation of South Africa, Mr Harry Oppenheimer, and the chairman of the Rembrandt Group, Dr Anton Rupert, issued a statement urging the government to postpone the trilogy of group areas bills (see chapters on *Housing and Population and Settlement*). The group warned that there would be further punitive measures against South Africa if they were enacted. The statement was issued by the two men both in their personal capacities as president and vice president of the Urban Foundation's board of governors, and on behalf of the board itself, which included many other prominent businessmen. 'We and the board of governors associate ourselves very specifically with the view that, if enacted, these bills will damage race relations

in South Africa...we would urge the government to postpone action on these bills so that further and even more extensive consultation could be given as to the advisability of their enactment,' the statement read.³⁸

In the same month a meeting at Broederstroom (between Johannesburg and Pretoria) of about 80 people who were representatives of political organisations, business leaders and professionals resulted in the formation of the Consultative Business Movement (CBM). The launch of the movement was the outcome of 18 months of consultation which was co-ordinated by Mr Christo Nel, an executive director of P G Bison, who had delivered a paper on the framework for a liberated economy at Dakar (Senegal) in 1987 (see 1987/88 *Survey* pp706-708).

In September a newsletter published by the South African Federated Chamber of Industries (FCI) commented that South Africa could avoid 'racial socialism' by abandoning racial restrictions on property rights and removing the racial barriers to market entry. Capitalism could be the most efficient anti-apartheid tool, the newsletter said. 'While one is well aware of the serious damage inflicted on our economy by the government's constitutional policies over the last four decades, it is surely naïve to sit around and wait for a democratic republic to descend on us from the heavens one fine day.'³⁹

In October an executive director of the Rembrandt Group, Mr Johann Rupert, spoke out against apartheid at the South African Non-Listed Company Awards banquet. Mr Rupert said that although he was not a proponent of majority rule, he had 'come to the conclusion that majority rule [would] be inevitable in [his] lifetime'. He said that although many believed that apartheid was morally unjustifiable and impractical, National Party (NP) propaganda had prevailed and for 40 years South Africans had been indoctrinated against any form of power sharing.⁴⁰

In December it was reported that there were splits within the Afrikaanse Handelsinstituut (AHI). Groups had broken away to the right, with AHI country branches forming their own 'business circles'. There were also reports of 'verligte' AHI members leaving to join the Association of Chambers of Commerce and Industry of South Africa (ASSOCOM) as a result of the CP's business policy and developments in Boksburg (see below).⁴¹

Business response to political developments in Boksburg

In the October municipal elections the Conservative Party (CP) took control of the Boksburg Town Council and began to reintroduce racial policies in terms of the Reservation of Separate Amenities Act of 1953 (see *Conservative Party* above). The response of businesses based both in Boksburg and outside was diverse and included the following:

- 27 shop owners signed a petition calling on the council to rescind the discriminatory laws;
- the town councils of Reiger Park and Vosloorus, whose communities represented 80% of Boksburg's spending power, announced a con-

sumer boycott;

- a golf sponsor, Entercor, announced that it would withdraw functions from Boksburg;
- the Natal Building Society (NBS) closed its only agency in the town;
- a businessman with multi-million rand interests in Boksburg considered holding the town council liable for damages incurred as a result of racial policies in the town; and
- Colgate-Palmolive (South Africa), a firm under pressure to withdraw from South Africa, applied for rezoning in Benoni from Boksburg.⁴²

A random survey conducted by *Business Day* in December revealed that retailers in Benoni were benefiting from the black consumer boycott of Boksburg shops.⁴³

In response to the developments in Boksburg, the Witwatersrand Chamber of Commerce and Industry (WCCI), which represented the largest concentration of business in the country, called for the repeal of the Reservation of Separate Amenities Act. 'This kind of repugnant action and similar threats by other municipalities now controlled by the CP is retrogressive and morally unacceptable. It will have a most harmful effect on the economy, bedevil harmonious race relations and further damage the country's overseas image,' the WCCI said.

Academic boycott

In October the council of the University of Cape Town (UCT) published a statement on the academic boycott. The council's statement rejected the boycott as being counter to the ethos of the university, although it sympathised with the stated motive of the boycott, ie opposition to apartheid. The council believed that liberation of the nation was a short-term political goal, but in the long term the goal was to be free from illiteracy and poor education. The university's real capacity to contribute to these goals should not be compromised, the council said.⁴⁴ The statement was adopted by the council after a commission had investigated an incident in which a visiting lecturer, Mr Connor Cruise O'Brien, had been forced to abandon a lecture at UCT in 1986 held in defiance of the academic boycott after the lecture was disrupted by protesting students (see 1986 *Survey* p470); and after UCT representatives had sought the opinion of the African National Congress (ANC) on the boycott. The ANC had called for a blanket academic boycott to prevent the exchange of visiting lecturers, research and publications, but UCT believed that the ANC would soften its stance and exempt UCT from the boycott.

The acting vice chancellor of UCT, Professor John Reid, said that while he hoped that the university would be exempted from the boycott, he stressed that it was the administration's intention that the institution would become one that no one would want to boycott. 'The university is not changing or doing all these things purely to overcome the boycott,' he said. 'It is rather that we are honestly maintaining our academic

integrity and being true to the principles of being a reputable institution with a varied and important contribution to make to South Africa.'

In the 1987 UCT annual report the vice chancellor, Dr Stuart Saunders, had said that the academic boycott was 'a destructive strategy incompatible with being a scholar and inimical to the existence of all universities. Such poorly thought-out tactics should be soundly condemned by all who value learning and the well-being of all the inhabitants of South Africa.'

Opposition to conscription

In March a conscientious objector, Dr Ivan Toms, was sentenced to 630 days in jail for refusing to serve in the South African Defence Force (SADF). It was the first time that an objector had been sentenced under the new laws, which were introduced in 1983 (see 1983 *Survey* pp575-577). Dr Toms had founded a clinic in Crossroads in 1980 and continued working there until the SADF occupied the clinic in 1986. He gave his reasons for refusing to serve in the SADF as his deep Christian belief and his commitment to a nonracial and democratic future. 'To be using troops in the townships just suppresses and oppresses. It has become the ultimate pillar of apartheid.' In summing up, the magistrate said that far from being a menace, Dr Toms was an asset to society. Dr Toms was adopted by Amnesty International as a prisoner of conscience.

In July a 25-year-old Johannesburg graduate, Mr David Bruce, was imprisoned for six years, the maximum term, under the Defence Amendment Act of 1983 after refusing to do his two years' military service. Mr Bruce was the first person to face the full six-year penalty for refusing to do national service on moral and political grounds. Mr Bruce said that he was not a pacifist, and that he would be prepared to 'fight in an army which was fighting for the people of the country as a whole'. He would not fight in the SADF in what he termed 'essentially a civil war'.⁴⁶

In August a group of 143 men announced in a 'joint statement of conscience' that they were not prepared to serve in the SADF. The group called on the government to allow objectors on moral, religious or political grounds the option of other service in non-government bodies. The group included a former SADF captain, Mr André Zaaiman.⁴⁷

In the same week the minister of defence, Mr Magnus Malan, announced that the government was investigating the End Conscription Campaign (ECC). The ECC was heavily restricted later in the month.⁴⁸

In September an 18-year-old Johannesburg conscript, Mr Charles Bester, appeared in court charged with refusing to serve in the SADF. Mr Bester said that his religious and political beliefs barred him from serving in the SADF, but that he had not applied for religious exemption on the grounds that it would put his objection 'out of context'. Mr Bester was later sentenced to a six-year term.⁴⁹

In August it was reported that a total of 19 conscientious objectors who refused to serve in the SADF for political reasons had been charged over the previous ten years. Sixteen of these had been convicted.⁵⁰

Anti-apartheid congress

In August it was reported that an anti-apartheid congress was being organised by a planning committee, led by the assistant general secretary of the Congress of South African Trade Unions (COSATU), Mr Sydney Mafumadi. Thousands of delegates from organisations including the National Council of Trade Unions (NACTU), the Azanian People's Organisation, the National African Federated Chamber of Commerce and Industry and the New Unity Movement, had been invited. The police said they would 'monitor the progress' of the plans.⁵¹ The congress would examine two themes: repression and 'one person one vote in a democratic South Africa'.⁵²

On the eve of the conference the Azanian Co-ordinating Committee withdrew from the proceedings, objecting to the participation of what it termed 'liberal and homeland groups'. COSATU's press officer, Mr Frank Meintjies, responded by saying that 'we chose organisations participating in this conference using one criterion: that they have a real interest in seeing the abolition of the apartheid system. These organisations do not necessarily agree with each other but agree that there should be a speedy end to the apartheid system'.⁵³

On 22 September the conference was prohibited by the commissioner of police in terms of section ten of the emergency regulations. A statement issued by the press secretary for the Department of Law and Order, Brigadier Leon Mellet, accused the United Democratic Front and COSATU of calling a conference under the leadership of the 'African National Congress/South African Communist Party alliance' with a view to establishing a 'united front against apartheid' (see also chapters on *Labour* and *Security*).⁵⁴

Consumers

In September a former chairman of the Consumer Boycott Committee, Mr Jabu Ngwenya, returned home from a three-month overseas trip to find that he had been restricted in terms of the emergency regulations, dating from June. Mr Ngwenya was banned from participating in any activities of several organisations, including the United Democratic Front, the Release Mandela Campaign and the Black Sash. He was also restricted to his Soweto home at night and to the Johannesburg magisterial district.⁵⁵

In November and December white-owned shops in Boksburg were subjected to a consumer boycott that had been launched to oppose the policy of the Conservative Party to re-segregate facilities in that town. Shoppers took their custom to the neighbouring National Party-controlled Benoni. The boycott was mainly carried out by coloured shoppers from Reiger Park.⁵⁶ A consumer boycott was also implemented in Carletonville (west Rand) where the CP had re-segregated facilities after gaining control of the town council.

During the period under review a widespread rent boycott remained in force, mainly in townships in the Transvaal. For further information on the rent boycott, see the chapter on *Housing*.

Discussions to unify parliamentary parties to the left of the National Party

In November an industrialist and the president of the Transvaal Rugby Union, Mr Louis Luyt, tried to draw together parties to the left of the National Party (NP). Mr Luyt asked the leaders of the Progressive Federal Party (PFP), the Independent Party (IP) and the National Democratic Movement (NDM) to meet under his auspices in an attempt to unite them. The initiative came in the wake of speculation of a general election in March 1989. 'I think this country is ready for a new approach – we're ready to take sides,' Mr Luyt said.⁵⁷

The new party, called the Democratic Party (DP) was launched in 1989 (see *Political organisations* above).

Strikes and stayaways

Commemoration of Sharpeville shootings

In March 1988 a large-scale work and school stayaway took place to commemorate the Sharpeville shootings on 21 March 1960. This was the first stayaway since the imposition of restrictions on various organisations the previous month.⁵⁸ A stayaway was also held in March 1989.

May Day

Trade unions affiliated to the country's two biggest labour federations – the Congress of South African Trade Unions (COSATU) and the National Council of Trade Unions – ignored the government's decision to make the first Friday in May a public holiday and celebrated 1 May 1988 as Labour Day instead.⁵⁹ As a result, most workers reported for work as usual on 'Workers' Day'.⁶⁰ A COSATU spokesman said that the decision to work depended entirely on the employers. If they wanted their employees to work, they would do so, and if they gave their workers a holiday, this too would be accepted. 'We have already observed May Day on Sunday,' the spokesman said.⁶¹ The government changed Workers' Day to the first Monday in May and in 1989 this fell on 1 May, which was widely taken as a public holiday (see chapter on *Labour Relations*).

Stayaway in response to proposed labour legislation

An extensive work and school stayaway occurred over three days in June 1988 in protest against proposed changes to labour legislation (see 1987/88 *Survey* pp648-656). Seven people, including three children, were killed, 23 people were injured and 21 were arrested in connection with unrest incidents. It was not clear whether these incidents were related to the stayaway.⁶²

Commenting on the extent of support for the stayaway, the assistant general secretary of COSATU, Mr Sydney Mafumadi, said, 'It must be

remembered that COSATU has a paid-up membership of less than 1m. The number of workers who participated in the three-day action far exceeded this. This shows that COSATU enjoys wide support among the people of South Africa.' Mr Mafumadi said that through stayaways, 'both organised and unorganised workers participate with their allies in the communities'. He compared the current popularity of the stayaway strategy to 'the post-1983 era when our people came together in the United Democratic Front (UDF) to oppose the tricameral system and the Koornhof Bills. They engaged in boycotts of the elections and isolated those that chose to participate in the puppet structures'.⁶³ (See also chapter on *Labour Relations*.)

Anniversary of Soweto upheavals in 1976

Large numbers of workers stayed at home on 16 June 1988 — the twelfth anniversary of the start of the Soweto upheavals in 1976.⁶⁴ Five people were slightly injured and 52 were arrested around the country, but no major incidents were reported, and while soldiers staffed extra roadblocks around Soweto they did not mount a major display of force. In Sebokeng (east Rand) a member of the Biko Foundation, speaking at the Methodist Church, was heckled by a group of whites shouting 'AWB' (Afrikaner Weerstandsbeweging). The Central Methodist Church in Johannesburg was daubed with right-wing slogans on the eve of the anniversary.⁶⁵

A countrywide stayaway also occurred on 16 June 1989. Police fired teargas at and baton-charged people attending a commemoration service at Regina Mundi church in Soweto.

Municipal elections

On 29 July 1988, 26 church leaders issued a statement on the 26 October municipal elections. Thereafter, a call to boycott was repeated by the archbishop of Cape Town and head of the Church of the Province of Southern Africa, the Most Rev Desmond Tutu; the moderator of the Nederduitse Gereformeerde Sendingkerk, the Rev Allan Boesak; and the general secretary of the South African Council of Churches, the Rev Frank Chikane.⁶⁶

On 20 October church, community and worker organisations called for a national day of peaceful protest on the day of the municipal elections.⁶⁷ The organisations included Call of Islam, Detainees Forum, the Federation of Transvaal Women, the Muslim Youth Movement, the South African Council on Sport, the South African National Students' Congress, the Teachers' Association of South Africa, the Transvaal Indian Congress and the national executive of the UDF. A UDF office-bearer, Mr Titus Mafolo, said, 'We call on all businessmen, workers, the clergy, youth, students, women, teachers, professionals and all peace-loving South Africans to participate fully in the national day of peaceful protest. We are not going to tell people what form the day of protest should take, the various communities will decide for themselves.'

On 26 October, the day of the municipal elections, there was an almost total stayaway at high schools in Soweto, Alexandra and Lenasia, although most Reef workers went to work. The regional director of the Department of Education and Training, Mr Peet Struwig, confirmed that there had been minimal attendance at high schools in the region.⁶⁹

POLITICAL CONFLICT

According to the South African Institute of Race Relations there were 1 149 deaths due to political violence in 1988. This represented a 74% increase on the 661 deaths recorded in 1987, but an 11% decrease on the 1 298 deaths recorded in 1986. The majority of deaths (79%) occurred in Natal (see *The conflict in Natal* below). Most deaths – 18% – occurred in the month of January.

In February the police said that since September 1984, unrest in the country had:

- cost more than R285m;
- injured over 880 members of the South African Police (SAP) and killed 71; and
- damaged the homes of members of the SAP to the extent of R3m.⁷⁰

In April Mr Vlok refused to say how many people had been killed or injured in unrest-related incidents in 1987 on the grounds that the publication of this information would lead to an increasingly revolutionary climate.⁷¹ Nevertheless, statistics published in the police report in May indicated that cases of public violence had dropped by more than 75% in 1987 compared with 1986. There were 8 156 cases of public violence in 1986 and 1 973 in 1987.⁷²

Deaths due to political conflict in 1988 in South Africa (excluding Natal)

	<i>Jan</i>	<i>Feb</i>	<i>March</i>	<i>April</i>	<i>May</i>	<i>June</i>
Not fully explained	19	20	6	5	–	1
Killed by security forces	7	14	2	–	–	3
Guerrillas killed	1	1	11	1	1	11
Security forces killed	2	1	5	2	2	–
Blacks killed by whites	–	–	–	–	–	–
Whites killed by blacks	–	–	–	1	–	–
Killed by explosives	–	–	4	3	3	8
Blacks killed by blacks	–	–	1	–	4	–
Burnt bodies found	–	–	–	–	–	5
AZAPO/UDF	7	–	–	–	–	–
UDF/Inkatha	–	–	–	–	1	–
Other	–	–	–	–	1	–
Total	36	36	29	12	12	28

Deaths due to political conflict in 1988 in South Africa (excluding Natal) (continued)

	<i>July</i>	<i>Aug</i>	<i>Sept</i>	<i>Oct</i>	<i>Nov</i>	<i>Dec</i>	<i>Total</i>
Not fully explained	9	—	2	3	—	5	70
Killed by security forces	1	—	2	—	3	2	34
Guerrillas killed	9	6	4	1	3	—	49
Security forces killed	3	5	1	4	1	1	27
Blacks killed by whites	—	—	1	—	7	—	8
Whites killed by blacks	—	—	—	—	—	—	1
Killed by explosives	4	—	1	2	—	—	25
Blacks killed by blacks	—	1	—	—	—	—	6
Burnt bodies found	—	—	—	—	—	—	5
AZAPO/UDF	—	—	—	—	—	—	7
UDF/Inkatha	—	—	—	—	1	—	2
Other	—	—	1	1	—	—	3
Total	26	12	12	11	15	8	237

Deaths due to political conflict in 1988 by region and month

	<i>Jan</i>	<i>Feb</i>	<i>March</i>	<i>April</i>	<i>May</i>	<i>June</i>
<i>Cape</i>						
Eastern Cape	12	2	4	5	—	3
Western Cape	—	3	—	—	—	—
KTC	9	4	—	1	—	—
Elsewhere	—	1	—	—	1	4
<i>Transvaal</i>						
Alexandra	—	—	1	—	1	1
East Rand	2	1	—	—	4	1
Johannesburg	—	—	—	—	—	2
Northern Transvaal	—	—	—	—	—	—
Pretoria	—	—	3	1	3	5
Rest of Transvaal	—	—	1	—	1	6
Soweto	2	13	6	—	1	1
Vaal	1	—	—	3	—	4
West Rand	—	—	4	—	—	—
Western Transvaal	—	—	3	—	—	—

*Deaths due to political conflict in 1988
by region and month (continued)*

	<i>July</i>	<i>Aug</i>	<i>Sep</i>	<i>Oct</i>	<i>Nov</i>	<i>Dec</i>	<i>Total</i>
<i>Cape</i>							
Eastern Cape	—	1	1	2	—	1	31
Western Cape	2	3	1	—	—	—	9
KTC	1	—	—	—	—	—	15
Elsewhere	—	—	1	—	—	—	7
<i>Transvaal</i>							
Alexandra	—	—	—	—	—	—	3
East Rand	—	—	1	4	2	—	15
Johannesburg	3	—	1	—	—	—	6
Northern Transvaal	—	7	4	—	—	2	13
Pretoria	—	—	—	—	7	—	19
Rest of Transvaal	9	—	—	—	—	—	17
Soweto	6	1	1	2	4	5	42
Vaal	—	—	—	—	—	—	8
West Rand	—	—	1	1	1	—	7
Western Transvaal	4	—	—	—	—	—	7

*Deaths due to political conflict in 1988
by region and month (continued)*

	<i>Jan</i>	<i>Feb</i>	<i>March</i>	<i>April</i>	<i>May</i>	<i>June</i>
<i>Natal</i>						
Durban and surrounding areas	13*	9	14	8	14	21
Pietermaritzburg and surrounding areas	162	62	19	28	32	27
<i>Orange Free State</i>	—	3	—	—	1	—
<i>'Independent' homelands</i>						
Bophuthatswana	—	6	—	—	—	—
Ciskei	9	—	—	2	—	1
Transkei	1	3	—	—	—	—
Venda	—	—	7	—	—	—
Total	211	107	62	48	58	76

* The figure for January may also include deaths that occurred in February, March, April and May.

*Deaths due to political conflict in 1988
by region and month (continued)*

	July	Aug	Sep	Oct	Nov	Dec	Total
<i>Natal</i>							
Durban and surrounding areas	19	43	42	26	12	9	230
Pietermaritzburg and surrounding areas	49	57	54	53	58	81	682
<i>Orange Free State</i>	—	—	1	2	1	—	8
<i>'Independent' homelands</i>							
Bophuthatswana	—	—	—	—	—	—	6
Ciskei	—	—	—	—	—	—	12
Transkei	1	—	—	—	—	—	5
Venda	—	—	—	—	—	—	7
Total	94	112	108	90	85	98	1 149

*Deaths due to political conflict in 1988
by region and month (continued)*

	Cape	Natal	Orange Free State	Transvaal	'Independent' homelands	Total
January	21	175*	—	5	10	211
February	10	71	3	14	9	107
March	4	33	—	18	7	62
April	6	36	—	4	2	48
May	1	46	1	10	—	58
June	7	48	—	20	1	76
July	3	68	—	22	1	94
August	4	100	—	8	—	112
September	3	96	1	8	—	108
October	2	79	2	7	—	90
November	—	70	1	14	—	85
December	1	90	—	7	—	98
Total	62	912	8	137	30	1 149

* Up to 13 of these deaths may have occurred between January and June but are included in the January figure as the dates of these deaths were uncertain.

Attacks on individuals

Attacks on policemen and soldiers

In August 1988 the minister of law and order, Mr Adriaan Vlok, disclosed in Parliament that a total of 144 policemen had been killed in the four years to the end of 1987. Mr Vlok said that it was not possible to say which of the murders had been politically motivated.⁷³

In **January 1988** a special constable (kitskonstabel) from Oudtshoorn (southern Cape), Mr Bangi Salman, who was cited in Supreme Court affidavits in 1987 for having assaulted Bongoletu (Oudtshoorn) residents, was stabbed to death by the father of one of his alleged victims. Residents alleged that Mr Salman hit Mr Eddie Majola with a rifle butt during a street confrontation. Mr Majola accused Mr Salman of harassing his daughter. Mr Majola gave himself up to the police after the stabbing.⁷⁴

In **March** three policemen died in Atteridgeville (near Pretoria) in a shootout with two men who used AK-47 assault rifles. Police said that the men opened fire on a group of people in the yard of a shebeen, killing two policemen and injuring a third, who later died in hospital.⁷⁵ In the same month there was a shootout at a house in Mlungisi township outside Queenstown (eastern Cape). Township residents claimed that two policemen were killed in the shootout and that one of the occupants of the house took his own life. The police denied this, saying that only two people in the house had been killed.⁷⁶

Also in March, nine policemen were injured in a hand-grenade and AK-47 attack on a municipal hall in Soweto.⁷⁷ In late March a mini-limpet mine exploded in the garden of a Pietersburg (northern Transvaal) hotel which was frequented by soldiers. No one was injured.⁷⁸

In **April** four municipal policemen and a civilian were wounded when an unknown gunman with an automatic rifle opened fire on a patrolling vehicle in Emdeni (Soweto).⁷⁹ In the same month the Ciskei police disclosed that two Ciskei security policemen had been killed in a shootout with 'suspected terrorists'.⁸⁰ In another incident Constable Pieter Schonfeldt was stabbed in Pinetown (Natal) after a confrontation with a crowd at a taxi rank.⁸¹

Also in April, an African police sergeant on his way to work near Newcastle (Natal) was shot dead with an AK-47 rifle. The policeman's name was not disclosed.⁸² In another incident in April a suspected guerrilla exploded a hand grenade, killing himself and two policemen in Mpumalanga near Hammarsdale in Natal.⁸³

In **May** there was an explosion at the South African Police (SAP) single quarters in Kagiso township (Krugersdorp). The blast caused extensive damage but there were no injuries.⁸⁴ The year-old daughter of a Mamelodi (Pretoria) policeman died in a hand-grenade attack on her father's house.⁸⁵ In the same month a special constable was stabbed and another was seriously wounded when they were attacked by a crowd of people in Emdeni.⁸⁶ Later in the month another special constable was shot dead in Guguletu (Cape Town).⁸⁷

In **July** two Johannesburg detectives and an alleged informer were killed in Soweto. The police were investigating leads which suggested that the men were killed by a gang known as 'The Russians'.⁸⁸

In **September** a municipal policeman was shot dead by unknown gunmen in KwaNobuhle (Uitenhage).⁸⁹ In the same month the nine-year-old daughter of a Soweto municipal policeman was injured in a hand-grenade attack on her father's house.⁹⁰

An Imbali (Pietermaritzburg) policeman, Constable Velaphi Ngcane,

who testified against an Inkatha Youth Brigade leader in court, himself became the object of repeated attacks. Constable Ngcane was attacked a few days after he had testified, and in another incident his home was burned down. He also received a phone call telling him that he was 'doing wrong against Inkatha' and that he should not return to Imbali.⁹¹

In November the home of a Ciskei policeman in Mdantsane (Ciskei) was destroyed in a firebomb attack.⁹²

In late December five people — one of them a policeman — were killed in Soweto. The police said that the attack had taken place with an AK-47 rifle, which, they said, suggested that the African National Congress (ANC) was involved.⁹³

Attacks on members of legislatures, town councillors and candidates in the municipal elections

Speaking in Parliament in March 1988 the minister of constitutional development and planning, Mr Chris Heunis, declined to say how many community councillors and members of black local authorities had died as a result of their holding these offices. Mr Heunis said that although these people had been 'attacked and killed or injured in 1986 and 1987, it cannot beyond doubt be attributed to their holding these offices'.⁹⁴

The Clermont home of the deputy speaker of the KwaZulu Legislative Assembly, Mr Simon Mthimkulu, was petrol-bombed. His wife was injured in the attack.⁹⁵

In May the member of the House of Representatives for Alra Park, Mr Pieter Sam Jacobs, was shot dead in Edenpark (Alberton). Friends and colleagues of Mr Jacobs speculated that the killing was motivated by Mr Jacob's investigation into corruption in the allocation of housing in the Edenpark management committee. According to Mrs Louise Jacobs, her husband had received several death threats.⁹⁶

Four people died after an AK-47 rifle and hand-grenade attack on a meeting attended by members of the Sofasonke Party in Orlando West (Soweto). The leader of the party, Mr Ephraim Tshabalala (a former mayor of Soweto), had been addressing the meeting of about 300 people about the rent boycott when the attack took place. Mr Tshabalala was not hurt.⁹⁷ After the attack Soweto councillors said that they were afraid to campaign for the October municipal elections for fear of being 'eliminated by the ANC'. One councillor said that he had cancelled a meeting after a tip-off that the ANC was going to attack him and his supporters. A spokesman for the ANC in Lusaka dismissed the claim as 'nonsense'. He blamed 'armed political renegades' for carrying out acts of violence which were then blamed on the ANC, and denied knowledge of the attack on the Sofasonke meeting.⁹⁸

In July a device thought to be a limpet mine exploded in Lenasia (outside Johannesburg) in the front garden of the home of a member of the President's Council, Dr Ismail Jajbhay. The blast shattered windows but no one was injured.⁹⁹ In separate incidents in the same month the house of a former speaker of the KwaNdebele Legislative Assembly, Mr Solly Mahlangu, was petrol-bombed and petrol bombs were also thrown

at the house of a former Dobsonville (west Rand) town councillor, Mr Colin Radebe.¹⁰⁰

In the same month a gunman in a moving car opened fire on the home of the chairman of the minister's council in the House of Delegates, Mr Amichand Rajbansi. The two SAP constables who were guarding the house in Chatsworth (Durban) had to duck for cover and were unable to return fire. Mr Rajbansi was not at home at the time. Mr Rajbansi said that the '2 000-page bombshell which I am to present to the James Commission [which was investigating allegations of corruption concerning Mr Rajbansi] has frightened some people who want to get me out of their way. They will not succeed.'¹⁰¹

There were two explosions at a Sofasonke Party meeting in White City (Soweto). No one was injured.¹⁰²

In **August** two hand grenades were thrown into the home of the mayor of Duncan Village (East London), Mr Eddie Makeba, causing extensive damage but no injuries. Neither the origin of the grenades nor the identity of the attackers was established.¹⁰³ Three explosions occurred on the same night in Lenasia causing damage to property but no injuries. The blasts were at the offices of the Lenasia Bus Service, at the House of Delegates and at the home of the chairwoman of the Lenasia Management Committee, Mrs Rashida Ebrahim.¹⁰⁴ A Sofasonke Party candidate in the municipal elections, Mr David Nkomo, was shot dead at his home in Soweto.¹⁰⁵

In **September** four municipal election candidates who went to the KwaGuqa hostel in Witbank (eastern Transvaal) to campaign were attacked by residents of the hostel.¹⁰⁶ A hand grenade was thrown at the Uitenhage (eastern Cape) home of the leader of the House of Representatives, the Rev Allan Hendrickse, from a moving vehicle. No one was injured but a vehicle parked in front of the house was damaged. Mr Hendrickse was not at home at the time.¹⁰⁷ In the same month a local authority candidate, Mr Willie Soga, who had been nominated unopposed in Crossroads (Cape Town), was killed.¹⁰⁸

In **October** pupils at Scottsville Senior Secondary School in Kraaifontein near Cape Town damaged the car of a teacher, Mr R Balie, who was an election candidate.¹⁰⁹ On the weekend before the municipal elections five houses belonging to candidates for seats on the Ibhayi City Council (Port Elizabeth) were petrol-bombed. An eight-year-old child died and ten others were injured in the attacks.¹¹⁰ The homes of two municipal candidates and two of their supporters were hit in hand-grenade attacks in Wattville (Benoni) and Thokoza (Alberton).¹¹¹

Other attacks at the time of the municipal elections included:

- two limpet mine attacks on the homes of Tumahole (Parys) town councillors;¹¹²
- an Ibhayi candidate was shot dead by a policeman guarding his house;¹¹³ and
- the home of the deputy mayor of Gompo Town (East London) was damaged in a hand-grenade attack.¹¹⁴

Attacks on political activists and organisations

In **January 1988** the Grahamstown offices of the South African Council for Higher Education (SACHED) were set alight by arsonists.¹¹⁵

A detainee, Mr Sthembele Zokwe, was shot dead at his Nqamakwe home near Umtata (Transkei). The incident was confirmed by Umtata police.¹¹⁶ In the same month Mr Sicelo Dlomo (18), who had been interviewed by the American television network CBS for a documentary programme called 'Children of Apartheid', was found shot dead in Soweto. Mr Dlomo, who had worked for the Detainees' Parents Support Committee, had been briefly detained a few days prior to his death.

In **February** a supporter of the United Democratic Front (UDF), Mr Linda Brakvis, was found stabbed to death in Heldemoed township (Welkom) three days after his release from detention.¹¹⁷ Also in February, the Cape Town home of the publicity secretary of the UDF, Mrs Hilda Ndude, was attacked by arsonists who broke a window and then threw in two petrol bombs. Mrs Ndude's family escaped without injury but there was extensive damage to her home.¹¹⁸ A Durban activist, Mrs Pearl Tshabalala, was shot dead in Clermont (Durban).¹¹⁹ In the same month a shopsteward of the Steel, Engineering and Allied Workers' Union of South Africa, Mr Amos Boshomane, was shot dead on his way to work in Germiston.¹²⁰

In **March** a Clermont school principal, Mr Emmanuel Qashane Khuzwayo, was found dead – the third Clermont leader to have been killed in three months.¹²¹ In the same month a member of the Young Progressives (the youth wing of the Progressive Federal Party) and the Umlazi Youth League, Mr Eugene Maphumolo (17), was killed in a clash between vigilantes and youth league members in Umlazi (Pietermaritzburg).¹²²

Shots were fired into the Mayfair (Johannesburg) home of the chairman of the Action Committee to Stop Evictions (ACTSTOP), Mr Cassim Saloojee. No one was hurt.¹²³

In **April** the offices of the Community Resource and Information Centre (CRIC) were destroyed in an arson attack. It was the second attack on the CRIC offices in three weeks.¹²⁴ In the same month an armed man, Mr Denzil Mellors, who claimed to be a member of a group called the 'Counter-Revolutionaries', held hostage a receptionist at Khotso House (central Johannesburg), the headquarters of the South African Council of Churches (SACC), for about 90 minutes. Mr Mellors appeared in the Johannesburg magistrate's court in October.¹²⁵

In **June** a car belonging to Professor Peter Hunter, the deputy dean in the faculty of education at the University of the Witwatersrand and the director of the Academic Support Programme, was firebombed in the carport of his Johannesburg home. Professor Hunter is the father of Ms Rosemary Hunter, then president of the Students' Representative Council at the University of the Witwatersrand, and Mr Roland Hunter, who was serving a five-year sentence for contraventions of the Defence Act of 1957.¹²⁶ In the same month two cars parked at the Alexandra Health Centre (Johannesburg) were gutted.¹²⁷ Three vehicles were also

destroyed at the Wilgespruit Fellowship Centre in Roodepoort.¹²⁸

Also in **June**, a KwaNobuhle woman, Miss Miriam Phala, and her two children died when the shack in which they were living was petrol-bombed. Residents struggled to free the family from the shack but failed as the doors had been wired shut.¹²⁹

In July a former African National Congress (ANC) bodyguard and guerrilla, Mr Sidney Jabulani Msibi, was shot dead in Soweto. Mr Msibi was to have been a witness in the treason trial of Messrs Ebrahim Ebrahim, Simon Dladla and Mandla Maseko.¹³⁰ (See also the chapter on *Security*.) A hand grenade was found in the post box of the mother of the Rev Frank Chikane, Mrs Ereniah Chikane. Mrs Chikane had the grenade removed and called the police, who arrived after several hours had elapsed.¹³¹

The Soweto home of Mrs Winnie Mandela, the wife of an imprisoned leader of the ANC, Mr Nelson Mandela, was burnt down after an alleged attack by a group of schoolchildren. Among the explanations that emerged was one that the attack had been aimed not at the Mandela family but at a football club closely associated with Mrs Winnie Mandela. Members of the club had allegedly attacked a Soweto schoolgirl. Mr Mandela did not make a statement on the matter but requested that there should be no charges laid and no prosecution.¹³²

In **August** a journalist from *Grassroots*, Ms Veliswa Mhlawuli, narrowly escaped death but lost an eye after an attack in Guguletu (Cape Town) in which an unknown gunman fired at her in the dark.¹³³ In another incident a petrol bomb was thrown into the advice office of the Western Cape Hostel Dwellers' Association in Nyanga East (Cape Town), starting a fire which gutted the building. The office was part of the Nomzamo Training Centre, which was opened in May 1987 by the Archbishop of Cape Town, the Most Reverend Desmond Tutu.¹³⁴

On 1 **September** Khotso House was destroyed by unknown bombers. At least 23 people were treated for injuries and shock after the explosion. Archbishop Desmond Tutu 'invited the South African government to condemn the bombing'. The minister of law and order, Mr Adriaan Vlok, expressed condolences to those injured.¹³⁵ A police spokesman, Brigadier Leon Mellet, later said that the explosion could have been caused by explosives stored in the basement of the building. Mr Chikane denied the implied allegation and voiced doubts about police intentions to embark on a 'full and proper investigation' of the blast.¹³⁶ Mr Chikane said that the attack 'is just the beginning of the action we expect from the agents of apartheid'.¹³⁷

Also in September, the chairman of the Tumahole Youth Congress, Mr Lefu Nakedi, was shot dead, allegedly by municipal police.¹³⁸ Two cars belonging to the rector of the University of the Western Cape, Professor Jakes Gerwel, were destroyed in an arson attack at his home.¹³⁹

In **October** Khanya House, a building in Pretoria used by the Southern African Catholic Bishops' Conference (SACBC), was destroyed by fire. When workers sifted through the debris left by the fire they found two unexploded limpet mines. Petrol containers with fuse wires were also

found. The secretary general of the SACBC, Brother Jude Pieterse, said that he believed that the people involved in the burning of Khotso House could have struck Khanya House. Thereafter, Mr Vlok appointed a senior police officer to investigate the attacks on COSATU House, Khotso House and Khanya House.¹⁴⁰

An executive member of the Uitenhage Youth Congress, Mr Mzwabantu Fanayo, was shot dead by the SAP in KwaNobuhle (Uitenhage). Mr Fanayo had recently emerged from hiding.¹⁴¹ Also in October, the Port Elizabeth offices of the Black Sash were gutted by fire. At the same time bricks were thrown through the window of the home of a woman who worked at the office, Miss Cate Turner.¹⁴²

In the same month the homes of senior members of the Students' Representative Council of the University of Natal (Durban) were burgled and firebombed.¹⁴³

In November the national offices of the National Union of South African Students (NUSAS) at the University of the Witwatersrand (Johannesburg) were destroyed in a firebomb attack. The national president of NUSAS, Mr Steve Kromberg, said that the attack was 'obviously aimed at disrupting our anti-apartheid work'. Damage caused by the fire was estimated at R500 000.¹⁴⁴ Later in the month two shop stewards from the COSATU-affiliated Construction and Allied Workers' Union were shot dead, allegedly by police in Naboomspruit (northern Transvaal).¹⁴⁵

Political violence outside the country

Between 1981 and April 1988 a total of 46 assassination attempts on African National Congress (ANC) members living outside South Africa had been reported in the South African press. In these attempts at least 42 ANC members were reported to have been killed and at least 13 injured. In addition, at least ten people were forcibly abducted from neighbouring states into South Africa.¹⁴⁶

In April 1988 the deputy minister of defence, Mr Wynand Breytenbach, said there had been about 350 guerrilla attacks launched across South Africa's borders over the previous six years, while the 'comparatively few' South African raids against 'terrorist targets' indicated a 'greater measure of self-control'.¹⁴⁷

In August the government of the United States issued a report on global terrorism which linked the South African government to incidents both in and outside the country. Although these incidents were classified as 'terrorist', the report refrained from labelling South Africa as a 'terrorist state'. South Africa was accused in connection with incidents in Botswana, Mozambique, Zambia, and Zimbabwe.¹⁴⁸

In January 1988 a bomb exploded outside ANC offices in Lusaka. Senior officials narrowly escaped death but four Zambians who had been outside were injured.¹⁴⁹

In February the ANC representative in Belgium, Mr Godfrey Motsepe, escaped unhurt when two bullets were fired into the ANC office in Brussels. The ANC drew links between the attack and the anger

expressed by right-wing Belgian groups that had been angered by the expulsion of three South African diplomats.¹⁵⁰

In the same month six men, alleged to have been involved in the sabotage of houses used by the ANC in Zimbabwe, appeared in the Harare Magistrate's Court. Zimbabwe said that the six men constituted a South African sabotage network which was responsible for a seven-year campaign of bombings and assassination attempts. At the same time the Zimbabwe government issued a statement which for the first time directly accused South Africa of a car bomb which had exploded in Bulawayo on 12 January, in which one person had died. The minister of foreign affairs, Mr Pik Botha, said that Zimbabwe's claims were 'a joke'.¹⁵¹

In **March** anti-apartheid activists in the Netherlands attacked Royal Dutch Shell service stations in at least 20 different places around the country. The activists damaged filling hoses and pumps, and painted slogans on the walls of the service stations. A Shell spokesman said it was the largest and most concerted campaign of its kind to date. The campaign was in protest against the company's presence and activities in South Africa.¹⁵² Police later arrested six people, believed to be members of Revolutionary Anti-Racist Action (RARA), a group connected with arson attacks on supermarkets and filling stations belonging to companies with branches in South Africa over the previous four years.¹⁵³

In the same month an ANC official, Mrs Dulcie September, was assassinated as she was opening the organisation's offices in Paris. Police in Paris said that the assassination could only have been carried out by a professional. The ANC commented that 'evidence before us suggests this is part of a terror campaign against the ANC'. There were widespread demonstrations in France against South Africa following the killing, including:

- a bomb which exploded near the South African embassy in Paris, causing slight damage;
- an attack by communist demonstrators on the Satour offices in Paris;
- a gunman who fired buckshot at the South African consulate in Marseilles;
- a gang of youths who threw red paint over the South African Airways offices in Paris and over the facade of a South African embassy building.¹⁵⁴

It was later reported that western intelligence sources, including the intelligence organisations of the United States and France, believed that South African agents were responsible for Mrs September's death. They believed that the agents had entered France shortly before her death and had left for England immediately thereafter. The British Labour Party called on their government to sever diplomatic relations with South Africa over the presence of the agents in Britain. Extra protection for ANC officials living in London was then provided by British police.¹⁵⁵

In **April** a veteran ANC activist and former South African lawyer, Mr

Albie Sachs, was seriously injured when his car exploded in Maputo, Mozambique. The blast took place when Mr Sachs inserted the key into the door of his car outside his home. Mr Sachs had been living in Mozambique since 1977. Mozambican authorities linked the attack on Mr Sachs to the killing of Mrs September in Paris earlier in the year.¹⁵⁶

Also in April, a South African diplomat's car was destroyed in a firebomb attack on the South African embassy in Canberra (Australia). The firebomber had made an earlier, unsuccessful attempt to set fire to the embassy. Police said that on both occasions notes left at the scene referred to the 'Sharpeville Six'. No one was injured in the attacks. The South African government claimed Australia's failure to condemn radicalism and violence in South Africa had created the climate for the attack. The Australian prime minister, Mr Bob Hawke, said there was 'no way' the Australian government would temper its criticism of apartheid. Mr Hawke said that his condemnation of the attack was simply a recognition of Australia's responsibilities under international conventions to protect diplomats.¹⁵⁷

In July it was reported that nine South African citizens were being held captive in foreign states because of political conflicts in southern Africa. They were:

- Mr André Swart and Mr Hendrik Steve du Plessis, who were being held in Zambia and were suspected of being South African Defence Force (SADF) members on a mission against the ANC;
- Corporal Johannes Basson and a national serviceman, Mr Theodore Hermansen, who were arrested at a roadblock by Botswana authorities after a shootout involving SADF members and the Botswana police;
- Mr Barry Jean Vivier, who was being held in Botswana for illegal possession of a hand grenade;
- Private Johan Papenfus, who had been flown to Cuba for specialist medical treatment after conflict between the SADF and the South West African Peoples' Organisation (SWAPO) in the 'operational area';
- a black South African soldier known as 'Pafua' who was reported to have worked for South Africa's counter-intelligence service in southern Angola and who was taken prisoner by SWAPO forces in the Cunene province of Angola;
- a self-confessed spy for South Africa, Ms Odile Harrington, who was serving a prison sentence in Zimbabwe; and
- Mr Promise Isiah Moyo who had been arrested in Zambia for spying on the ANC and Zambian military installations for the SADF.¹⁵⁸

In the same month a powerful explosion in Lusaka (Zambia) partially destroyed a house belonging to a member of the ANC. The blast caused no injuries.¹⁵⁹

In **November** a car bomb in Zambia killed an ANC member, Mr Z Mkhonza, and seriously injured another ANC member. The ANC blamed the attack on South African agents.¹⁶⁰

In December the president of Zimbabwe, Mr Robert Mugabe, accused South Africa of continuing to support Mozambican rebels belonging to Resistência Nacional Moçambicana (RENAMO) who conducted raids into Zimbabwe.¹⁶¹

For information on SADF activity beyond the borders of South Africa, see chapter on *Security*.

Guerrilla attacks

As bombings continued, it became increasingly unclear whether the policy of 'soft targets' was officially condoned by the ANC leadership or not. Restricted newspaper reports were contradictory and they also seemed to suggest conflicting opinion within the ANC.

Early in June *The Star* reported that ANC leaders planned to increase military action to raise sagging black morale and to undermine whites' faith in the government's ability to protect them. *The Star's* information was based on interviews with the ANC president, Mr Oliver Tambo, and other ANC leaders. The ANC said that the government clampdown on anti-apartheid organisations pursuing non-violent protest in February had left it no option but to intensify armed action. It had concluded, after the white general election in May 1987, that whites would stop supporting the government only when it was seen no longer to be able to guarantee their safety. Umkhonto we Sizwe said that the ANC was committed to aborting the municipal elections. It was accepted that bomb attacks in white-zoned city centres would increase and that this would inevitably mean more deaths, among both blacks and whites. However, *The Star* reported that there was intense debate within the ANC about how far armed action should be taken and about how broadly the concept of non-civilian targets should be defined. Mr Tambo outlined the ANC's official policy on bomb attacks, and referred specifically to a bomb attack at Roodepoort (west Rand) which killed four civilians, but *The Star* said it was not allowed to quote these views.¹⁶²

A senior official in Umkhonto was reported (in London and New York newspapers) to have said that he regarded Conservative Party and National Party members of Parliament as legitimate targets for attack and assassination. Others regarded as legitimate targets included judges who gave the death sentence to blacks and people involved in the enforcement of apartheid. Senior Umkhonto officials reportedly admitted responsibility for the spate of bomb attacks prior to June and defended what they called a policy of armed propaganda. However, the interviews suggested that there were differences of opinion between the ANC's military and political leaders. At the same time Mr Tambo denied that assassinations were or would become ANC policy.¹⁶³

The next day the minister of law and order, Mr Adriaan Vlok, said, 'I am warning the ANC not to underestimate South Africa's iron fist. We will not allow the ANC to threaten or endanger the South African people.'¹⁶⁴

In August the ANC said that Umkhonto members who ignored a top-level directive not to attack soft targets could face punishment. An ANC spokesman said that the first step in preventing attacks on civilians would be to ensure that Umkhonto operatives received proper instruction. The spokesman condemned attacks on civilian targets and said that some of the attacks had been executed without approval. He said that in several attacks civilians had not been the intended targets. These included a bomb which exploded at a Pretoria cinema before it could be placed at a nearby government building and a bomb in Roodepoort which exploded before it could be placed at a police station.¹⁶⁵

The statement on soft targets coincided with the announcement that Mr Steve Tshwete would no longer be the political commissar of Umkhonto. Mr Tshwete remained on the national executive of the ANC.¹⁶⁶

In September an ANC member who had been convicted of terrorism, Mr Ashley Forbes, said while giving evidence in mitigation of sentence that it was not the ANC's policy to take the war into 'white' areas. Mr Forbes said that 'the enemy' were the police, police stations, army personnel and military installations.¹⁶⁷

In early October the ANC insisted that it had instructed its guerrillas to avoid 'soft targets'. The ANC reiterated its opposition to attacks on targets such as Wimpy Bars and the Ellis Park Stadium (Johannesburg). Information to this effect was issued in a statement by the national executive of the ANC in Lusaka (Zambia). The statement admitted that the ANC's operatives might have been responsible for attacks which it did not condone, and warned that attacks on 'soft targets' would 'play into the hands of the enemy'. Analysts in Lusaka said that views expressed by the chief of staff of Umkhonto we Sizwe, Mr Chris Hani, in support of soft targets had not caused a rift in the ANC, but that there had been differences of opinion. Mr Hani's views were in the minority and seemed likely to remain so.¹⁶⁸

In July the police arrested a 14-year-old boy, Herbert Mtshali, who confessed to being an ANC 'freedom fighter' trained in Angola. Extensive reports appeared in the media about the boy's ability to strip an AK-47 rifle in under 50 seconds. Announcing his capture, Mr Vlok said that the ANC had embarked on a campaign of 'child revolution'. Herbert said that he had joined the ANC of his own free will. 'I now regret joining the ANC,' he said. 'I am now going to work with the police and go back to school.'¹⁶⁹

In the same month the police distributed pamphlets in the townships around Cape Town offering rewards of up to R1 000 for anybody who informed on people promoting unrest, making fire bombs or involved in necklace killings.¹⁷⁰ In October the police raised the reward to R5 000 for the period leading up to the municipal elections.¹⁷¹

Statistics

The police announced in June that security forces had captured 106 guerrillas and killed 22 between 1 January 1988 and 23 June 1988.¹⁷²

In 1987 there were 15 attacks in the 'independent' homelands. According to Pretoria's Institute for Strategic Studies, most of these attacks were carried out by the ANC. The institute said that according to police figures the upsurge in attacks had been met by a 60% increase in the number of guerrillas captured and killed by the police.¹⁷³

Speaking in early November, the minister of law and order, Mr Adriaan Vlok, said that there had been 262 'terror incidents' in South Africa (excluding the 'independent' homelands) thus far in 1988. There had been 137 'terror incidents' in 1985, 230 in 1986 and 235 in 1987. There were 31 attacks in July, 19 in August, 46 in September and 30 in October.¹⁷⁴

Major incidents

In January 1988:

- a mini-limpet mine exploded at Kokstad (Transkei). There were no injuries.¹⁷⁵

In February:

- a grenade exploded in Tembisa (east Rand), injuring three;¹⁷⁶ and
- at least five guerrillas attacked a white-owned farm on the Limpopo River using RPG7 rockets, grenades and automatic rifles. The raid lasted about a minute. No one was injured.¹⁷⁷

In March:

- a bomb exploded and damaged a bus carrying South African Air Force personnel in Benoni (east Rand). No injuries were recorded;¹⁷⁸
- a grenade attack on a Soweto community hall injured nine policemen;¹⁷⁹
- a car bomb at the Krugersdorp magistrate's court (west Rand) killed three and injured 22;¹⁸⁰
- a mini-limpet mine exploded in Pietersburg (northern Transvaal). There were no injuries;¹⁸¹ and
- three limpet mines exploded at a Fort Jackson (Ciskei) electrical substation. A prefabricated shed was destroyed and another was damaged. There were no injuries.¹⁸²

In April:

- a limpet mine exploded in the canteen of the Atteridgeville Development Board offices in Pretoria. No injuries were recorded;¹⁸³
- a bomb exploded on the Johannesburg-Randfontein railway line. There were no injuries;¹⁸⁴
- another bomb exploded at the Johannesburg City Hall. There were no injuries;¹⁸⁵
- two bombs exploded at a Pretoria cinema. One man was killed and one was seriously injured;¹⁸⁶
- a bomb exploded at an office building near Parliament, extensively damaging the building. There were no injuries;¹⁸⁷ and

- a grenade exploded on a farm near Standerton (eastern Transvaal). Three people were killed.¹⁸⁸

In May:

- an explosive device went off at the SAP single quarters in Kagiso near Krugersdorp. The building was damaged but there were no injuries;¹⁸⁹
- a policeman's baby daughter was killed in a grenade attack on his Mamelodi (Pretoria) home;¹⁹⁰
- an anti-personnel grenade in Mitchell's Plain (western Cape) injured five people;¹⁹¹
- three grenades were thrown into a crowd at Orlando West (Soweto). Two people were killed and 38 injured;¹⁹²
- a bomb in the Pretoria city centre exploded, injuring four women;¹⁹³
- a bomb exploded in the back of a refuse truck in central Johannesburg, injuring one man;¹⁹⁴
- a bomb exploded at the Johannesburg Station, injuring three people;¹⁹⁴ and
- four librarians from the Pretoria City Council Library were injured when there were explosions in central Pretoria at lunch time.¹⁹⁶

In June:

- a bomb planted in a rubbish bin outside the Standard Bank in Roodepoort exploded, killing four people and injuring 19;¹⁹⁷
- a bomb exploded at the entrance of the Sea Point Civic Centre (Cape Town) while a Conservative Party meeting was in progress. There were no injuries;¹⁹⁸
- a petrol-bomb attack on a bus near Empangeni (Natal) killed one person and injured seven;¹⁹⁹
- a bomb-blast near Soweto's Inhlanzani Station caused no injuries;²⁰⁰
- an explosive device went off in a man's hands, killing him, near Hillcrest (Natal);²⁰¹
- a limpet mine exploded in an amusement arcade in central Johannesburg. Two people died and ten were injured;²⁰²
- a bomb exploded in East London. There were no injuries;²⁰³
- a mini-limpet mine exploded at a Pretoria snack bar, injuring 18 people;²⁰⁴
- a man carrying a bomb was killed when it went off at the Johannesburg Art Gallery;²⁰⁵
- a bomb exploded in a crowded Pretoria take-away shop, injuring 18 people, four of whom were members of the South African Defence Force. The shop was in the Poynton's building in Church Street, which houses the headquarters of the directorate of prisons;²⁰⁶ and
- an explosion shook the headquarters of the South African Irish

Regiment in Anderson Street, Johannesburg. No one was injured and damage was reported to be slight.²⁰⁷

In July:

- a man died in Soweto when the limpet mine he was allegedly handling exploded;²⁰⁸
- a car-bomb exploded at Ellis Park Stadium (Johannesburg) killing two and injuring 35;²⁰⁹
- one person was killed and 57 were injured in an explosion in a crowded Wimpy Bar in Benoni (east Rand);²¹⁰
- a mini-limpet mine exploded behind the Cambrian Hockey Club in Turffontein (Johannesburg). No one was injured;²¹¹
- police detonated a mini-limpet mine found in the grounds of a Soweto school;²¹²
- a vehicle was damaged when it detonated an explosive device in the Kruger National Park;²¹³
- four cars were damaged in an explosion in Cape Town;²¹⁴ and
- a bomb exploded at a Durban cinema and another in Alexandra township (Johannesburg) minutes before the film 'Cry Freedom' was due to be screened. A third bomb was found in a cinema toilet at Highgate shopping centre in Roodepoort before it exploded and in Korsten (Port Elizabeth) a petrol bomb was thrown at a cinema. No one was injured in any of the incidents.²¹⁵

In August:

- a mini-limpet mine exploded next to the offices of the Witwatersrand Command, Johannesburg. A second mine was found by the police after the blast;²¹⁶
- a mini-limpet mine exploded after staff and guests had been evacuated from a crowded gambling hall at the Marula Sun Hotel (Bophuthatswana);²¹⁷
- a mini-limpet mine exploded at the Hyde Park shopping centre in Johannesburg. Three people were injured;²¹⁸
- a mini-limpet mine exploded in the Castle in Cape Town, causing minor damage;²¹⁹
- another mini-limpet mine exploded at the Westville Post Office near Durban, resulting in damage but no injuries;²²⁰
- a limpet mine exploded in front of the Pinetown (Natal) Post Office, slightly injuring three people;²²¹ and
- a powerful explosion went off at a bus terminus for Africans in central Johannesburg, causing slight damage but no injuries. The terminus — in Noord Street — is adjacent to the headquarters of the Witwatersrand Command.²²²

In September:

- a bomb exploded at a discothèque in Hillbrow (Johannesburg)

injuring 19 people;²²³

- a limpet mine explosion at Vanderbijl Square bus terminus in Johannesburg injured 19 people;²²⁴
- a bomb went off at the Laudium home of a Pretoria municipal election candidate. There were no injuries;²²⁵
- bombs exploded at the magistrate's court in King William's Town (eastern Cape) and a library in Fort Beaufort (eastern Cape). No injuries were reported;²²⁶
- two limpet mines exploded at the Austerville Post Office in Durban;²²⁷
- three Cape Town local government buildings were bombed in one night: the Bonteheuvel municipal rent offices, the Strand municipal offices and the Strand magistrate's court;²²⁸
- a bomb exploded in Smith Street in Durban, shattering shop-fronts and injuring a passerby;²²⁹
- a nine-year-old child was injured in a Soweto hand-grenade attack;²³⁰
- three limpet mines exploded in separate incidents in Lenasia. The explosions took place at the offices of the Lenasia Bus Service, at the home of the chairman of the Lenasia Management Committee and at the offices of the House of Delegates;²³¹
- a car bomb exploded near police married quarters in Benoni, extensively damaging another block of flats nearby. Two people were injured.²³²
- limpet mines exploded at a Krugersdorp railway siding;²³³
- a bomb, believed to be a mini-limpet mine, exploded at Woodstock Police Station in Cape Town. No one was injured;²³⁴ and
- a bomb under a car in the parking lot of an East London hotel exploded after the area had been cleared. There were no injuries.²³⁵

Altogether 28 bombs exploded in September — the highest number, at that stage, in a single month in the country's history.²³⁶

In October:

- a bomb exploded at the Redhill Post Office in Durban;²³⁷
- a bomb in Durban damaged the campaign headquarters of a Wentworth municipal candidate;²³⁸
- explosions occurred at the magistrate's courts in Wynberg (Johannesburg), Bishop Lavis (Cape Town) and Stellenbosch, resulting in damage but no injuries;²³⁹
- a bomb exploded at the Woodstock Police Station (Cape Town), causing damage, but no injuries were reported;²⁴⁰
- six people were injured when a limpet mine exploded at municipal offices in Tembisa (Kempton Park);²⁴¹

- four people were injured in Tembisa when a limpet mine exploded at police barracks. Damage was slight. The four injured were all policemen;²⁴²
- there were two explosions at Nigel (eastern Transvaal). In the first three people were injured when a mini-limpet mine exploded outside a post office and the second blast occurred at the home of a candidate in the municipal elections;²⁴³
- a limpet mine exploded at a central Johannesburg bus terminus, injuring four;²⁴⁴
- a limpet mine exploded outside the offices of the municipal police in Wynberg, near Alexandra (Johannesburg). There was extensive damage but no injuries;²⁴⁵
- a mini-limpet mine exploded at the municipal police barracks in Katlehong (Germiston);²⁴⁶
- a municipal councillor and his assistant had hand grenades thrown at them in Thokoza (Alberton). They both escaped injury;²⁴⁷
- a baby was killed and four people were injured when a limpet mine exploded at the KwaThema (Springs) civic centre. The centre was being used as a polling point in the municipal elections;²⁴⁸
- a bomb exploded in the building housing the security police in Potchefstroom (western Transvaal). One policeman was slightly injured in the blast, the building was declared unsafe and an adjacent pharmacy was destroyed;²⁴⁹
- two people were killed and 42 were injured when a car bomb exploded outside a Witbank shopping centre;²⁵⁰ and
- a bomb exploded in a Potchefstroom building which housed offices used by the Security Police. One policeman was slightly injured in the blast.²⁵¹

According to police figures, 34 guerrilla attacks had been reported between 1 October and 27 October.²⁵²

In November:

- a mini-limpet mine extensively damaged the Diepmeadow (near Johannesburg) municipal offices. No one was injured;²⁵³
- a limpet mine exploded at a post office in Port Elizabeth. Damage was minimal and there were no injuries. It was reported to be the first major explosion in the area since 1983;²⁵⁴
- there was an explosion at the Lenasia Civic Centre. There were no injuries;²⁵⁵ and
- an explosion damaged a railway station on the outskirts of Durban. There were no injuries.²⁵⁶

In December:

- a mini-limpet mine exploded outside the offices of the Receiver of

Revenue in Boksburg (east Rand). Damage was slight and there were no injuries;²⁵⁷

- the Brakpan (east Rand) offices of the Department of Home Affairs were damaged by a limpet mine explosion. There was only slight damage;²⁵⁸
- two bombs exploded at municipal buildings in Cape Town, causing extensive damage. A third bomb exploded at the Paarl magistrate's court;²⁵⁹
- two explosions in Bisho (Ciskei) resulted in damage to a garage and a shop and in slight injury to a person who had been in the garage at the time;²⁶⁰
- a limpet mine exploded at an Eskom substation in Sandton (north Rand) causing slight damage;²⁶¹ and
- an explosive device destroyed a section of railway line in Soweto.²⁶²

Conflict between groups

Conflict between black consciousness groups and other political groups

In **January 1988** two Alexandra (Johannesburg) pupils, Samora Khumalo and Mthobeli Mathebula, said that they had been chased out of the school they attended and were afraid to return. The two, both sympathetic to the United Democratic Front (UDF) and members of the Students' Representative Council (SRC) at Minerva High School, said that they had been attacked by people wearing Azanian Students' Movement (AZASM) T-shirts.²⁶³

Early in the same month a 17-year-old youth was killed in Walmer township (Port Elizabeth). Residents blamed the death on renewed conflict between groups connected to the UDF and groups owing allegiance to the Azanian People's Organisation (AZAPO). A police spokesman said that the death was not politically motivated.²⁶⁴

AZAPO officials then denied that their members were involved in violent clashes with UDF members in Walmer. An AZAPO statement said that AZAPO was 'clashing with thugs' in Walmer and called on church leaders to mediate in the conflict. The statement said that AZAPO members were 'defending themselves against the thugs and agents provocateurs who are masquerading as UDF members'. Conflict between AZAPO and the UDF had long been resolved, the statement said.²⁶⁵

Two days later two AZAPO supporters from Uitenhage were killed when visiting Walmer. The deaths were again attributed to UDF/AZAPO conflict. After the deaths, the police sealed off the township for what they called 'a general checkup'.²⁶⁶ The police action resulted in the arrest of three people for allegedly possessing stolen goods.²⁶⁷

A president of the UDF, Mrs Albertina Sisulu, said, 'We condemn such actions. We cannot allow ourselves to be used by the system. I am

appealing to the members of the two organisations in the area to stop killing each other. This kind of thing must come to a stop.' Meanwhile, a deputy president of AZAPO, Mr Lybon Mabasa, said, 'This is a war that the UDF cannot win.' He appealed for peace in the area.²⁶⁶ According to residents, fighting stopped after Ama-Afrika and Azanian National Youth Unity (AZANYU) members, who had been fighting over political territory, left the township. Fighting had started when UDF members had been abducted from their homes by AZANYU members.²⁶⁶

Later in January residents of Sobantu (Natal), acted to prevent a similar outbreak of violence there. The chairman of the Sobantu Residents' Association, Mr NT Ndlela, said that Sobantu residents had called upon two youth organisations, the Azanian Youth Organisation and AZASM, to leave the township. AZASM had agreed to leave the township in November 1987 and the announcement was an attempt to reinforce a previous agreement, he said. AZASM leadership called for formal peace talks with the Natal Students' Congress and the Sobantu Youth Organisation.²⁷⁰

Vigilantes

During the period under review only sparse reports about vigilante activity appeared in the newspapers. It is not clear whether this was as a result of the emergency restrictions on newspaper reporting, or because vigilante activity had declined or been superseded by other forms of violence.

The Natal coast director of the Unrest Monitoring Group, Mr Roy Ainslie, said in January 1988 that anti-UDF armed vigilantes were operating in KwaNdengezi, a KwaZulu township near Pietermaritzburg. Mr Ainslie said that '30 or 40 men, heavily armed with spears and guns, were moving through parts of the township molesting members of the UDF'.²⁷¹

In July Mr Ainslie reported that he had, over a fortnight, been receiving scattered reports of armed men with white headbands patrolling Molweni (outside Hillcrest), causing 'hundreds, perhaps thousands of people to be on the move. They are brazen and absolutely fearless', he said. It was reported that these 'witdoeke' had set a police vehicle alight. Mr Ainslie said that there were no indications that police had supported the 'witdoeke' as had allegedly happened in Crossroads (Cape Town) in 1986.²⁷²

White vigilantes

In April 1988 shopowners and residents in Hillbrow (Johannesburg) threatened to form a vigilante group to 'clean up vagrancy in the area'. They said that the issue was not a racial one and that they would 'sort out' vagrants of all races. They said that the proposed vigilante group would use non-violent methods.²⁷³ The National Party (NP) in Hillbrow dissociated itself from the plans to form the vigilante group and warned

that any efforts by people to take the law into their own hands would provide a recipe for 'unwanted and unnecessary violence on our streets'.²⁷⁴

A week later the Conservative Party (CP) announced that it planned to use all legal means available to 'sort out the Hillbrow problem'. The CP established a group areas monitoring committee which intended to dispute the leases of 'disqualified tenants'. The committee said that it would abide strictly by the law and that it would not physically evict black tenants from officially white areas in the city.²⁷⁵

In **May** farmers in the Greylingstad district near Heidelberg in the Transvaal formed a vigilante group following the murder of a local farmer, Mr L J Labuschagne. A neighbour said that 'forming a vigilante force to patrol the area may be the only answer. We formed a vigilante squad a couple of years ago and that seemed to do the trick'.²⁷⁶

In **August** a minibus belonging to workers from the Sarmcol Workers Co-operative (SAWCO) was petrol-bombed by alleged right-wingers.²⁷⁷

Early in **September** a group known as the 'Wit Wolwe' (White Wolves) claimed responsibility for the destruction of Khotso House, the headquarters of the South African Council of Churches in Johannesburg.²⁷⁸

Later in the month a white group was reported to be committing acts of violence in Soweto. A shebeen owner was shot and three white men later appeared in court charged with her murder. The police suspected that the perpetrators were members of a right-wing group. In another incident the homes of two black consciousness activists were attacked by five white men. Charges of assault and theft were laid with the police. No reasons were given for the attacks.²⁷⁹

Alleged right-wing vigilantes fire-bombed the Durban printing unit of the Congress of South African Trade Unions in late September.²⁸⁰

In **November** a former policeman, Mr Barend Hendrik Strydom, who claimed to be the leader of the Wit Wolwe, opened fire on the lunchtime crowds in Strijdom Square in central Pretoria. Three people were killed instantly and at least 17 were injured. The death toll later rose to seven. All the victims of the attack were black. Mr Strydom had resigned from the police force in February while an investigation into his conduct was under way. Earlier on the day of the shooting, Mr Strydom had written a note to his parents in which he spoke of a 'derde vryheidsoorlog' (third war of freedom). Mr Strydom was disarmed by an unarmed bystander, Mr Simon Mukondeleli, who handed him over to the police. Later in the month police used teargas to disperse mourners at the funeral of one of the victims.²⁸¹ Mr Strydom was subsequently sentenced to death in May 1989 on 8 counts of murder. (The eighth count concerned his shooting of an African woman at De Deur (southern Transvaal shortly before the Strijdom Square massacre.)

Two days after this incident three white men walked into a nonracial bar in a Germiston (east Rand) hotel and repeatedly hit patrons with sjamboks.²⁸² Later in the same month an Indian pensioner and his son, Messrs Ahmed and Yunus Moolla, were forced off the road near Wolmaransstad by a group of about ten Afrikaans-speaking white men. The

two men were then badly beaten up and were hospitalised. Mr Yunus Moolla said that none of the men was known to him or his father.²⁶³

In **December** a 15-year-old black youth, Zakhele Rapetswa, was shot dead by a white man in Mondeor (Johannesburg). The incident was witnessed by two of the boy's friends. They said that the three of them had flagged down a vehicle to ask for help. A man had got out of the vehicle and had started to swear at them and had moved towards them with a gun, which they thought was a toy. Zakhele was then shot dead and the man had driven off while they were attending to him.²⁶⁴

Violence at KTC Squatter Camp

In late **January 1988** a member of the Masincedane (the committee that ruled the KTC Squatter Camp), Mr Storeman Madubele, was killed in an attack on homes and vehicles belonging to the Masincedane members. In what appeared to be a retaliatory raid, at least eight homes were burnt and two people were killed, causing scores of residents to flee their homes. Members of the Masincedane told the press that the people responsible for the first killing were 'youngsters who call themselves comrades but are really "ntsaras" [criminals]. There are some people who are getting these youngsters together'. In mid-1986 clashes involving conservative 'witdoeke', police and 'comrades' in KTC left more than 30 dead and 30 000 homeless (see 1986 *Survey* Part 2 p865).²⁶⁵ Over the next few days following the death of Mr Madubele, the death toll rose to eight and the police estimated that between 350 and 400 shacks had been destroyed. Residents estimated that 500 shacks had been destroyed. Police denied allegations that they had assisted the Masincedane. Discussions aimed at resolving the conflict were convened by community leaders, including the director of the Anglican Board of Social Responsibility, the Reverend Sidney Luckett; a patron of the United Democratic Front (UDF), Dr Allan Boesak; and other church groups and officials of the Congress of South African Trade Unions (COSATU).²⁶⁶ Dr Boesak cautioned against seeing the conflict simply in terms of Masincedane followers versus those associated with progressive organisations: 'There is a group of young people who have been involved in some of these incidents who don't seem to belong to any camp,' he said. Residents began to reconstruct their homes, but many moved to Nyanga.²⁶⁷ Soon thereafter, there was renewed fighting, in which at least one man was killed and about ten shacks were destroyed.²⁶⁸

A monitoring group, consisting of members of the UDF, COSATU and church representatives was then established.²⁶⁹ A UDF spokesman said that the state of emergency and the presence of the police and army were hampering peace efforts in the area. 'The emergency makes it impossible for the democratic movement to meet in the way it usually does to resolve problems. It is crucial for our people to understand that the root cause of the conflict rests with a political system which renders people homeless, and gives rise to unemployment and low wages.'²⁷⁰ The COSATU media officer, Mr Frank Meintjies, said that the conflict was 'not in the interests of the struggle' and was 'a blow because both sides

see themselves as being part of the democratic movement and the struggle to end apartheid'.²⁹¹ The UDF confirmed that the conflict was not primarily ideological. The UDF said that although the conflict was largely between the Masinedane and supporters of the Western Cape Civic Association (WCCA), there was a third force at play. Most of the shacks destroyed were in the old KTC area, traditionally a progressive area.²⁹²

This was partially clarified in an article published in *South* by its editor, Mr Rashid Seria. Mr Seria attributed the conflict to differences between the Masinedane supporters — largely based in the new KTC — and WCCA supporters, based in the old KTC, or later, in 'Tambo Square'. The differences, he said, related to strategies used to organise the residents of both parts of KTC. The Masinedane committee wanted the WCCA to use its channels in approaching and organising all KTC residents, even those not resident in new KTC; while the WCCA wanted to approach the residents in the 'Masinedane area' directly. Mr Seria said that it was difficult to resolve the differences between the two groups because repression had driven leaders into hiding.²⁹³

In early **February** the Masinedane established a curfew and enforced it strictly by means of patrols. The vice chairman of the Masinedane, Mr Kenneth Tsamana, attributed the violence to his committee's insistence that representatives of the WCCA be 'democratically elected' before being granted observer status on the Masinedane Committee in KTC.²⁹⁴

Thereafter, there was renewed fighting in KTC. In a further attempt to bring about peace a delegation of UDF and COSATU leaders went to KTC to meet organisations, but they were detained by the police for several hours en route.²⁹⁵ A procession of 50 clergymen walked through the township on a 'peace march' and prayed for peace between rival factions.²⁹⁶

In late February the police and army took control of the camp and erected a 1,4km-long razor wire fence through the centre of the camp to keep the conflicting groups apart. The fence would remain and would be patrolled and floodlit until peace was restored, the army and police said.²⁹⁷

After this very few reports were published about the camp. In early **March**, however, it was reported that about 100 armed vigilantes had been allowed to pass a police roadblock unhindered while a group of attorneys was refused entry. This evidence emerged during a hearing on KTC in which the Methodist Church and 21 families, whose homes in KTC had been destroyed by the vigilantes, brought an action of R312 000 against the minister of law and order.²⁹⁸ At the same time as this emerged, the police declared the camp a restricted area, and only residents were allowed access to it.²⁹⁹

No more reports appeared on KTC until late **June**, when the police removed the fence.³⁰⁰

The conflict in Natal

During 1988 political conflict in Natal was far more intense than in other

parts of South Africa. Newspaper coverage of the conflict was largely dependent on daily police reports on the area. According to people based in Natal who were monitoring the conflict, these reports were said to be incomplete (see *The course of events* below). The police reports generally also failed to specify the political affiliations, if any, of the people killed, or to provide other information of a political nature on the conflict.

The conflict in Pietermaritzburg and the surrounding areas has been monitored by the Pietermaritzburg Agency for Christian Social Awareness (PACSA) and researchers at the Pietermaritzburg campus of the University of Natal. In the areas around Durban and along the coast, the situation has been monitored by the Progressive Federal Party. According to these people, deaths were as follows:

Deaths due to political conflict in Natal in 1988

	<i>Pietermaritzburg area</i>	<i>Durban area</i>
January	162	13
February	62	9
March	19	14
April	28	8
May	32	14
June	27	21
July	49	19
August	57	43
September	54	42
October	53	26
November	58	12
December	81	9
Total	682	230

They said that 70 people had been killed in and around Pietermaritzburg in January 1989. The areas in which most people died in 1988 were Vulindlela, where 231 people died; Hammarsdale/Mpumalanga, where 170 people died; and Edendale, where 70 people died. The researchers also attempted to classify the deaths in terms of political affiliation. The details for Pietermaritzburg were as follows:

*Deaths in and around Pietermaritzburg in 1988,
classified according to political affiliation*

UDF	180
Inkatha	65
ANC	2
BC	5
Police	7
Unknown	423
Total	682

A wide range of analyses were published during 1988 that attempted to account for this violence.

In mid-January 1988 the Inkatha Institute released a survey which said that violence in Natal was caused by unemployment and economic depression rather than by political differences. The director of the institute, Mr Gavin Woods, said that 'the majority of killings in the Pietermaritzburg area are not politically motivated at all, but they can cause political repercussions if the victim happens to have political affiliation'. This finding was dismissed by the president of the United Democratic Front (UDF), Mr Archie Gumede, who said, 'When schoolchildren are attacked because they are singing freedom songs, you cannot say that the attack is apolitical. This violence has taken a clear political pattern.'³⁰¹

A statement issued to the press at Ulundi by the chief minister of KwaZulu, Chief Mangosuthu Buthelezi, in late January said that the main cause of the violent conflict in Natal was apartheid, which had crippled black unity and subjugated blacks economically. He said that elements within the UDF and the Congress of South African Trade Unions (COSATU) were attempting to use the conditions of deprivation for their own political purposes. Chief Buthelezi drew links between this and the African National Congress (ANC) policy to make South Africa ungovernable. He said that the ANC wanted him removed from his position and the KwaZulu administration undermined.³⁰²

In response to these views, COSATU and the UDF blamed the prolonged nature of the violence on:

- the pervasive suppression of information;
- the curtailment of the right to freedom of expression by organisations opposed to the government;
- a largely unaccountable and politically motivated police force; and
- the protection of Inkatha by powerful political interests.³⁰³

COSATU and the UDF said that Chief Buthelezi's suggestion — that the ANC had links with the UDF and was a violent organisation aimed at rendering the country ungovernable — was similar to the government's. 'The coincidence of these views has the unavoidable consequence of bringing the Inkatha movement into an increasingly close working relationship with the state's security forces,' the organisations said.³⁰⁴

In a letter published in the *Sunday Star* on 14 February Chief Buthelezi took issue with *The Star* over its coverage of the violence in Natal. Chief Buthelezi said that:

- 'ideological and other differences between Inkatha and the UDF and obvious variances in tactics and strategies...are a factor but not, I believe, all-encompassing';
- 'appalling socio-economic conditions and the horrors of apartheid... have profoundly affected the communities over a considerable period of time'; and

- 'there are bands of criminals in the area who owe allegiance only to the night when they can perpetrate their evil deeds'.³⁰⁵

In late April about 150 academics, businessmen and professionals attended a seminar at the Pietermaritzburg campus of the University of Natal on the violence. Brigadier Jack Buchner, the South African Police (SAP) brigadier entrusted with combating violence in the region was told he was not welcome at the seminar. He said he was 'insulted' by this. At the seminar:

- a researcher at the University of Natal, Mr Nkosinathi Gwala, said that Pietermaritzburg had been a strong ANC area until the organisation's banning in 1960. Inkatha had never been strong in the area; and
- a researcher at the same university's Centre for Adult Education, Ms Wendy Leeb, said that whites in Pietermaritzburg were 'guilty of the sin of indifference' in their response to the violence which had affected thousands of people in the region.³⁰⁶

In mid-May the Inkatha Institute published the findings of a survey conducted in the Pietermaritzburg area. The research argued:

- that most of those killed were adherents of neither Inkatha nor the UDF; and
- that poor socio-economic conditions, in combination with a criminal element and strained Inkatha/UDF relations, were the main causes of the violence.

The findings were based on the attitudes of 98 people.³⁰⁷

In the same month the University of South Africa (UNISA) published a study entitled *Conflict and Violence in Pietermaritzburg*.³⁰⁸ The study argued that:

- conflict between Inkatha and other groups was a crucial factor in the 'war' surrounding Pietermaritzburg;
- poverty-stricken living conditions in black settlements were a catalyst to violent outbreaks; and
- the provision of housing for black people in the region was extremely inadequate, which exacerbated the problems caused by communities displaced by the conflict.

In mid-August research published by the Inkatha Institute claimed that 95% of activists questioned in Pietermaritzburg concerning the conflict referred to the UDF and Inkatha 'with no political or ideological understanding of these movements'.³⁰⁹

A study conducted by the KwaZulu/Natal Indaba in November revealed that most black people in KwaZulu and Natal believed that a peaceful, negotiated solution to South Africa's problems was possible and rejected political violence. Some of the survey results were as follows:

- 'a peaceful, negotiated constitutional solution to South Africa's problems is possible': 92% agreed, 3% disagreed, 5% were uncertain;

- 'I am prepared to accept black-on-black violence as a means of ensuring dominance of my party': 4% agreed; 78% disagreed; 18% were uncertain;
- 'violence against whites is acceptable if it leads to change': 20% agreed; 60% disagreed, 20% were uncertain; and
- 'violence against the white government is acceptable if it leads to change': 22% agreed, 56% disagreed and 22% were uncertain.³¹⁰

The course of events

In **January** 1988 Mr Gumede made an urgent appeal for peace in the new year and called on the chief minister of KwaZulu and leader of Inkatha, Chief Mangosuthu Buthelezi, to stop his 'vicious verbal attacks' on the UDF and to end Inkatha's 'forced recruitment campaign'. In response Chief Buthelezi said Mr Gumede was a supporter of the African National Congress (ANC) and that peace talks were futile.³¹¹

On 8 January the UDF and Inkatha issued a joint and unconditional call on their members to end the violence in Pietermaritzburg and elsewhere in Natal. The statement followed efforts by church leaders to resolve the conflict. By this date, however, 32 people had already been killed in the region in 1988, and over the rest of the month the death toll climbed to 153, by far the highest monthly toll recorded in 1988.³¹²

Shortly after the signing of the agreement, Chief Buthelezi made it clear that he wanted talks to be held with the national rather than the local leadership of the UDF. Chief Buthelezi said that prospects for peace were slim as long as the UDF was in collusion with the ANC to make the townships ungovernable and for as long as the ANC continued to denigrate him. UDF leaders interpreted Chief Buthelezi's attempt to hold talks with national UDF leadership as an attempt to boost Inkatha's status and credibility.³¹³ The South African Youth Congress (SAYCO) called on its members to participate in peace talks in the region but to continue to form structures to defend themselves from attack.³¹⁴

On 1 **February** a group of 15 000 armed people left a prayer meeting in Sweetwaters and went into nearby Ashdown (UDF-dominated), killing a youth and injuring several others. The violence resulted in an almost total stayaway by Ashdown residents, who, according to COSATU, feared for their families and homes.³¹⁵ The police flew in 100 reinforcements to stop the violence.³¹⁶

On 3 February the SAP arrested 46 people who had allegedly marched through Pietermaritzburg, injuring ten people (three of whom were admitted to hospital) and attacking the COSATU offices.³¹⁷ The mayor of Pietermaritzburg, Mr Mark Cornell, called on the South African Defence Force (SADF) to intervene to halt the violence. 'I feel the police, in spite of a few hundred reinforcements, do not have the necessary manpower to stem the violence,' he said.³¹⁸ The Progressive Federal Party (PFP) called on the government to appoint a judicial commission of inquiry into the violence.³¹⁹

The minister of law and order, Mr Adriaan Vlok, told Mr Cornell on

6 February that the government did not intend deploying the army in the region, but that additional measures were to be taken to curb the violence. Mr Vlok said that the area's problems were complex, but that all who were indulging in criminal acts relating to the violence would be prosecuted without fear or favour. In this regard, he said a special squad of 100 detectives, operating under a brigadier, had been sent to the region.³²⁰ By 11 February seven SAP 'strong posts' and four larger bases had been set up in the Edendale valley.³²¹

In mid-February the National Democratic Party MP for Greytown, Mr Pierre Cronjé, said in Parliament that the police had failed to prosecute Inkatha members who were known by them to have been responsible for crimes. Mr Vlok promised an investigation if Mr Cronjé could substantiate his allegations, but accused him of looking at the matter through 'Dakar spectacles' and casting an 'ugly reflection' on the police.³²²

By mid-February estimates of the numbers of people displaced by the violence had risen to 60 000. Many refugees were reported to be sheltering in the white suburbs.³²³

In February the ANC, in a statement from Lusaka, called for an end to the violence. The ANC said that the continuing factional violence served only to strengthen the South African government, and appealed to the youth to unite against Pretoria — 'the common enemy'.³²⁴

Chief Buthelezi appealed to Mr Gumede to secure 'black unity'. He said that 'political objectives achieved through death and destruction are hollow victories', and that he saw the peace talks as 'a first striving towards consolidating black power in opposition to apartheid'.³²⁵

Problems arose in February delaying the convening of Inkatha/COSATU/UDF peace talks, including a disagreement over whether national or regional representatives should be present at the talks, and related to this, whether the agenda should be confined to the regional conflict or not. The UDF said that it did not 'want to enter into rhetoric about national or international politics'. In response, Inkatha said that it 'demanded that the UDF should send the national leadership' and that it was not possible to divorce local and international issues. Inkatha said, 'It is the actual basic attitude which the UDF and COSATU have — that Inkatha is an illegitimate organisation — that must be addressed. It is the same kind of attitude that the ANC mission-in-exile holds'.³²⁶

The UDF agreed that its national leaders would participate in talks that were to be convened and chaired by officials of the Pietermaritzburg Chamber of Commerce.³²⁷ Talks were hindered by the detention of various UDF leaders in February, and then by the imposition of severe restrictions on the UDF on 24 February (see 1987/88 *Survey* p773).³²⁸ The chairman of the Inkatha Youth Brigade, Mr Musa Zondi, said that the restrictions had left Inkatha isolated. 'The UDF is a crucial element in the search for peace,' he said. 'Who is there now for us to talk to?'³²⁹ A UDF representative responded that the crackdown 'simply gives Buthelezi a free hand to gain control of the whole of Natal. The chances of ending the conflict with the UDF banned are next to nil. It is clear to

us that the government is not serious about ending the violence. It is now going to be much more difficult to control than before'.³³⁰

The Inkatha chairman in KwaNdengezi, Mr Beatus Msomi, said that the situation in the township was beyond his control. He said he had received death threats both from people sympathetic to the UDF (who blamed him for the death of UDF members) and from other Inkatha members who said that he had become 'a friend of the UDF'. He said that a person who wished to become the Inkatha chairman of the area in his place was responsible for the violence.³³¹

In **March** the police deployed 300 special constables in the Edendale area. Their deployment followed a visit to the area by the deputy minister of law and order, Mr Roelf Meyer. On 10 March a number of the special constables were discharged after it was found that they had allegedly been involved in criminal activities.³³²

Early in March a member of the KwaZulu Legislative Assembly, Mr Msinga Mbatha, was shot dead at his home in the Camperdown area. A number of AK-47 cartridges and expended bullets were found on the scene.³³³

At the end of March Chief Buthelezi said that COSATU was responsible for violence in Pietermaritzburg. He said that a COSATU strike had triggered off the violence in the area. Mr Peter Kerchoff, the organiser of the Pietermaritzburg Agency for Christian Social Awareness (PACSA), said Chief Buthelezi's remarks were 'totally inaccurate'. 'I am appalled at Chief Buthelezi's outburst,' he said, 'because it comes at a time when he knows full well that COSATU — because it is restricted by a government order — cannot defend itself.'³³⁴

In **April**, following complaints by Sweetwaters residents, an Inkatha meeting which was to be held there was cancelled. The meeting had been called by a local induna to raise funds for members of the community who were facing charges arising from recent violence. A resident, who asked not to be named, said, 'We are so scared because the last meeting [held on 31 January] ended with the invasion of Ashdown. We have seen enough violence. We become very frightened when people convene mass meetings.'³³⁵

The KwaZulu minister of works, Chief S H Gumede, said in the KwaZulu Legislative Assembly that the Natal Indian Congress was responsible for the violence around Pietermaritzburg. He also criticised the South African Council of Churches for 'brainwashing' Christians in churches.³³⁶

In the same month the KwaZulu Police blamed the SAP for their role in an incident in which two unarmed Inkatha members were killed, allegedly by UDF supporters, in Ashdown. The KwaZulu Police said that after being interrogated by the SAP, a truckload of 20 Inkatha supporters had been left in Ashdown township, which was known to be a strong UDF base.³³⁷

Early in April the SAP said that it was firmly back in control of the townships around Pietermaritzburg. 'Law and order has returned, the black people have been given back their dignity, and I believe the killings

have ended,' a SAP spokesman said.³³⁸

In April Chief Buthelezi said that 'the enormous growth of Inkatha has prompted the ANC, UDF and COSATU to attempt to destroy the organisation in the greater Pietermaritzburg area'.³³⁹

At the end of April the KwaZulu Legislative Assembly called for the black areas of greater Pietermaritzburg to be placed under KwaZulu's jurisdiction 'so that order could be restored'. A statement in *Clarion Call*, the official organ of the KwaZulu administration, called on all leaders and organisations to recognise that the 'vast majority of ordinary blacks' in the region, including those not controlled by KwaZulu, would 'welcome the protective presence of the KwaZulu Police' and the administration of its government.³⁴⁰

The son of an Imbali councillor and Inkatha member, Mr Dumisane Awetha, was stabbed to death in May. His father, Mr Abdul Awetha, was a respondent in at least one Supreme Court interdict.³⁴¹

At about the same time the Inkatha central committee decided to suspend from its ranks anyone accused of using violence for political purposes. Inkatha also undertook to establish a watchdog group to investigate allegations of corruption and violence made against senior members of the organisation. A member of the central committee who was facing charges of murder and attempted murder, Mr Thomas Mandla Shabalala, was suspended. Chief Buthelezi said that it was 'extremely important politically and diplomatically' for the organisation to counter accusations that 'Inkatha commits atrocities against black brothers and sisters in the struggle for liberation'. He said that Inkatha was placed in a very difficult situation 'by the foul accusations levelled against it that Inkatha has warlords and that while Inkatha is committed to dealing with apartheid through non-violent tactics and strategies, it is very violent against black South Africans'.³⁴²

In **June** Mr Vlok said in reply to a question in Parliament that altogether 34 people were awaiting trial following clashes between Inkatha and UDF supporters in the Umgeni Valley in the first four months of 1988.³⁴³ Mr Vlok said that the charges included murder, attempted murder and arson; and that the weapons used included petrol bombs, knives, assegais and home-made firearms.³⁴⁴

Towards the end of June the PFP appealed to the chief magistrate of Pietermaritzburg to prohibit a rally being organised by the Inkatha Youth Brigade in Sweetwaters. The PFP MP for Durban North, Mr Mike Ellis, said that the continuing violence in the area 'indicates clearly that the government has not solved the problem and that the underlying causes of the unrest continue to exist'. Residents in the area had told the PFP that they had been instructed to send their children to the rally or they would have to 'face the consequences'. They also claimed that some people had been assaulted when they refused to let their children attend a youth camp organised by Inkatha. A spokesman for Inkatha denied these allegations and said that the forthcoming meeting was simply to discuss strategy.³⁴⁵

Meanwhile the government prohibited 64 gatherings in Natal in the

period between 4 and 16 June. Nationwide, only one other gathering had been prohibited.³⁴⁶

At the end of June plans to revive 'peace talks' in the region began to be formulated. Inkatha said that it wanted to place emphasis on 'solving problems politically rather than by violent methods, and we are going to try to get peace talks about the township violence going again'. The UDF said that it was waiting for permission from the minister of law and order for its representatives to be permitted to participate in the negotiations. It had requested such permission in mid-May. Both parties stressed that the national leadership of the organisations needed to become involved and to protest strongly and publicly against the violence.³⁴⁷

In mid-July it was reported that 16 schoolchildren had been shot and injured by special constables at the Siyahlomula High School in Ashdown. According to eyewitnesses, residents from a neighbouring township had 'disrupted the normal running of the school', which prompted the school principal to summon the aid of the special constables. School pupils had objected to this, and had demanded that the special constables leave Ashdown. A special constable had then allegedly punched one of the pupils. The pupils had thrown bricks and stones at the police, who had responded by shooting at them.³⁴⁸

The chairman of the Inanda branch of Inkatha, Mr Rogers Ngobo, denied claims that vigilantes had killed five people and injured 25 over the first two weeks of July as punishment for refusing to pay transport costs to the annual Inkatha conference at Ulundi. An Inanda resident, Mr Mike Mkhize, said, 'If they know you are a UDF activist, they come in the night and shoot you. The police don't want to take our statements. They say they are too political.'³⁴⁹

Later in July it was reported that residents of the Molweni Valley (Hillcrest) and the Gezubuso district in the greater Edendale Valley were fleeing their homes in their thousands to escape outbreaks of violence. In Molweni schools were closed and two temporary police stations were established.³⁵⁰ In Gezubuso violence reportedly flared up after an Inkatha meeting called by Chief Shayabantu Zondi.³⁵¹

The director of the Inkatha Institute, Mr Gavin Woods, said that the fundamental cause of violence in the Molweni area was land occupancy. Mr Woods said that tribal groups in the area traced their access to the land there to the period before the colonisation of Natal. Issues such as the scarcity of arable land and water were also important. The Inanda Dam, being built in the area, exacerbated some of these problems, he said.³⁵²

In early August there was an increase in the number of killings. Residents attributed the increase to 'justice being taken onto the streets' following the acquittal of 'warlords' on murder and other serious charges. Calls for renewed peace talks mounted but leaders of warring organisations warned that restrictions on their organisations and on themselves made it impossible for them to control the situation.³⁵³

Mr Musa Zondi said that it would be difficult for Inkatha to bring about peace in the absence of UDF and COSATU leadership. 'We

cannot make any demands against the restricted organisations,' he said. 'They are in an invidious position. It would be unfair for us to demand that they show up at the talks when they have so many obstacles.'³⁵⁴

In mid-August a funeral procession at Mpumalanga was fired on by a crowd of 300 alleged Inkatha supporters. Five people were killed and several were reported to have been injured.³⁵⁵

Addressing the tenth anniversary of the Inkatha Youth Brigade in Ulundi, Chief Buthelezi spoke of the conflict between the ANC and Inkatha, which he said he had discussed with politicians on his recent overseas tour. 'I pointed out that the whole international community is today concerned with the Resistência Nacional Moçambicana/Frente Libertação de Moçambique (RENAMO/FRELIMO) war in Mozambique and the União Nacional para Independência Total de Angola/Movimento Popular de Libertação de Angola (UNITA/MPLA) war in Angola. If they did not help to nip in the bud the conflict that is building up between the ANC/UDF/COSATU alliance and Inkatha they might find themselves in a worse situation than the Mozambique/Angola situation.'³⁵⁶

By the end of August the refugee problem in Natal had mounted to unprecedented levels. According to groups monitoring the situation, there were a few refugees in 1987, but the situation had been exacerbated by the floods later in that year. The floods were reported to have displaced 500 000 people. Durban Network appealed for sanctuary and basic supplies for 20 000 people.³⁵⁷

The police said that they would be sending reinforcements to areas of Natal where violence had escalated over the last two weeks of August.³⁵⁸

In early **September** an agreement which attempted to resolve the conflict was reached between Inkatha, the UDF and COSATU. In terms of the agreement:

- a complaints board would be set up to monitor and discipline anyone responsible for violence;
- the right of all parties to exist was recognised;
- violence was forsworn; and
- intimidation, forcing people to ally themselves with one group or another, was forbidden.

The agreement was concluded at the Pietermaritzburg Supreme Court after four days of negotiations. Advocates represented the delegations and Mr Justice N S Page oversaw the proceedings. Judge Page said that the agreement was a piece of machinery which should be used to bring an end to the misery of the people in Pietermaritzburg townships. 'The agreement should be looked upon as an additional tool and not a substitute for the courts,' he said. He appealed to the organisations concerned to put the interests of the community before their own.³⁵⁹

On 6 September KwaZulu Police, while escorting an Inkatha delegation in KwaNdegezi, shot at a crowd, killing a man.³⁶⁰

In mid-September the SAP announced that three new police stations

would be opened; at Dassenhoek, KwaNdengezi and Molweni. About 250 policemen had been moved into the area. The decision to open the new stations was the result of talks between police, community leaders and the KwaZulu administration.³⁶¹

On 25 September Inkatha celebrated Shaka Day, one of the most important days in the Inkatha and KwaZulu calendar. Inkatha called on its members to treat the day as a peaceful cultural occasion.³⁶² At a rally Chief Buthelezi publicly endorsed the agreement concluded between COSATU and Inkatha, and called for similar agreements to be made with the UDF and the ANC.³⁶³

Six KwaMakhutha residents filed affidavits with attorneys which claimed that Inkatha supporters, escorted by KwaZulu police, had attacked them after the Shaka Day celebrations. The residents claimed that windows, roofs and doors had been destroyed. The KwaZulu police confirmed that there had been 'unrest' in KwaMakhutha, but said that residents should report problems to them and not to attorneys.³⁶⁴

In **October** the National Democratic Party MP for Greytown, Mr Pierre Cronjé, said that political violence had created 'bands of children a couple of thousand strong' who moved from place to place between Durban and Howick, running protection rackets. These claims were denied by a researcher at the University of Natal (Pietermaritzburg), Ms Wendy Leeb, who said that while there were more than 20 000 refugees in the greater Pietermaritzburg area, there was no evidence of gangs of youths living in the bush. In the whole province of Natal there were between 60 000 and 70 000 displaced people, she said. Ms Leeb said that many of the refugees went to 'safe' townships, which led to a massive problem of overcrowding.³⁶⁵ Mr Roy Ainslie, the Natal Coastal director of the PFP, estimated that 9 000 people had left the Molweni area alone.³⁶⁶

In mid-October an Mpumalanga municipal councillor and member of Inkatha, Mr Zakhele Nkehli, said that violence in Mpumalanga townships increased the rate of absenteeism among workers. People were losing their jobs as they were scared of moving around freely in and outside their areas.³⁶⁷

Six weeks after it was concluded, the Inkatha-COSATU peace agreement was reported to be having some effect in limiting violence. The complaints adjudication board had yet to be launched.³⁶⁸

In early **November** a group of over 50 black youths attacked a van carrying six Inkatha members as they returned from a Durban regional court hearing involving UDF members. The group threw a petrol bomb (which failed to ignite), rocks and bricks into the van. A passenger was slightly hurt.³⁶⁹

On 2 **December** it was reported that large numbers of Inkatha members had gone to Trust Feed (near New Hanover) to launch a recruitment drive. Residents said that they were threatened if they refused to join Inkatha. The following day a group of vigilantes shot dead 11 people at an all-night prayer vigil for a child (who had died of natural causes). Two others were seriously wounded. The police refused to allow reporters

into the area. No arrests had been made by 5 December. Mr Cronjé said that the violence was linked to Inkatha's attempts to gain control in the area. An Inkatha official in the area, Mr Zakhele Nkehli, blamed the UDF for the violence.³⁷⁰

Chief Buthelezi said that Inkatha would take legal steps to protect itself if any newspaper, organisation or individual blamed it for the killings. 'Inkatha is not responsible for this violence and unreservedly condemns it,' he said.³⁷¹ Commenting on the killings, the secretary general of Inkatha, Dr Oscar Dhlomo, said that they should not interfere with the Inkatha-COSATU peace agreement: 'The key issue is commitment to peace,' he said. 'I have no reason to believe that either Inkatha or COSATU is no longer committed.'³⁷²

Speaking in December, Ms Leeb said that over the past 18 months more than 1 000 people had been killed in Pietermaritzburg townships, while over the previous 12 months 292 people had been killed in the Lebanon. Ms Leeb said that while the situation in the Lebanon was called a civil war, the conflict in Natal was termed 'unrest'. Ms Leeb said that the word unrest 'so effectively hides the horror of the truth, that it lulls us all into a false sense of complacency'.³⁷³

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| 152 | <i>The Citizen</i> 8 March | 207 | Ibid 4 June |
| 153 | <i>Sowetan</i> 12 April | 208 | <i>The Sunday Star</i> 3 July |
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| 155 | <i>Sunday Star</i> 3 April, <i>The Natal Mercury</i> 4 April | 210 | <i>Cape Times</i> 2 August |
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| 168 | <i>The Sunday Star</i> 2 October | 223 | <i>The Star</i> 23 September |
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| 172 | <i>The Natal Mercury</i> 23 June | 227 | Ibid 4 October |
| 173 | <i>The Weekly Mail</i> 8 July | 228 | Ibid 29 September |
| 174 | <i>The New Nation</i> 3 November | 229 | Ibid 3 September |
| 175 | <i>The Star</i> 4 July | 230 | Ibid 7 September |
| 176 | Ibid | 231 | <i>Business Day</i> 14 September |
| 177 | <i>The Sunday Star</i> 14 February | 232 | <i>The Star</i> 19 September |
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POLITICAL ORGANISATIONS

AFRICAN NATIONAL CONGRESS (ANC)

Policy

The 1988 new year message of the African National Congress (ANC) acknowledged setbacks the ANC had suffered as a result of a calculated campaign on the part of the state, mainly through emergency rule, to restrict and destroy its networks. However, the ANC believed that it had scored a number of important victories during 1987, as follows:

- it had been able to broaden its own support, political base and authority inside the country, whereas the government had not managed to do so;
- much of its own internal organisation and other anti-apartheid organisations were still intact and determined to continue struggling against the government; and
- in the absence of a wide-ranging political base, the government had been compelled to rely on force more than before in order to retain its grip on state power.¹

While the state might dispute these claims, the ANC believed that it had made some advances in 1987, the year it had declared 'The year of advance to people's power'. The ANC declared 1988 'The year of united action towards people's power'.

A member of the ANC's national executive committee, Mr Francis Meli, said that it was wrong to suggest that the ANC was preparing for negotiations as an alternative to armed struggle. Talks with white businessmen and politicians were aimed at distancing them from the apartheid regime (see 1987/88 *Survey* pp706-707). Despite widespread reports that the ANC was ready to negotiate with the South African government, this did not indicate a major shift in ANC policy (see 1987/88 *Survey* p702). Speculation that the frontline states were pushing the ANC to opt for a negotiated settlement because 'they found the burden of protecting their territories from continued South African attacks too onerous' was dismissed by the ANC as untrue.²

Regarding the issue of parliamentary participation, the ANC reaffirmed its stance of non-participation but said that it would not dictate that forces inside South Africa should take the same stance. This statement was in response to reports that anti-apartheid extra-parliamentary groups were re-evaluating their strategy of boycotting government-created structures, particularly in view of the nationwide municipal elections due to be held in October (see chapter on *Government and Constitution*).

In July, 35 years after the adoption of the Freedom Charter, the ANC released a document which set out its vision for a future South Africa.

The document, entitled 'Constitutional Guidelines for a Democratic South Africa', was the result of two years of intensive debate within the organisation.³

The document proposed the following:

- a multiparty democracy in a unitary state;
- universal suffrage based on the principle of one person one vote;
- a bill of rights that would be enforceable by an independent judiciary;
- the protection of cultural and language rights, freedom of association, the press and religion;
- independent trade unions;
- land redistribution coupled with recognition of private property rights;
- a ban on all forms of racism and tribalism;
- a mixed economy; and
- the declaring of South Africa to be a non-aligned state committed to the principles of the charter of the Organisation of African Unity (OAU) and the charter of the United Nations.

The ANC's constitutional guidelines were conditionally welcomed by opposition groups ranging from the Labour Party (LP) through to the Progressive Federal Party (PFP), the National Democratic Movement (NDM) and the Azanian People's Organisation (AZAPO). The South African government's view of the guidelines was outlined in a Bureau of Information article that appeared in the bureau's *RSA Policy Review*. The article said that the guidelines were part of a change in style to create the impression that the ANC had now adopted a liberal stance. This change in style, the government suggested, was a result of three main factors, namely, pressure from the western nations, admission of military setbacks and the application of 'glasnost' and 'perestroika' in South Africa. However, the government believed that the ANC's new strategy did not mean that it was turning away from 'terrorism and violence'.⁴

A statement issued by the highest political body of the ANC, the national executive committee (NEC) in August 1988 claimed that the organisation's policy was not to attack civilian targets and warned that such attacks would play into the hands of the ANC's enemies. This statement followed reports that 'hardliners' within the ANC were pushing the organisation towards adopting a policy of attacking soft targets.⁵ The statement also said that attacks on such targets 'were not ordered by the ANC, but were carried out by ANC guerrillas inspired by anger' at the government's military actions and its 'campaign of terror' against blacks.⁶ An ANC spokesman said that 'Umkhonto we Sizwe members ignoring top-level directives not to hit soft targets could face punishment under the organisation's disciplinary code'.⁷

Responding to the ANC statement, Brigadier Leon Mellet, press secretary to the minister of law and order, scoffed at the claims that the ANC opposed attacks on civilians and said that the organisation 'wages war on innocent people and is nothing less than a terrorist organisation'.⁸

In May the ANC claimed that a growing number of whites were joining the organisation and identifying themselves with the armed struggle. This statement followed the arrest of members of the first all-white ANC cell in Broederstroom (southern Transvaal) in May.⁹

In January 1989, the president of the ANC, Mr Oliver Tambo, presented his NEC's annual policy statement in Lusaka (Zambia) a week after the ANC marked its 77th year of existence. The ANC declared 1989 'The year of mass action for people's power'. It reiterated that the armed struggle was 'more vital than ever', but also said that 'all possible legal avenues of struggle must be explored'. It said that the chief targets of these avenues should be the state of emergency, group areas, anti-squatting measures and forced removals, rent and taxation. The statement said the international field remained important to ANC strategy. It said it was of the utmost importance that 'the biggest possible campaigns should be launched in the major western countries to oblige their governments to impose further and more meaningful sanctions, tighten the arms embargo and adopt other measures for the greater isolation of apartheid, as well as increase their support for the democratic forces of South Africa'. Referring to unity talks among white parliamentary opposition parties, the ANC said, 'Those of our white compatriots who count themselves as part of the anti-apartheid forces and participate in the racist Parliament...must address, together with the mass democratic movement, the question of the most effective means of replacing this institution with a people's parliament.'¹⁰

In March 1989 the ANC said it would not abandon the armed struggle and denied reports that the Soviet Union was pressurising it to do so.¹¹

ANC installations in Angola

In January 1989 the ANC announced that it would move its camps out of Angola in support of an accord between Angola, South Africa and Cuba, aimed at ending conflict in South West Africa/Namibia and Angola.¹² However, whereas the Nkomati accord had limited the ANC presence in Mozambique to ten people and had necessitated the removal of all ANC institutions, schools, farms and other ANC institutions were likely to remain in Angola. ANC military leaders denied reports that the move represented a major military setback. They argued that ANC guerrillas trained in Angola had in any case to be transported to one of South Africa's neighbouring states to infiltrate the country. The ANC declined to say where their camps would be moved to.¹³

Political developments within South Africa

The ANC took a stand on various political developments within South Africa during the period under review.

In February 1988 the ANC called for an end to violence in the townships, particularly Pietermaritzburg (Natal). It said that black anger should be consciously and systematically directed against the true enemy

of the people, the apartheid regime: 'The power struggle has always been, and should be, between the oppressed people and the apartheid regime.'¹⁴ The ANC also alleged that the chief minister of KwaZulu and president of Inkatha, Chief Mangosuthu Buthelezi, had played an active role in prolonging the fighting. The ANC said, 'The people's confrontation with the apartheid regime has forced Chief Buthelezi to take clear positions in support of his employers, the government' (see chapter on *Political Developments*).¹⁵ In reply Chief Buthelezi said that the violence was a result of the ANC's call to make the townships ungovernable. He claimed that the United Democratic Front (UDF) was a surrogate of the ANC and that it was carrying out the instructions of the ANC.¹⁶

A long-term ANC prisoner, Mr Harry Gwala, was released in November as a result of his being ill. Mr Gwala had spent 20 years in prison, *inter alia* for sabotage.¹⁷

In December a jailed leader of the ANC, Mr Nelson Mandela, was moved to a suburban-style house at the Victor Verster Prison in Paarl (western Cape).¹⁸ In a Radio Freedom broadcast, the ANC said that the move was insignificant and that only the total, unconditional release of Mr Mandela would be acceptable (see chapter on *Security*).¹⁹

In January 1989 Mr Oliver Tambo and Mr Mandela strongly urged that Mandela United football team, a group of young 'comrades' who acted as bodyguards for Mr Mandela's wife, Mrs Winnie Mandela, be disbanded in the light of widespread controversy surrounding it. The actions of the team had been a major source of conflict between Mrs Mandela and the ANC leadership.²⁰ Mandela United had been involved in the alleged abduction of four youths, including a child activist, Stompie Moeketsi, who was later killed. A joint statement issued by the UDF's former publicity secretary, Mr Murphy Morobe, the president of the UDF, Mr Archie Gumede, and the president of the Congress of South African Trade Unions (COSATU), Mr Elijah Barayi, on behalf of the UDF and COSATU, placed the entire blame on Mrs Mandela for the conduct of the team. The statement said, 'We are outraged at Mrs Mandela's obvious complicity in the abductions and therefore we in the mass democratic movement distance ourselves from her and her actions.'⁷ Mr Morobe denied that the statement had been ordered by the ANC.²¹

In February the UDF and COSATU held talks with the ANC on the controversy surrounding Mrs Mandela. A statement issued by the ANC said that Mrs Mandela had made mistakes, but urged extra-parliamentary groups not to ostracise her but rather to draw her back in as a disciplined member, accountable to the movement and subject to its restraint and counsel. The ANC also suggested that the team's ranks had been infiltrated by 'the enemy' to discredit Mr Mandela and the ANC.²²

Talks with South African groups

During the period under review, the ANC held talks with delegations from a number of South African political, religious and sporting organisations.

In January 1988 the ANC held talks with members of the Transkei opposition party, the Democratic Progressive Party (DPP).²³ In February ministers from the Nederduitse Gereformeerde Kerk van Afrika (NGKA), led by the moderator of the NGKA, the Rev Sam Buti, held talks with the ANC in Lusaka. In May talks were held in Germany between the National Democratic Movement (NDM), headed by its leader, Mr Wynand Malan, and ANC leaders.²⁴

In July the ANC confirmed that it had had contact at top level with Inkatha during the course of 1988. However, there was a discrepancy between the two accounts of the discussions that were held between the secretary general of Inkatha, Dr Oscar Dhlomo, and the director of publicity of the ANC, Mr Thabo Mbeki. Following these meetings, there was a breakdown in talks between Inkatha and the ANC.²⁵

The ANC also confirmed that it had held talks in Harare (Zimbabwe) with South African Rugby Board (SARB) officials, including the president of the SARB, Dr Danie Craven, concerning South Africa's sports isolation. Also present at the talks held in October was a delegation from the predominantly black South African Rugby Union (SARU).²⁶ In response to criticism from government and sports officials about meeting the ANC, Dr Craven said that it was a reality that the ANC held the key to rugby contact in Africa.²⁷

Following a meeting between the National Soccer League, the South African Soccer Association and the ANC held in Maputo (Mozambique) in October, the organisations issued a joint statement which said, 'Apartheid must be ended before any sporting links with the outside world can be normalised.'²⁸ The ANC also met the South African Soccer Federation in November and it was agreed that 'the international boycott on South African sport must be continued as it is an important tool in the destruction of apartheid'.²⁹

Between 7 and 9 October, the ANC had talks with representatives of the Natal Indian Congress, the Transvaal Indian Congress and 52 other people from the Indian community.³⁰

In October the state president, Mr P W Botha, called on all South Africans 'not to give the ANC cheap propaganda by having contact with the banned organisation'.³¹ Despite government pressure, a group of South African academics and politicians met the ANC and senior Soviet-policy makers in Leverkusen (West Germany) in October.³² In November the ANC met a delegation of five leaders from the South African Council of Churches (SACC), including the archbishop of Cape Town, the Most Rev Desmond Tutu.³³

In February 1989, 30 predominantly Afrikaans-speaking legal academics from various South African universities and an ANC delegation attended a five-day conference in Harare (Zimbabwe) to examine the role of law in a society in transition and to discuss the need for a bill of rights in a post-apartheid South Africa.³⁴ In April 1989 more than 50 South African women held talks with the ANC in Harare. The talks focused on the conflict in the country and ways of working towards peace.³⁵

International relations

In March 1988 the Bénélux representative of the ANC, Mr Godfrey Motsepe, announced that the ANC would open an office in Amsterdam.³⁶ A Finnish government official confirmed that the ANC would open an information office in Finland in April.³⁷ Mr Tami Sindelo became ANC ambassador to Kenya. The ANC was also invited to send representatives to Argentina, Brazil and Nicaragua.³⁸ In May the ANC opened an office in Tokyo.³⁹

Reacting to a US Pentagon report in January 1989 that classified it as a 'terrorist' organisation, the ANC said that propaganda against it could convince only those 'who condone the heretical crime of apartheid'. The US State Department repudiated the Pentagon report.⁴⁰

Assassinations and attempted assassinations

The period under review saw an increase in the assassination and attempted assassination of senior ANC members, the most prominent of these being the killing of the ANC representative in France, Ms Dulcie September, and the attempted assassination of a veteran member of the ANC, Mr Albie Sachs, in March and April respectively.⁴¹

Several other high-ranking officials of the ANC, including its secretary general, Mr Alfred Nzo, and its treasurer general, Mr Thomas Nkobi, escaped assassination attempts in six foreign countries during the period under review.⁴² While the South African minister of foreign affairs, Mr Pik Botha, expressed the opinion that the assassination of ANC leaders abroad was the result of in-fighting within the ANC, the ANC asserted that the unity of the organisation was never in question and that the attacks on the organisation were part of an orchestrated attempt by the Pretoria government to eliminate the ANC.⁴³

Appointments

In July 1988 the ANC appointed seven new members to its NEC, increasing the number to 35. The new appointees included Mr Steve Tshwete (as political commissar of the ANC's military wing Umkhonto we Sizwe) and Mr Ronnie Kasrils, a senior member of Umkhonto.⁴⁴ Mr Kasrils was only the second white person to have been appointed to the NEC. The first was the general secretary of the SACP, Mr Joe Slovo, who was appointed to the body in 1985.⁴⁵ The appointments also tripled Umkhonto's representation on the organisation's governing body from two to six people. In August the ANC confirmed that one of the new NEC members, Mr Tshwete, had been removed from his post as political commissar of Umkhonto. However, the ANC denied suggestions that this was linked to growing divisions within the organisation over the issue of civilian targets (see above).⁴⁶

Negotiations

In August 1989 the Organisation of African Unity's special committee

on Southern Africa adopted an ANC document outlining guidelines for negotiation in South Africa. After a preamble, the committee's declaration, which was based on a draft adopted by the ANC in Luanda (Angola) on 10 August, read as follows:

PRINCIPLES

We believe that a conjuncture of circumstances exists which, if there is a demonstrable readiness on the part of the Pretoria regime to engage in negotiations genuinely and seriously, could create the possibility to end apartheid through negotiations.

Such an eventuality would be an expression of the long-standing preference of the majority of the people of South Africa to arrive at a political settlement.

We would therefore encourage the people of SA, as part of their overall struggle, to get together to negotiate an end to the apartheid system and agree on all the measures that are necessary to transform their country into a non-racial democracy.

We support the position held by the majority of the people of SA that these objectives, and not the amendment or reform of the apartheid system, should be the aims of the negotiation.

We are at one with them that the outcome of such a process should be a new constitutional order based on the following principles, among others:

- SA shall become a united, democratic and non-racial state;
- all its people shall enjoy common and equal citizenship and nationality, regardless of race, colour, sex or creed;
- all its people shall have the right to participate in the government and administration of the country on the basis of a universal suffrage, exercised through one person one vote, under a common voters' roll;
- all shall have the right to form and join any political party of their choice, provided that this is not in furtherance of racism;
- all shall enjoy universally recognised human rights, freedoms and civil liberties, protected under an entrenched bill of rights;
- SA shall have a new legal system which shall guarantee equality of all before the law;
- SA shall have an independent and non-racial judiciary;
- there shall be created an economic order that shall promote and advance the well-being of all South Africans;
- a democratic SA shall respect the rights, sovereignty and territorial integrity of all countries and pursue a policy of peace, friendship and mutually beneficial co-operation with all peoples.

We believe that agreement on the above principles shall consti-

tute the foundation for an internationally acceptable solution which shall enable SA to take its rightful place as an equal partner among the African and world community of nations.

Climate for negotiations

Together with the rest of the world, we believe that it is essential, before any negotiations can take place, that the necessary climate for negotiations be created.

The apartheid regime has the urgent responsibility to respond positively to this universally acclaimed demand and thus create this climate.

Accordingly, the present regime should, at the very least:

- release all political prisoners and detainees unconditionally and refrain from imposing any restrictions on them;
- lift all bans and restrictions on all proscribed and restricted organisations and persons;
- remove all troops from the townships;
- end the state of emergency and repeal all legislation, such as and including the Internal Security Act [of 1982], designed to circumscribe political activity; and
- cease all political trials and political executions.

These measures are necessary to produce conditions in which free political discussion can take place — an essential condition to ensure that the people themselves participate in the process of remaking their country.

The measures listed above should therefore precede negotiations.

Guidelines to the process of negotiation

We support the the view of the liberation movement that upon the creation of this climate, the process of negotiations should commence along the following lines.

Discussions should take place between the liberation movement and the South African regime to achieve the suspension of hostilities on both sides by agreeing to a mutually binding ceasefire.

Negotiations should then proceed to establish the basis for the adoption of a new constitution by agreeing on, among others, the principles enunciated above.

Having agreed on these principles, the parties should then negotiate the necessary mechanism for drawing up the new constitution.

The parties shall define and agree on the role to be played by the international community in ensuring a successful transition to a democratic order.

The parties shall agree on the formation of an interim government to supervise the process of drawing up and adoption of a new constitution; and to govern and administer the country, as well as

effect the transition to a democratic order, including the holding of elections.

After the adoption of the new constitution, all armed hostilities will be deemed to have formally terminated.

For its part, the international community would lift the sanctions that have been imposed against apartheid SA.

The new SA shall qualify for membership of the OAU [Organisation of African Unity].

PROGRAMME OF ACTION

In pursuance of the objectives stated in this document, the OAU hereby commits itself to:

- inform governments and inter-governmental organisations throughout the world including the Non-aligned Movement, the UN General Assembly, the Security Council, the Commonwealth and others of these perspectives, and solicit their support;
- mandate the Frontline states, acting as the representatives of the OAU, to remain seized of the issue of a political resolution of the South African question;
- step up all-round support for the South African liberation movement and campaign in the rest of the world in pursuance of this objective;
- intensify the campaign for mandatory and comprehensive sanctions against apartheid South Africa. In this regard, immediately mobilise against the rescheduling of Pretoria's foreign debts, and work for the imposition of a mandatory oil embargo and the full observance by all countries of the arms embargo;
- ensure that the African continent does not relax existing measures for the total isolation of apartheid SA;
- continue to monitor the situation in Namibia and extend all necessary support to SWAPO in its struggle for a genuinely independent Namibia;
- extend such assistance as the governments of Angola and Mozambique may request in order to secure peace for their peoples; and
- render all possible assistance to the Frontline states to enable them to withstand Pretoria's campaign of aggression and destabilisation and enable them to continue to give their all-round support to the people of Namibia and South Africa.

We appeal to all people of goodwill throughout the world to support this programme of action as a necessary measure to secure the earliest liquidation of the apartheid system and the transformation of South Africa into a united, democratic and non-racial country.⁴⁷

AFRIKANER VOLKSWAG (AV)

At a meeting in August 1988 held at the South African Institute of Race Relations, Professor Carel Boshoff, the leader of the Afrikaner Volkswag (AV), outlined the argument behind his call for an Afrikaner volkstaat (homeland). Professor Boshoff said the present constitutional dispensation, if carried through to its logical conclusion, would bring to an end 300 years of Afrikanerdom, with the nation losing its power, its country, and ultimately its identity. He said that political power-sharing with black people under the principles of democracy would have far-reaching implications for Afrikaners, as the protection which they had enjoyed as a minority group with absolute power would be eroded. Professor Boshoff argued that the principle of one person, one vote should apply in a unitary state, but there were obstacles to the implementation of such a principle if the state was not a nation state. Professor Boshoff said the establishment of black states based only on a percentage of the black people while maintaining the remaining percentage as a majority without political rights was nonsensical.⁴⁸

Professor Boshoff asserted that the first step towards a solution was to realise that South Africa was made up of diverse nations. He said that a nation without the right of self-determination was unacceptable. A nation, not a group, was entitled to its own fatherland and to sovereignty under its own government, he added. He argued therefore that the Afrikaner should be prepared to exist as a nation under its own government in its own land, which it would inhabit more or less exclusively. According to Professor Boshoff, this should be done regardless of what other nations might wish to do, ie they could choose to live in a unitary multiracial state. To facilitate the establishment of these nation states, he argued that the country would have to be partitioned into a number of territories, corresponding to the number of nations who wished to form separate states. For him, partition constituted a clear alternative to the 1983 constitution.⁴⁹

Professor Boshoff said that it was clear that desegregation had gone too far for a reversion to classical separate development and, also, that provision for blacks to enter politics under white conditions had been rejected with contempt by black people. He argued, therefore, that partition was the only viable alternative, for just as it was unacceptable for the Afrikaner to accept black rule, so it was unacceptable for blacks to accept white minority rule.⁵⁰

In February 1989 Professor Boshoff launched a new organisation, Stigting Afrikanervryheid, to help promote an Afrikaner homeland, which would incorporate parts of the north western Cape and southern South West Africa/Namibia, including parts of the Karoo and the Kalahari and Namib deserts.⁵¹

AFRIKANER WEERSTANDS- BEWEGING (AWB)

The Afrikaner Weerstandsbeweging (AWB) was launched in a garage in Heidelberg (southern Transvaal) in 1973. According to its leader, Mr Eugene TerreBlanche, the AWB had one clear goal – to gain part of South Africa for an Afrikaner volkstaat with its own army and police force. 'This state will not have political parties but will have elections at least every five years. The whites-only state will admit non-Afrikaners if they identify with the ideals of the Afrikaner-Boervolk. A chiefly agrarian state, it will be run on free-market principles with the exception that the mines will be nationalised,' he said.⁵²

In January 1988 the Border (eastern Cape) branch of the AWB threatened to halt tourism to East London (eastern Cape) by distributing videos of crowds on the eastern beach if the city council did not put a stop to blacks using the beaches.⁵³

Police used teargas when fighting erupted between AWB supporters and National Party (NP) supporters at the official opening of the NP by-election campaign in Standerton (southern Transvaal) in January. AWB supporters challenged the Transvaal leader of the NP, Mr F W de Klerk, to a debate with Mr TerreBlanche, but he refused. The AWB supporters reacted by disrupting Mr De Klerk's speech and fighting broke out thereafter.⁵⁴ This incident followed the AWB disruption of an NP meeting in Pietersburg (northern Transvaal).⁵⁵

In January the AWB warned that attempts to divide right-wing political power in South Africa would backfire on the instigators of such attempts. The warning followed the release of a tape recording giving information on agreements between the AWB leadership and AWB members serving as MPs for the Conservative Party (CP). The press secretary for the AWB, Mr P W Bingle, said that despite allegations to the contrary, the AWB was not trying to manipulate the CP. He added that the two groups would not allow right-wing unity to be damaged.⁵⁶

Speaking in the House of Assembly in February, Mr Chris de Jager MP (CP), said there were three CP MPs, including himself, who were members of the AWB. The other two were Mr Daan Nolte and Mr Fanie van Vuuren.⁵⁷

Speaking at an AWB rally in Pretoria's Skilpad Hall in January, Mr TerreBlanche told followers to 'prepare for the night, when in violence, the AWB will claim what is rightfully theirs'.⁵⁸ Amid loud cheers from the audience, the African National Congress (ANC) flag was burnt at the rally.⁵⁹ The AWB also officially welcomed English-speaking people into its ranks.⁶⁰ At the close of the meeting, AWB supporters, many uniformed and armed, followed their leaders in a march to the Union Buildings where they delivered a petition demanding that the soil of the Boer republics of the Free State, northern Natal and Transvaal be returned to the Afrikaner immediately.⁶¹

The minister of law and order, Mr Adriaan Vlok, announced in February that the AWB was being investigated in terms of the Internal Security Act of 1982.⁶² Mr TerreBlanche said he did not feel threatened by this announcement. Commenting on an attempted march on Parliament by about 150 church leaders in March, to protest against the restrictions imposed on 17 extra-parliamentary organisations, Mr TerreBlanche said that it could not be compared with the AWB march because the AWB was making a legal, fair request, not demanding the release of people who were guilty of crimes.⁶³ The police had sprayed the church leaders with water canons and had then arrested them, while the AWB march had been unimpeded.⁶⁴

Seven police reservists in the northern Transvaal were expelled from the force in March because they were members of the AWB. A spokesman for the minister of law and order, Brigadier Leon Mellett, warned that similar action was certain against the remaining AWB members in the force.⁶⁵ Mr TerreBlanche said that the government was not empowered to expel police reservists because they belonged to the AWB and said that he might seek court action over the expulsions.⁶⁶

Following speculation that the government was considering banning the swastika-like emblem of the AWB, the organisation said in March that such an action would be like banning Christ himself. Mr TerreBlanche said that the symbol was a deeply Christian one and dismissed allegations that the AWB emblem was offensive to Jews and created the impression that all South African whites were neo-Nazis.⁶⁷ Addressing the Cape Town Press Club in March, Mr TerreBlanche denied that he was a Nazi or that the AWB favoured racial discrimination. He said the Afrikaner 'volk', as well as other nations, had a right to their own land in which their own leaders could rule.⁶⁸

The AWB set up its own flying wing called the 'Goue Arende' (Golden Eagles) in May. The wing was established among private pilots of light aircraft who were members of the AWB.⁶⁹

Referring to talks in May between the National Democratic Movement (NDM), the Institute for a Democratic Alternative for South Africa (IDASA) and the ANC, Mr TerreBlanche said that the government was breaking its word by not introducing laws to prohibit South Africans from having talks with the ANC (see above).⁷⁰

At the celebration of its 15th anniversary in June, Mr TerreBlanche said the AWB had become the most powerful political factor on the right and it was the NP's foremost enemy in opposing the NP's plans for a multiracial constitution.⁷¹ Speaking at an AWB gathering held at Blood River in northern Natal, Mr TerreBlanche said that confrontation between all races was imminent. Mr TerreBlanche said, 'Civilisation started at Blood River in the laager created by the Afrikaner trekker.'⁷²

In November Mr TerreBlanche warned the ANC that it should think twice before entertaining thoughts of revenge after a member of the AWB, Mr Barend Strydom, had killed 20 blacks in Pretoria's Strydom Square (see chapter on *Political Developments*). He said that the government was to be blamed for creating a political climate in which violence

flourished. Describing the events at Strydom Square, Mr TerreBlanche said that he could understand that a man would not 'stand back to allow a tyrant to take his country from him'.⁷³

In December the AWB pledged its support for CP moves to reintroduce petty apartheid in Boksburg (east Rand).⁷⁴

Following an incident at Paardekraal Monument in Krugersdorp (west Rand) in January 1989, Mr TerreBlanche was charged with malicious damage to property. According to eyewitness accounts, he had driven his car into the monument's gate, which was locked. Mr TerreBlanche who was in the company of a newspaper columnist, Ms Jani Allan, at the time of the incident said that the whole affair was an elaborate trap. The police, however, denied that the incident was a frame-up.⁷⁵ Following the Paardekraal incident, four senior members of the AWB, its deputy leader, Mr Jan Groenewald; the chairman of its grootraad, Professor Alkmaar Swart; and two members of the grootraad, Dr Chris Jooste and Mr Manie Maritz, signed a letter calling for Mr TerreBlanche's resignation. Mr TerreBlanche responded by suspending them and said that they would have to appeal to the AWB's disciplinary committee for reinstatement.⁷⁶

About 120 people, including three of the four suspended AWB members, attended the launch of a new right-wing organisation, the Boere Bevrydingsbeweging in January 1989. A statement issued after the meeting said that the Boere Bevrydingsbeweging would strive to create an independent 'volkstaat'.⁷⁷

In February 1989 the minister of law and order, Mr Adriaan Vlok, placed a prohibition on people carrying arms, or replicas thereof, at AWB meetings.⁷⁸ Responding to the prohibition, Mr TerreBlanche said, 'If the ANC murders me or any of my men, the blood will be on the hands of the government.'⁷⁹

In April 1989 Mr TerreBlanche appeared in court on charges of malicious damage to property and *crimen injuria*. The charges were related to the Paardekraal Monument incident.⁸⁰ Mr TerreBlanche pleaded not guilty and was acquitted on both charges. He said the decision had shown that the courts were above politics.⁸¹

AZANIAN CO-ORDINATING COMMITTEE (AZACCO)

The Azanian Co-ordinating Committee (AZACCO) was launched in February 1988 following the effective banning of 17 organisations, including two black consciousness organisations, the Azanian People's Organisation (AZAPO) and the Azanian Youth Organisation (AZAYO) (See 1987/88 *Survey* p587). Although AZACCO was made up mostly of former leaders of AZAPO and National Forum leaders, it denied any intention to replace other organisations.

Describing itself as comprising a 'concerned group of Azanians', the committee said it would facilitate activities aimed at addressing the 'needs and liberatory efforts' of the people, and would aim to ensure that political initiatives were dictated by the oppressed. It said that AZACCO would co-ordinate activities concerning labour education, rents, and detention; would consult with and voice issues affecting the oppressed community; and would assist in the preparations for national days, particularly the 21 March commemoration of the Sharpeville shootings in 1960.⁸²

In an interview with *The Weekly Mail*, AZACCO's publicity secretary, Mr Jackie Hlapolosa, said that the organisation would consult a broad range of organisations across the political spectrum of resistance.⁸³

AZANIAN PEOPLE'S ORGANISATION (AZAPO)

In January 1988 the publicity secretary of the Azanian People's Organisation (AZAPO), Mr Muntu Myeza, said that AZAPO was seeking to create a 'collective consciousness' among black artists, who earned record companies millions of rands, in order to prevent them from being exploited and to influence them not to stray from certain guidelines. Mr Myeza said that these guidelines aimed simply at encouraging 'everything that is for liberation and discouraging everything that is against it'. He said, 'We are not looking to control the arts as such, but rather to exert influence.'⁸⁴

The national president of AZAPO, Mr Nkosi Molala, dismissed claims by the South African Police (SAP) that implicated AZAPO in the murder of a Soweto Youth Congress member, Mr Sicelo Dhlomo, as an attempt to provoke hostilities among the oppressed.⁸⁵ AZAPO said that the government had consistently been working on two political levels. One was to distance itself from possible implication in the event and the other was actively to promote the idea that another component of the broad liberation movement was responsible. The secretary general of AZAPO, Mr Haroon Patel, said that the government had used this tactic to confuse the masses.⁸⁶

In February AZAPO demanded a public and unconditional withdrawal of a statement made by the public relations officer of the National Soccer League (NSL), Mr Abdul Bhamjee, in which he criticised those who backed the United Nations (UN) blacklisting of foreign personalities who visited South Africa. Mr Molala said, 'A legion of black people in this country have paid, and continue to pay, the highest price in their endeavour to isolate the illegal South African regime and so pressure it to abdicate.' Mr Molala added that the masses of suffering black people were not fooled by the 'sweet and forked tongues of the NSL hierarchy'.⁸⁷

AZAPO was among the 17 extra-parliamentary organisations which were effectively banned in terms of the state of emergency in February (see chapter on *Security*). Responding to the bannings, Mr Myeza said that the state president, Mr P W Botha, had to be assured that the results of the 1960s bannings, when black people were 'thrown into a political vacuum' with the banning of the African National Congress (ANC) and Pan-Africanist Congress (PAC), would not be achieved in the 1980s.⁸⁸ In response to the restrictions the formation of a new body, the Azanian Co-ordinating Committee (AZACCO), was announced in March (see above).

AZAPO was ten years old in April but did not celebrate its birthday because of the restrictions imposed on it. An article in *City Press* noted that it was ironic that AZAPO, which had been launched to fill the gap in the black consciousness movement following the banning of 17 black consciousness organisations in 1977, had suffered the same fate.⁸⁹

AZAPO lodged an application in the Supreme Court in April for the lifting of the restrictions imposed on the 17 organisations, including itself. In an affidavit before the court, the national health secretary of AZAPO, Mr Nchaube Aubrey Mokoape, said that the minister of law and order had no powers under the emergency regulations to terminate the existence of any organisation although such powers were contained in other 'so-called' legislation. The action was unsuccessful.⁹⁰

Mr Patel returned from an 11-nation tour of Europe in April after being invited there by various socialist groupings.⁹¹ On his return he was presented with a notice informing him that the minister of home affairs had declared his passport invalid. Mr Patel said that the withdrawal of a passport or a refusal to grant one was one of the methods used by the government to limit criticism. Mr Myeza, who had been invited to address a conference on African studies, had had his passport application refused for the tenth time in January.⁹²

Speaking at a Black Management Forum seminar in April on the theme 'The new economic framework for South Africa', Mr Myeza said that apartheid and capitalism were inseparable systems which had to be destroyed.⁹³

Giving evidence in the Delmas treason trial (see chapter on *Security*), the deputy president of AZAPO, Mr Lybon Tiyani Mabasa, said that boycotts of township council elections were the only meaningful strategy open to black people and to vote in them was to vote for one's oppression. He said that AZAPO did not participate in government-created structures because they were 'dummy' bodies with no real power. Mr Mabasa defined fundamental change as a restructuring which extended the parliamentary franchise to all, led to an equitable distribution of wealth, and granted full and equal citizenship to all. Commenting on the land question, Mr Mabasa said, 'In South Africa, through an act of Parliament, much of the land, or almost 86,5% of it, is in the hands of the white people.' He added, 'If we have to talk about meaningful change...the land question becomes a point of departure.'⁹⁴

In October the offices of AZAPO were raided by the security police,

who said they were searching for 'anti-election' pamphlets. Municipal elections for all races were due to be held on 26 October.⁹⁵

In February 1989 the former head of AZAPO's health secretariat, Dr Abu-Baker Asvat, was killed when he was shot at his surgery in Soweto.⁹⁶ The AZAPO offices were raided by security police in February and pamphlets associated with Dr Asvat's memorial service were confiscated.⁹⁷ Later in the month two men, Mr Zakhele Mabatha and Mr Toelana Dlamini were charged with the murder of Dr Asvat.

A number of AZAPO members were detained during the period under review. Mr Molala was detained in March but was later released. Responding to his detention, the Azanian Students' Movement (AZASM) said that the detention was intimidatory and that it would not deter it from the realisation of a socialist Azania.⁹⁸

Mr Mabasa was detained in September 1988 and in March 1989 he went on a hunger strike and was moved from police headquarters at John Vorster Square (Johannesburg) to a hospital in Bloemfontein. Mr Mabasa is still in detention.⁹⁹

BLANKE BEVRYDINGSBEWEGING (BBB)

Formed in 1987, the Blanke Bevrydingsbeweging (BBB) is, according to its leader, Professor J C Schabort, based on 'refined Nazism' in which there is no room for compromise. Professor Schabort said that if racism or discrimination meant putting the white man first, then the BBB could be said to be racist. According to him, Jews and blacks would be repatriated if the BBB came to power.¹⁰⁰

In January 1988 the BBB supported the disruption by the Afrikaner Weerstandsbeweging (AWB) of an election meeting in Standerton (southern Transvaal) of the National Party (NP). Professor Schabort said that 'it is the BBB's standpoint that opposing white parties' and organisations' views be heard without hindrance'.¹⁰¹

In February the minister of law and order, Mr Adriaan Vlok, warned that action would be taken against the AWB and BBB unless they stopped actions of incitement and intimidation. Speaking in the House of Delegates, he said that the AWB and BBB 'blatantly and recklessly beat the drums of racial hatred' and that they had declared that South Africa had no place for moderates.¹⁰² Responding to the warning by Mr Vlok, Professor Schabort said that Mr Vlok was an enemy not only of the BBB, but also of the white people. Addressing a meeting of several hundred members of the BBB in March, Professor Schabort said that it was not coincidental that Mr Vlok had attacked the BBB in the 'Indian Parliament' and that his next step would probably be to seek an alliance with Africans.¹⁰³

In August the police once more warned the BBB that it would not be allowed to take the law into its own hands. This followed remarks by the

Durban branch of the BBB that its members would take action against Group Areas Act offenders if the authorities did not do so.¹⁰⁴

In November the BBB was banned and restrictions were imposed on Professor Schabert. The restrictions were similar to those placed on a number of left-wing organisations in February (see chapter on *Security*). Professor Schabert was restricted to the magisterial district of Brits (western Transvaal) and was prohibited from attending any meeting at which more than ten people were present. The banning followed the shooting of seven black people in Pretoria (central Transvaal) by an alleged AWB member, Mr Barend Strydom (see *Afrikaner Weerstandsbeweging* above). Responding to the banning, Professor Schabert warned that it would lead 'to more serious things'.¹⁰⁵

In December the Blanke Nasionale Beweging (BNB) was formed as a direct consequence of the banning of the BBB. The leader of the BNB, Mr Wynand de Beer, said that the organisation did not fear being restricted for continuing the policies of the BBB.¹⁰⁶

CONSERVATIVE PARTY (CP)

The Conservative Party (CP) announced in January 1988 that the former general secretary of the Herstigte Nasionale Party (HNP), Mr Louis Stofberg, had joined it. Mr Stofberg said the political situation in South Africa was becoming more dangerous by the day for the Afrikaner and that this made the unity of right-wing political organisations urgent. He said that he had left the HNP because its leader, Mr Jaap Marais, was dividing the power of the right wing.¹⁰⁷

The leader of the CP, Dr Andries Treurnicht, said in January 1988 that the National Party (NP) had created a system in which whites would be dominated by a black majority. He said that power-sharing actually meant a loss of power. He said that his party would continue to point out the dangers involved in open beaches, Group Areas Act violations, grey residential areas, the political expression of other communities, the joint executive authorities and the regional services councils (RSCs).¹⁰⁸

The CP launched a nationwide consumer action campaign against the South African Broadcasting Corporation (SABC) in January because it saw the SABC as nothing but an NP propaganda machine.¹⁰⁹

The deputy leader of the CP, Dr Ferdie Hartzenberg, said in February that the state president, Mr P W Botha, was doing nothing about allegations that NP MPs had bribed Labour Party MPs to support a postponement of the general election to 1992 because he knew it was true (see *National Party* below). Dr Hartzenberg was later suspended from Parliament for refusing to withdraw his statement.¹¹⁰

The CP's chief spokesman on economic affairs, Mr Clive Derby-Lewis (MP), said in February that blacks would not be able to buy land in 'white South Africa' in terms of CP policy. Asked to comment on whether South Africa should be a unitary state or a federation, Mr

Derby-Lewis said neither alternative was acceptable to the CP. He said that the CP saw political partition as the only practical solution in the South African context.¹¹¹

In February the CP called for the reinstatement of the Prohibition of Mixed Marriages Act of 1968 and the section of the Immorality Act of 1927 which prohibited sex between people of different races. In addition to this, the chief whip of the CP, Mr Frank le Roux, also proposed that legislation giving rights to black trade unions be reconsidered.¹¹² Dr Treurnicht had earlier called on the government to order a commission of inquiry into the history, objectives, connections and political control as well as 'the hold over labour', of the Congress of South African Trade Unions (COSATU). He said that organisations like COSATU, the United Democratic Front (UDF) and others should be examined because they rejected any claim by the white man for segregation and 'ownness'.¹¹³

Responding to the banning of 17 extra-parliamentary organisations in February, the law and order spokesman for the CP, Dr Chris de Jager, said, 'in the present atmosphere in the country, these steps against the organisations come too late and their effectiveness is doubtful'.¹¹⁴

The CP admitted in February that three of its MPs were members of the Afrikaner Weerstandsbeweging (AWB) (see above).¹¹⁵ Dr Hartzenberg denied, however, that the AWB made decisions for the CP.¹¹⁶ In a television debate in March, Dr Treurnicht defended the AWB's right to join the CP in resisting the 'dangerous direction' the NP was taking. He added, however, that he did not endorse AWB policy and that the CP had a policy of its own.¹¹⁷ Speaking in the House of Assembly in June, Mr Chris Jacobs MP (CP), said his party welcomed the stricter measures in the Arms and Ammunition Amendment Bill but denied that the CP was opposing it because it could affect the AWB.¹¹⁸

In March the CP convincingly defeated the NP in the Standerton (southern Transvaal) and Schweizer-Reneke (western Transvaal) by-elections (see *National Party* below). Dr Treurnicht said the CP victory showed a significant growth in the right wing.¹¹⁹ An opinion poll conducted by *Rapport* indicated, however, that the CP victories were not indicative of a countrywide swing in the party's favour.¹²⁰

Addressing a meeting in Randfontein (west Rand) on the eve of the Randfontein by-election, Dr Treurnicht said that there was 'nothing morally wrong' with the idea of dividing the country into different areas for the different population groups. Attacking NP policy, he said that it had not found the formula for power-sharing, which in effect could not exist. He said the CP rejected the idea that all areas of South Africa belong to all South Africans.¹²¹ He added that the CP was prepared to defend the country's white territory with violence if necessary.¹²²

The CP released its municipal election manifesto in April following a warning by Dr Hartzenberg that the party would try to force a general election by taking over local authorities. The manifesto, which said the CP candidates would fight to protect white rights, included the following points:

- each racial group was to have its own local councils;
- the CP would oppose racially mixed residential areas;
- the CP would reintroduce influx control;
- there had to be separate public facilities for different race groups, including parks and beaches;
- the CP was against allowing blacks to own and run shops in white areas;
- the presence of black workers in urban areas would be strongly controlled;
- the CP would abolish RSCs; and
- white housing and unemployment would be priorities.¹²³

Commenting on government plans to include Africans in the electoral college for the state president (see chapter on *Government and Constitution*) Mr Koos van der Merwe MP (CP), said that this would lead to much greater division among whites and was in direct contrast with the NP's past policy.¹²⁴

Addressing a CP protest meeting in May against the first joint debates between white, coloured and Indian parliamentarians on the provincial budget votes, Dr Treurnicht said that white South Africans might soon be forced to engage in a bitter struggle to survive as a 'first world white community' (see chapter on *Government and Constitution*).¹²⁵ The CP staged walkouts in all four provincial standing committees in protest at what it called the Government's attempts to extend its policy of power sharing.¹²⁶

Addressing a CP protest meeting against contraventions of the Group Areas Act of 1966 in Hillbrow in June, the regional chairman of the CP, Mr Fred Rundle, disclosed plans for policing estate agents who contravened the act and warned that the CP would lay charges against those who did so.¹²⁷

Commenting on the Promotion of Constitutional Development Bill in June, Mr Moolman Mentz MP (CP) said it was an ill-fated step on the road to black majority government and the demise of the Afrikaner people and other minority groups (see chapter on *Government and Constitution*).¹²⁸

In July Dr Treurnicht said the CP had conceded that Africans were permanently urbanised. He said that the main political question facing South Africa was the political accommodation of Africans outside the national states. Dr Treurnicht also conceded that the CP 'might have to negotiate with blacks' about the final borders of white South Africa.¹²⁹

During the period under review, the CP held its annual provincial congresses, the main theme being segregation and a return to Verwoerdian apartheid.

At the CP's Natal provincial congress held in August, Mr Faanie Bester, new Natal leader of the party, said the CP should give as much attention as possible to the municipal elections due to be held in October. The NP was attacked at the congress on various issues, including

privatisation and group areas. Delegates said the Attorney General should prosecute offenders of the Group Areas Act as the law required. The congress called on a future CP government to abolish the Natal/KwaZulu Joint Executive Authority and to re-establish directly elected provincial councils.¹³⁰ Another resolution at the congress called for the reimposition of curfews on blacks so as to permit them to be in white areas only during specific hours.¹³¹

At its Orange Free State provincial congress held in Bloemfontein in August, the CP reiterated its determination to reinstate all apartheid legislation if ever it came to power. A number of resolutions were passed supporting the CP's policy of separate development. These included a rejection of any form of multiracial government, such as the proposed National Councils and RSCs (see chapter on *Government and Constitution*).¹³²

Speaking at the CP's Transvaal provincial congress held in Pretoria in August, Dr Treurnicht said that the number of CP branches in Transvaal had grown by 55% and that the CP's membership in Transvaal now stood at about 400 000. The CP confirmed that if it came to power, it would abolish the tricameral system, end black trade unionism in 'white' South Africa, root out African, coloured and Indian soldiers from the South African Defence Force (SADF), and abolish RSCs.¹³³

The CP said at its Cape provincial congress held in September that once it came to power, the country would be partitioned and Africans, coloured people, Indians, and whites would own property in their own 'countries' and be governed by their own separate parliaments.¹³⁴

Members of the CP's Transvaal youth indicated at a conference held in Rustenberg (western Transvaal) in August that they were prepared to take up weapons in the struggle for a white South Africa.¹³⁵ Addressing the conference, Dr Hartzenberg spelt out the practicalities of CP rule. He said that Indians would live in the Pietermaritzburg/Stanger/Durban area, coloured people in the Cape, blacks in their various homelands, and the Afrikaners (and white South Africans associating themselves with the Afrikaner ideal) in the rest – white South Africa.¹³⁶

In August Dr Treurnicht said that the implementation of the United Nations Resolution 435 in Namibia amounted to a rejection of the idea of self-determination for the different 'nations' in the country. Discussing the negotiations between South Africa, Angola and Cuba on peace in south-western Africa, he said that the CP saw the end result as a communist government in Namibia and South Africa 'fighting for its life against communism'.¹³⁷

In September the CP handed a petition signed by more than 7 000 whites in protest against the opening of passenger trains to all races, to the minister of transport affairs, Mr Eli Louw.¹³⁸

Reacting to an appeal for Afrikaner unity made by Mr P W Botha in September at the NP congress in Bloemfontein, Dr Treurnicht said that there could be no such unity until Mr Botha turned away from mixed residential areas and mixed political bodies and returned to the apartheid path as mapped out by a former prime minister, Dr D F Malan.¹³⁹

The CP took control of more than two thirds of Transvaal's platteland rural towns in the October municipal elections (see chapter on *Government and Constitution*).¹⁴⁰ Commenting on the overall results of the elections, Dr Treurnicht said that it was a myth that the NP had won the elections when it was the CP which had made gains. He accused the media and the NP of spreading calculated disinformation with regard to the outcome of the elections.¹⁴¹

The CP's fourth general congress was held in Bloemfontein in November in the wake of the elections. Speaking on the issue of Afrikaner unity, Dr Treurnicht said that no reconciliation and unity between Afrikaners was possible until multiracialism and power sharing had been rejected by all Afrikaners. The congress focused on the tasks facing the CP after the NP decline, the assumption of power by the CP and the party's priorities for the financial recovery of the 'fatherland'. A vision of South Africa built on Voortrekker ideals was presented. The congress reaffirmed the CP's commitment to a 'white South Africa' which would be attained through partition.¹⁴²

About 400 CP councillors gathered at a meeting in Pretoria in November to plan the reintroduction of apartheid in towns under the CP's control. Dr Treurnicht said that if the Government scrapped the Reservation of Separate Amenities Act of 1953 as a means of preventing the CP from reintroducing apartheid, it would be playing into the hands of the CP. The CP's intention to enforce apartheid in its towns provoked widespread reaction both in South Africa and abroad.¹⁴³

A United States State Department spokesman, Mr Charles Redman, urged the South African government to resist efforts by the CP to 'turn the clock back'.¹⁴⁴ The Association of Chambers of Commerce and Industry in South Africa (ASSOCOM) labelled the CP move as 'retrogressive' and said that it would cause harm to South Africa internationally.¹⁴⁵

Despite strong criticism the CP reintroduced segregation in certain facilities in Boksburg in November and said that it would market its segregationist policies even more aggressively. The town councils of Brakpan, Pietersburg, Ermelo, Springs and Schweizer-Reneke then followed Boksburg's lead and voted to ban blacks from all municipal parks, lavatories and sports facilities.¹⁴⁶ The administrative secretary of the CP, Mr Andries Beyers, said that the NP should not point fingers at the CP because the NP-run Pretoria town council still enforced separate amenities in Pretoria, where the swimming pools, libraries, and buses were not multiracial.¹⁴⁷ In response to the CP's moves a black consumer boycott of Boksburg was launched (see chapter on *Political Developments*).¹⁴⁸

Dr Treurnicht said that boycotts were being used to intimidate whites into capitulation. He added however, that no self-respecting community would allow itself to succumb to this kind of pressure.¹⁴⁹

In December the CP challenged the government to repeal the Separate Amenities Act of 1953, or continue to apply it and stop criticising the CP's application of the act. It added that until such time as the NP repealed the act, the CP would continue to apply its measures.¹⁵⁰

In February 1989 Dr Treurnicht rejected the proposed boundaries for a 'white homeland' set out by the leader of the Afrikaner Volkswag, Professor Carel Boshoff (see above). Dr Treurnicht said that while Professor Boshoff's view that a self-determining nation had to have its own fatherland was totally in keeping with the CP's policy of partition, it disagreed with Professor Boshoff's demarcated area in the western and northern Cape for a number of reasons. According to Dr Treurnicht, 'the CP views the land now in white ownership as the basis on which the final borders between the white fatherland and the national states for non-whites would be determined'. He added that by the decision of the white Parliament, supplementary land could be bought by other nations and certain areas exchanged with them. Dr Treurnicht said that Professor Boshoff's proposed boundaries, which excluded the overwhelming majority of Afrikaners and white people, were unacceptable from a political, social and national perspective.¹⁵¹

Reacting to a statement by Mr De Klerk in March that the government intended to act against CP-controlled city councils that reinstated social segregation, Dr Treurnicht said that Mr De Klerk was acting in a way that would make the anti-apartheid movement happy. He said the government wanted to act 'dictatorially and forcibly' against whites who were trying to defend their own community life.¹⁵²

In March 1989 Dr Treurnicht said that intercession of the prime minister of Britain, Mrs Margaret Thatcher's, for the release of a jailed leader of the ANC, Mr Nelson Mandela, was unacceptable.¹⁵³

In April, following clashes in northern Namibia between the South African Defence Force (SADF) and the South West African People's Organisation (SWAPO), the CP demanded an immediate halt to the implementation of Resolution 435, the removal of all United Nations Task Assistance Group (UNTAG) forces from South West Africa/Namibia and the dismissal of the minister of foreign affairs, Mr Pik Botha, and the minister of defence, General Magnus Malan. Dr Treurnicht said that Mr Botha and Gen Malan had misled the people into thinking that a settlement plan in South West Africa/Namibia would lead to peace.¹⁵⁴

Election manifesto

In its manifesto for the general election on 6 September, published in July 1989, the CP promised to implement parties by:

- allowing only whites to exercise political rights in South Africa
- introducing labour preference areas—that is, for Zulus in Natal and Xhosas in the Eastern Cape and coloured people in the Western Cape.
- 'coupling' blacks, coloureds and Indians who find themselves in South Africa with their own states.

This would be done in several ways, the most important being voting rights. Also the government of a national state would be enabled to provide certain services to its citizens in white South Africa.

Other points from the manifesto included the following:

- the budget will be systematically used to promote black development inside their own national states rather than in South Africa;
- influx control will be re-introduced;
- only white trade unions will be allowed in South Africa and all other trade unions will be disbanded. Other machinery for the settlement of labour disputes will be established;
- black urbanisation will be restricted to a minimum in white South Africa; and
- black local authorities will communicate with black states to promote homogeneity in black towns in South Africa and to enable black states to deliver services to their 'own' people in white SA.

The CP said it was prepared to negotiate with the democratically elected leaders of other communities on these matters, 'but regards the white community's right to self-determination as non-negotiable'.

It would not negotiate with the ANC 'or any other terrorist organisation which practises or promotes violence or communism, nor will the party allow any such negotiation to take place'.

The CP said it was not prepared to share power with the urban black. 'The CP will point out to them the success of partition.'

It said it would 'make removals unnecessary' by negotiation, planning decentralisation, job creation and other measures to regulate settlement patterns.

The CP rejected the 'dogma that a people can be protected as a so-called minority in a unitary state'.

The main points of the CP's economically policy were:

- the ending of the 'socialistic redistribution of wealth between white and non-white';
- individual enterprise;
- the rooting out of corruption;
- the promotion of productivity;
- fiscal and monetary discipline and therefore the curtailing of government spending; and
- 'the principle that each people is responsible for its own economic development.'

Taxation would be reduced to a more acceptable level, the use of loans by the State to cover current expenditure would be avoided, the income from privatisation of state enterprises — where the party deemed it advisable — would be used for the payment of state debt or economic infrastructure.

Subsidies would be reduced to the absolute minimum and excessive subsidies would be removed.¹⁵⁶

DEMOCRATIC PARTY (DP)

The Democratic Party (DP) was launched in April 1989 following negotiations between three parties, the Progressive Federal Party (PFP), the Independent Party (IP), and the National Democratic Movement (NDM), to form a single party. The initial agreement to form a single party came about after the president of the Transvaal Rugby Union, Dr Louis Luyt, had hosted a meeting between the leaders of the three parties at his house in November 1988.¹⁵⁶

The party is headed by a triumvirate consisting of the former leader of the PFP, Dr Zach de Beer; the former leader of the IP, Dr Denis Worrall, and the former leader of the NDM, Mr Wynand Malan. In an interview with *The Indicator of Lenasia* Dr De Beer outlined some of the major policies and principles of the DP. The DP supported and believed in:

- nonracialism;
- negotiation politics;
- universal suffrage;
- an independent judiciary;
- individual rights contained in a bill of rights;
- the establishment of a South African democracy based on the universal principles of western democracy;
- a single, united South Africa based on a federal structure. This structure would not be based on race, but on regional and demographic divisions;
- a system where there would be maximum representation of minority groups. This did not refer to the National Party (NP) notion of group rights based on race or ethnicity, but rather to interest groups and pressure groups, which would constitute themselves through freedom of association and not be defined by the state; and
- a proportional representation system to ensure that minority political interests were also given expression.¹⁵⁷

Dr De Beer said that the party supported private enterprise. 'We accept that the state is responsible for the upliftment of deprived people. It could help with education, health, housing, land and so on. But we don't see a welfare-type state. We have an economic democracy approach. We can talk of it as a mixed economy — provided it's understood that we don't support a socialist or totally free market system.'¹⁵⁸

Dr De Beer added that the DP was committed to inclusive politics, that is, politics that included everybody and that bridged the divide between the parliamentary and extra-parliamentary terrains. Commenting on the view that participation in the House of Delegates and House of Representatives would undermine the DP's links with extra-parliament-

ary organisations, Dr De Beer said that the DP would not allow extra-parliamentary groupings to dictate to them. He said the participation/boycott question was a tactical one which had to be debated further.¹⁵⁰

In an interview in April, the DP's leader in the Johannesburg City Council and member of the DP's national board, Mr Tony Leon, outlined the DP's views on a broad range of issues and organisations. Commenting on the African National Congress (ANC), Mr Leon said that it was a very important factor regarding the future of South Africa, but that it was one of several important groupings. He said that an organisation like Inkatha had to be fully involved in the negotiating process because it came to the table with a significant number of members and supporters. Mr Leon pointed out that there was a divergence between the DP and the ANC on a number of issues and it was therefore important to define the principled middle ground which was in danger of disappearing because of the polarisation of South African society. Regarding negotiation, Mr Leon said that the DP wanted to be in a position of strength in order to secure its principles and to provide protection from 'untrammelled majoritism'. He said, however, that the DP's first task would be to let the idea of negotiation take root in the white community. Addressing the question of the general election to be held on 6 September, Mr Leon said the pertinent issues would be corruption; public spending; a bankrupt economy; mismanagement; the failure of government-sponsored reform and the tricameral Parliament; group areas and the maintenance of 'community standards'; South West Africa/Namibia; and the putting forward of the idea of inclusive democracy in a bold way.¹⁶⁰

The DP announced in May that while it would consider fighting every seat in the House of Delegates in its commitment to seek control of Parliament, it was still assessing its position with regard to participation in the House of Delegates. Dr De Beer made it clear that a number of considerations, including the views of the DP's three Indian MPs and those of the extra-parliamentary groups, would have to be taken into account.¹⁶¹ A spokesman for the Natal Indian Congress, Dr Farouk Meer, said that if the DP participated in the House of Delegates elections, it would have 'serious repercussions' for relationships between the two groupings.¹⁶² Regarding the House of Representatives, the DP indicated that it would not put up candidates in opposition to the Labour Party (LP) in the general election. The DP said that it would view the LP as a democratic ally.¹⁶³

In May Dr De Beer, Mr Malan, and Dr Worrall together addressed their first meeting in Natal. Dr De Beer said, 'As long as NP policies are followed, poverty will deepen in South Africa, the cost of living will rise rapidly, unemployment will get worse and tax will remain high.' Mr Malan said that the major objective of the DP was to build a nation. He said the DP was striving for a future where there would be freedom and liberty for all and reconciliation over the whole spectrum of South African politics.¹⁶⁴

Dr De Beer said that the continuation of apartheid tended to unite people of colour against whites and that the creation of an open

apartheid-free society was the only way to end this tendency. He added that 'one has to recognise the unfortunate fact that black resentment against the political system in South Africa has, as it were, spilled over into anti-capitalist sentiments in many instances'. He said, 'We democrats are determined to change this, and we are sure that – given genuine freedom in the economy as well as the body politic – free enterprise can gain general support.'¹⁶⁶

The DP's eastern Transvaal region indicated in May that it would tackle the NP in seats previously considered unassailable by liberals in the general election to be held in September 1989.¹⁶⁶

Mr Leon said in May that the DP wanted to draw up a constitution for South Africa which would operate as effectively for its supporters as it would if its 'greatest political' enemies came to power. Mr Leon said the DP's proposals differed from those of the NP and the ANC, 'both of which are designed with the view only of perpetuating the power and policies of their own particular viewpoint' (see *African National Congress* above).¹⁶⁷

Speaking at a DP meeting in Bedford (eastern Cape) in May, Dr Worrall compared his party's economic policy to that of the prime minister of Britain, Mrs Margaret Thatcher, and opposed the deliberate redistribution of wealth. He said that the DP believed in limited government involvement and individual economic freedom. He added that the party supported a social welfare net, particularly for the unemployed, while pursuing job creation.¹⁶⁸

Addressing the DP's first meeting in Bloemfontein in May, Mr Malan said it would be fatal to try to negotiate a future only in the parliamentary system or in inter-parliamentary politics. Mr Malan said that South Africa could not continue with polarisation and that the DP would talk even with those with whom it differed.¹⁶⁹

Speaking in the debate on the vote of the chairman of the ministers' council in the House of Assembly, Mr Jan van Eck MP (DP) said that those who did not want to accept the reality that South Africa was overwhelmingly black should rather leave the country. He said the DP welcomed this reality in South Africa. A second reality, he said, was that because people whose skin colour was not white formed the majority, they would form the majority in a truly nonracial open democracy. He added that in a real democracy, numbers did count.¹⁷⁰

A member of the national board of the DP, Mr Sampie Terreblanche, repudiated a claim by the minister of national education, Mr F W de Klerk, in a television interview that the state of the economy was beyond the government's control. He said that the governor of the South African Reserve Bank, Dr Gerhard de Kock, had confirmed what he had been saying for two years, that is, that there could not be economic improvement without constitutional change. Dr Worrall said that Mr De Klerk was more of an 'economic illiterate' than Mr P W Botha.¹⁷¹

At a meeting in the Pretoria City Hall in May 1989, the DP criticised the government for its lack of political reform and blamed it for South Africa's economic decline. Dr De Beer said South Africa could no longer

afford apartheid and a government obsessed with race classification. Mr Malan said both the government and the ANC had created the perception that under current conditions no political solution could be reached unless the two organisations destroyed one another. Mr Malan said that peace could be achieved only once political enemies entered into talks with one another.¹⁷²

Speaking at a meeting in Waterfall (Natal), Dr Worrall said that the DP would contest the September general election on the widest possible front. He said that there would be no deals with the NP over seats to avoid a three-way contest with the CP. Dr Worrall said that the DP would fight on the issues of 'true security' and economics.¹⁷³

Addressing a public meeting at the Cape Town City Hall in May, Dr Worrall said that the DP's concern was not with ending NP rule as such, but rather in getting the process of negotiation going. He said that in the coming election, the DP would seek to get the widest possible expression of support for this point of view.¹⁷⁴

Commenting on proposed legislation that would allow Mr Botha to appoint black cabinet ministers (see chapter on *Government and Constitution*), Mr Colin Eglin MP (DP) said that the fact that people would be invited in at the top without having a power base below smacked of tokenism. He said the DP would like to see blacks as ministers and MPs, as full citizens and with full voting rights under a constitution guaranteeing the full rights and freedom of all the people of South Africa.¹⁷⁵

An opinion poll commissioned by *Rapport* in May showed that the DP had more support than the combined support of its three predecessors. Dr Worrall said he was confident that the growth reflected in the poll would continue.¹⁷⁶

The national director of political organisation of the DP, Mr Niel Ross, said in May that more than 5 000 people had joined it since its formation and that more than 15 000 people had attended its public meetings.¹⁷⁷

The policy adviser and one of the founder members of the DP, Dr Willem de Klerk, severed all official ties with the DP in May. Dr De Klerk said there had been a change in his political strategy but not in his political direction. He said he wished to voice his views within the Afrikaner community and the NP itself and therefore it was important for him to remain independent. He said he still subscribed to the aims and objectives of the party.¹⁷⁸

Mrs Helen Suzman MP (DP), who had been a member of Parliament since 1953, announced in May that she would not seek re-election when parliament was dissolved for the general election. She said her decision was 'purely personal' and had nothing to do with the establishment of the DP. Dr De Beer said that Mrs Suzman's retirement brought to an end one of the 'most gloriously distinctive parliamentary careers our country has seen'.¹⁷⁹ Mrs Thatcher also paid tribute to Mrs Suzman.¹⁸⁰ The British prime minister expressed her 'warmest personal admiration' and said: 'In the long and difficult struggle against apartheid and towards

a just society in South Africa, the contribution you have made is second to no other.¹⁸¹ Other people who paid tribute or sent greetings to Mrs Suzman included President George Bush of the United States, President Chaim Herzog of Israel, President Kenneth Kaunda of Zambia, President Quett Masire of Botswana, President Joaquim Chissano of Mozambique, and Mr Nelson Mandela.¹⁸² An editorial in the *Sowetan*, the major black newspaper, paid tribute to Mrs Suzman's 'sheer grit, determination, and charisma.'¹⁸³

Reflecting on her 36 years in Parliament, Mrs Suzman said that she had witnessed 'the careful assembling of the apartheid jigsaw puzzle, especially during Hendrik Verwoerd's reign,' but that 'many apartheid laws have been repealed in the last ten years. It has been no small satisfaction to witness the disappearance of laws I opposed when they were introduced.'¹⁸⁴

Mr Leon was nominated as DP candidate for the Houghton constituency.¹⁸⁵

Mr Swart also announced his retirement in May. Mr Swart said he was retiring to devote time to family interests and other matters.¹⁸⁶

A Johannesburg NP city councillor, Mr Dave Verster, resigned from the NP in May and joined the DP. Mr Verster said he had resigned because he was disillusioned by the NP's lack of commitment to reform.¹⁸⁷

The co-director of the Institute for a Democratic Alternative for South Africa (IDASA), Dr Frederik Van Zyl Slabbert, said he would consider the DP's request to stand as the party's candidate in Stellenbosch.¹⁸⁸ However, Mr Slabbert announced in June that he would not stand as a DP candidate. He said, 'I have come to the conclusion that the time is not right for me to enter parliamentary politics.' He added that he would encourage the students of Stellenbosch to support the DP in the election.¹⁸⁹

In June the national board of the DP decided that the party would retain its triumvirate leadership until after the general election. The board indicated that the DP congress scheduled for October would decide the future of the leadership structure as well as determine political strategy for the post-election period.¹⁹⁰

Before the election an argument blew up between the DP and one of its MPs in the House of Delegates, Mr Pat Poovalingam. Mr Poovalingam was expelled after attacking the party leadership for capitulating to the demands of the ANC and the UDF in limiting the number of candidates it was prepared to put up for the House of Delegates. The DP rejected the accusation of capitulation.¹⁹¹

When Parliament reconvened in January 1989, the PFP held 17 seats in the House of Assembly, the National Democratic Movement three, and there was one independent. Following the merger, and the dissolution of the three parties, the DP had 20 seats in the House of Assembly when parliament was dissolved before the general election. There was still one independent (a different person). The DP also had three MPs in the House of Representatives and three in the House of Delegates (until the expulsion of Mr Poovalingam).

Election manifesto

In its manifesto for the general election the DP said, under the heading 'Constitutional vision':

There are two main reasons why the existing constitution is unworkable: it is based on race and it excludes the majority of South Africans. The Democratic Party will change the constitution.

Real negotiation is the key. Our new constitution must result from negotiation between the true leaders of all South Africa's communities. Real negotiation cannot take place while many of these leaders and their organisations are banned, the state of emergency is in force and apartheid laws are on the Statute Book. The Democratic Party is already facilitating negotiation by defusing conflict and creating mutual trust and respect. Nor can successful negotiation take place in any but a stable climate. Therefore we will ensure the maintenance of law and order during this period.

The Democratic Party sees our nation's cultural diversity as an asset. The Democratic Party constitution will protect our various cultures, religions and languages and will prevent majority domination while allowing every South African a vote of equal value.

Bringing government closer to the people. Our opponents often claim that the Democratic Party stands for one man one vote in a unitary system. This is not true. We stand for universal adult franchise in a federal system.

South Africa should consist of a federation of states or provinces with each conducting its affairs as it chooses, providing it does not conflict with the constitution or Bill of Rights. The central government should deal only with matters of national concern, eg foreign affairs, national finance.

Making everyone's vote count. Each party would be represented at all levels of government in proportion to its support. If a party gets 10% of the vote it gets 10% of the MPs. Significant parties will be represented in the Cabinet where they will be obliged to negotiate with each other before laws are passed, ensuring a government that takes the opinions of all South Africans into account.

Protecting everyone's rights. The Democratic Party will introduce a Bill of Rights along the lines suggested by the South African Law Commission. It will include the right of every South African to own property and to vote in free elections and will protect the language, culture and religion of communities.

Ensuring the independence of the courts. The rule of Law and the independence of the courts will be entrenched in the constitution to ensure they are not subject to the policies of, nor in any other way abused by, a particular government. Government ministers will no longer have arbitrary powers to restrict or punish individuals or organisations.

FEDERAL INDEPENDENT DEMOCRATIC ALLIANCE (FIDA)

The Federal Independent Democratic Alliance (FIDA) was launched in July 1987. Its leader, Mr John Gogotya, claimed the organisation had a membership of 300 000 when it was launched, but that this had grown to 700 000 by June 1988. Mr Gogotya said that he could not produce records of membership because he did not want to expose his members to hostility. FIDA is strongly opposed to violence and sanctions. Thus far, it is the only organisation which has publicly expressed a willingness to participate in the government's proposed negotiating forum (formerly referred to as the national council) for all races (see chapter on *Government and Constitution*). The organisation also supports the state of emergency. Mr Gogotya said that the emergency had brought peace to many African South Africans, and that children in detention were better off in prison away from intimidation. He said the emergency had brought 'a sigh of relief to moderate blacks' and that its continuation was still necessary. Mr Gogotya said that FIDA was born out of the need to voice protest against violence and intimidation in the townships.¹⁹²

FIDA adopted the following standpoints:

- it did not believe in the principle of one person, one vote as a solution to South Africa's problems. It argued that this had brought oppression and deprivation to the whole African continent; and
- it supported the existence of the homelands. Mr Gogotya said that the homeland system was not a creation of the government but a fact of history.¹⁹³

FIVE FREEDOMS FORUM (FFF)

The Five Freedoms Forum (FFF) was described by its chairman, Mr Michael Oliver, as an extra-parliamentary organisation whose contact and programmes involved individuals from within the parliamentary structure to those working outside Parliament in the white and black communities. He said the main aims of the organisation were:

- to inform and educate the white community as to what was really happening in the country;
- to bring white people into contact with black people;
- to initiate and participate in campaigns to support the community and create an awareness of the issues among whites;
- to protest against the infringement of human rights; and
- to address the fears that whites had for the future and to show them how to participate in shaping a nonracial, democratic society in South Africa.¹⁹⁴

Speaking at a FFF meeting in May to launch its '101 Ways to End Apartheid Campaign', the secretary general of the South African Council of Churches, Dr Beyers Naudé, said that white non-participation in the fight for change would be a disaster for whites and a disservice to blacks.¹⁹⁵

The FFF called on its supporters to vote for candidates taking a 'clear anti-apartheid stand' in the municipal elections in October 1988. The FFF said its stand was based on the fact that conditions in white areas differed from those in the black townships and that the elections should be used to win over more whites to a mass democratic movement.¹⁹⁶ The publicity secretary of the FFF, Ms Gail Neke, emphasised however, that the FFF's attitude towards elections for African, coloured and Indian communities was that these elections were neither democratic nor representative for various reasons, including the continued state of emergency and the effective banning of 17 extra-parliamentary organisations (see 1987/88 *Survey* p587).¹⁹⁷

THE HERSTIGTE NASIONALE PARTY (HNP)

In January the Herstigte Nasionale Party (HNP) accused its former chief secretary, Mr Louis Stofberg, who had joined the Conservative Party (CP), of attempting to disband the party by influencing its members to join the CP. Mr Stofberg said the accusations were untrue and distorted.¹⁹⁸ The HNP considered court action against members of the CP in January following allegations that the HNP had received National Party (NP) funds.¹⁹⁹

In January the leader of the HNP, Mr Jaap Marais, strongly criticised the relationship between the CP and the Afrikaner Weerstandsbeweging (AWB). He said that the CP had refused to enter into a working relationship with the HNP to establish a strong and principled opposition to the NP because the CP was operating under pressure from the AWB. Mr Marais said that the refusal of the leader of the CP, Dr Andries Treurnicht, to strengthen and unite right-wing forces was playing directly into the hands of the NP. He said that the CP was merely an extension of the NP and that the CP operated 'just like the NP, only at a slower pace'.²⁰⁰

Responding to the overwhelming defeat suffered by the HNP candidate, Mr Attie Treurnicht, in the Standerton (western Transvaal) byelection in March, the HNP said that it did not mean the end of the party and that it would continue to exist as long as it had a committed corps of members. Both CP and NP supporters predicted, however, that the byelection would lead to the HNP's demise.²⁰¹

Commenting on his defeat in the Schweizer-Reneke (western Transvaal) constituency in March, Mr Marais said that the HNP was 'deeply

rooted' and had a duty to continue the 'struggle'. Mr Attie Treurnicht said many people who supported the HNP's policy regarded the CP as a faster means of overthrowing the government and therefore voted CP.²⁰²

In April Mr Marais said that the plan of the state president, Mr P W Botha, for representation of Africans in an electoral college was the next step on the road to a black majority government (See chapter on *Government and Constitution*). He said the plan's main motivation was to ensure that the NP could still retain power (with the help of black representatives) even if it lost an election.²⁰³

The HNP said it was expecting a maximum of 200 delegates at its annual congress in September 1988. Mr Attie Treurnicht said that the disbanding of the party would not be considered.²⁰⁴

INKATHA YENKULULEKO YESIZWE (INKATHA)

According to the secretary general of Inkatha, Dr Oscar Dhlomo, 'Inkatha is the strongest and most visible black advocate of the politics of negotiation and nonviolent change.' In an article entitled 'Inkatha and its strategies today and in the future' that appeared in the *South Africa Foundation Review* in September 1988, Dr Dhlomo claimed that Inkatha had a paid-up membership of over 1,5m, making it the largest membership-based movement in the history of South Africa. Dr Dhlomo said that the label 'Zulu liberation movement' used to describe Inkatha was inaccurate and claimed that in terms of the national membership spread, 'Inkatha is the most national membership-based black liberation movement in the country, with membership and branches in the four provinces of South Africa'.

Dr Dhlomo also outlined Inkatha's strategy and policy on a number of important political issues. He said that the organisation:

- dismissed protest politics as the sole means of struggle. Hence Inkatha did not simply oppose government initiatives but also proposed what the government should be doing;
- sought the democratic overthrow of apartheid as practised by the present ruling National Party (NP), but did not seek to overthrow the South African state. This was because, in its struggle, Inkatha distinguished between apartheid and South Africa. Thus, it would only accept pressures that would help destroy apartheid without destroying South Africa;
- believed in negotiation politics and peaceful change; and
- accepted that a future constitutional arrangement would have to be able to reconcile the legitimate political aspirations of the black majority with the equally legitimate political fears of the white minority.²⁰⁵

Responding to claims that people were forced to join Inkatha, Chief Buthelezi said in January 1988 that such claims were being made by Inkatha's opponents because 'Inkatha's historically significant membership can no longer be ignored'.²⁰⁶

In February 1988 Chief Buthelezi endorsed the privatisation programme of the state president, Mr P W Botha, but said that it could achieve so much more if it were located in a reform package deal that began to address the real political issues (see chapter on *The Economy and Business*).²⁰⁷ In a further statement, Chief Buthelezi said that reform was possible only if the government acknowledged the 'inescapable reality' that there was a black majority in the country. He said that it was a figment of the government's imagination to insist that South Africa was a country of minorities.²⁰⁸

Chief Buthelezi strongly attacked the government's restriction of 17 opposition organisations in February 1988, and said that it was a 'shackling of black democracy' (see 1987/88 *Survey* p587). He also criticised the secretary general of the Commonwealth, Sir Shridath Ramphal, for making accusations against Inkatha because it was not similarly restricted.²⁰⁹

In March Chief Buthelezi said that there was no chance of getting the reform process off the ground under the present state of emergency. He said that the NP had stopped the reform process dead in its tracks because of its fear of the 'lunatic right fringe'.²¹⁰

In June Chief Buthelezi rejected participation in the government's proposed national council. He said that the structure of the proposed forum was totally inadequate, the main flaw being that, like the tricameral parliamentary system, it was dominated by appointees of the state president (see chapter on *Government and Constitution*). He further added that he would become involved only when all black leaders were free to choose whether or not they wanted to be involved. This in turn necessitated the release from jail of a leader of the African National Congress (ANC), Mr Nelson Mandela, a leader of the Pan-Africanist Congress (PAC), Mr Zeph Mothopeng, and other imprisoned leaders.²¹¹

Inkatha held its annual general conference at Ulundi in July. The conference endorsed Chief Buthelezi's rejection of the proposed national council and his refusal to participate in it. The conference called on the state president, Mr P W Botha, to 'recognise that South Africa is one country, which should have one sovereign Parliament'. Fears of Inkatha's withdrawal of support for the KwaZulu/Natal Indaba proved unfounded when it was resolved that the organisation would continue supporting the indaba. The conference voiced its concern at the government's continued reliance on the 'politics of prescription for its survival', while it rejected 'responsible initiatives' such as those of the indaba (see 1987/88 *Survey* pp118-119). Other important decisions taken at the conference included the call for the release of Mr Mandela and other political prisoners and the reaffirmation of the organisation's policy of non-violence and negotiation as a strategy for change.²¹²

In August Dr Dhlomo addressed the Transvaal NP youth congress.

He said that the present political system had trapped white youth into a partnership with those who hated the vision of an equal, nonracial, democratic society and challenged the youth to break out of the system. He said that the future had to be built by all races and that the days of 'whites being the architects' were gone forever.²¹³

In September Chief Buthelezi said that the leader of the Conservative Party (CP), Dr Andries Treurnicht, was 'a racist' and that the time had come to rid South Africa of the dangerous kind of politics espoused by the CP. He said that too many people had suffered for too long in South Africa because of the kind of racist ideologies that Dr Treurnicht and the CP espoused.²¹⁴

Chief Buthelezi and the minister of constitutional development and planning, Mr Chris Heunis, agreed in January 1989 to set up a joint committee to investigate obstacles impeding the process of negotiation between the KwaZulu administration and the South African government.²¹⁵ Chief Buthelezi emphasised that he was not negotiating with the South African government to make the tricameral parliamentary system work.²¹⁶

Commenting on the national council in March 1989, Chief Buthelezi said that he would not participate unless his preconditions were met (see chapter on *Government and Constitution*). These were the scrapping of the Group Areas Act of 1966 and the Population Registration Act of 1950, the release of all political prisoners, including Mr Mandela, and the lifting of the banning orders on all black political movements, including the ANC.²¹⁷

Chief Buthelezi said in March that there was no prospect whatsoever of anyone succeeding in dragging South Africa back to the politics of the hey-day of apartheid. He said, 'If the CP ever becomes the ruling party in South Africa...those of us who are committed to peaceful change may be forced to reconsider the commitment to peaceful change'.²¹⁸

Sanctions

During the period under review Chief Buthelezi continued to voice his opposition to sanctions against South Africa. A mass rally was organised by Inkatha in May 1988 to focus on the issue of economic sanctions. More than 30 000 Inkatha supporters endorsed Chief Buthelezi's stand against economic sanctions and rejected the campaign for world economic isolation of South Africa by the archbishop of Cape Town, the Most Rev Desmond Tutu, and other church leaders.²¹⁹ Chief Buthelezi said that only large-scale sanctions applied by united international action would bring white South Africa to its knees. However, he added that 'such large-scale sanctions would commit South Africa permanently to third world poverty' and the main sufferers would be the black majority.²²⁰ Chief Buthelezi said that it was a tragedy that the West had accepted the argument that sanctions were the only nonviolent means of achieving change. Conversely, he argued that increased western economic involvement would create more employment, which, in turn, would increase black

bargaining power, thus strengthening black opposition to apartheid.²²¹

Speaking at the 10th anniversary conference of the Inkatha Youth Brigade held in August, Chief Buthelezi reaffirmed Inkatha's support for the free enterprise system. He said that it was the only economic system that created jobs. He criticised the ANC for being 'undemocratic' because it had engaged in armed struggle as a strategy of destroying apartheid without consulting the people. In the same month, Inkatha's Youth Brigade threatened to start a campaign to get black congregations to withhold money from churches whose leaders backed sanctions. The campaign would be based on the slogan 'no jobs, no money, no offerings'.²²²

In January 1989 Chief Buthelezi reiterated his opposition to sanctions during a meeting with the British prime minister, Mrs Margaret Thatcher. Chief Buthelezi also met the British foreign secretary, Sir Geoffrey Howe, and the minister of state in the foreign office, Mrs Lynda Chalker.²²³

Addressing an international conference in Switzerland in January 1989 Chief Buthelezi said that the West's support for punitive economic sanctions against South Africa was tipping the scales in favour of more violence and less negotiation.²²⁴

Relationships with other groups

The conflict between Inkatha and the United Democratic Front (UDF) and the Congress of South African Trade Unions (COSATU) continued unabated during the period under review. In September 1988 a historic settlement, which was signed between senior officials of COSATU and Inkatha, was hailed as a major breakthrough in the search for peace in the strife-torn area of Pietermaritzburg (Natal) where the conflict had mainly occurred. Following this settlement, there were, however, a number of deaths relating to conflict between the organisations (see chapter on *Political Developments*).²²⁵

In January 1989 KwaZulu's urban representative and a member of the Inkatha central committee, Mr V V Mvelase, said that the violence in Natal would not come to an end until the leadership of the ANC and Inkatha held peace talks. Chief Buthelezi said in January that Inkatha would consider meeting the UDF and COSATU in talks hosted by the ANC. This was in response to reports that the ANC intended to invite the groups and the South African Council of Churches to talks in Harare (Zimbabwe). However, Chief Buthelezi said that he had received no message from the ANC regarding the meeting.²²⁶

In March 1989 Dr Dhlomo denied allegations of police support for Inkatha 'warlords' in the violence in Pietermaritzburg (see chapter on *Political Developments*). He claimed that it was the COSATU/UDF alliance that had openly collaborated with the police in the past. Dr Dhlomo said COSATU would do well to consider the possibility that a third party was deliberating playing the two sides off against each other so that black disunity and black-on-black violence could continue.²²⁷

In April 1989 Chief Buthelezi called on the ANC, COSATU, the UDF, the churches and all concerned organisations to support Inkatha in a drive to end the killings in the black communities. He outlined a plan to declare 1989 the 'Year of Action for Peace'.²²⁸

In May COSATU and the UDF rejected an Inkatha invitation to hold a joint meeting in Ulundi (the KwaZulu capital) to discuss peace initiatives, saying that a neutral, non-controversial venue should be found. They said that if all the parties were serious about the peace process the issue of venue should not degenerate into an insurmountable obstacle that created a further delay in holding the meeting. Chief Buthelezi said he was sorry that the UDF and COSATU had problems talking to him where he was located. He said that other prominent figures involved in the peace process — the Roman Catholic archbishop of Durban, the Most Rev Denis Hurley, and the Rev Athol Jennings — had been prepared to meet him in Ulundi.²²⁹

During the period under review the conflict between Inkatha and the ANC continued. In his chief ministerial policy speech in the KwaZulu Legislative Assembly in March 1988, Chief Buthelezi warned the ANC that 'in the unlikely event of a military victory over apartheid, the Afrikaner Weerstandsbeweging would have capabilities to sabotage and kill which would make the ANC's best look like amateurish bungling'.²³⁰

While on a tour to encourage foreign investment in South Africa, Chief Buthelezi said in New York that if Mr Mandela were released, the two could work together despite differences in their political philosophy. He also claimed that Mr Mandela acknowledged his political power and that such a relationship would not anger many blacks.²³¹ Earlier in the year Chief Buthelezi had criticised 'high profile' church leaders for aligning themselves with the ANC, thereby lending themselves to the deepening atmosphere of confrontation in the country.²³²

Inkatha also made known its stand towards other political organisations, both within and without South Africa.

In August 1988 Inkatha held talks with the Independent Party (IP). The IP said that it believed that Chief Buthelezi had a 'major role to play in establishing a basis of co-operation within the creative opposition'. Chief Buthelezi said, however, that 'he rejected the tricameral Parliament entirely and would make no political moves within its framework'. The IP also agreed that it would recommend to its national congress that it should adopt Inkatha's statement of belief which corresponded in all essential respects with the policy of the IP.²³³ The Inkatha statement called for the abolition of racial discrimination in all spheres, but recognised the identity of individuals in cultural groups.²³⁴

In November Chief Buthelezi gave his support to efforts by the Progressive Federal Party (PFP), the IP and the National Democratic Movement (NDM) to form a new moderate party. He said that the formation of a united front against apartheid was encouraging and that Inkatha would be pragmatic regarding how it went about putting intended co-operation into practice.²³⁵

In December Chief Buthelezi visited a released PAC leader, Mr Zeph Mothopeng. Chief Buthelezi said that his visit was motivated by 'a sense of African decency that should be expressed in African brotherhood'.²⁹⁶

In May 1989 Chief Buthelezi dismissed the newly established national forum (NF) of black leaders as unrepresentative and called its leader, Mr Phillip Nhlapo, a 'political unknown'.²⁹⁷ The NF was established in April 1989; its membership consists mainly of municipal councillors. Mr Nhlapo is also president of a municipal umbrella body, the Urban Councils' Association of South Africa.²⁹⁸

Inkatha leaders also had discussions with representatives of foreign countries during the period under review.

In talks with the United States ambassador to South Africa, Mr Edward Perkins, in January 1988, Chief Buthelezi said that owing to 'false propaganda' and 'shallow media representations', certain sections of the population had been led to believe that 'reform was not possible'. He said that there was sufficient goodwill among racial groups to enable them to negotiate to establish 'a just social, economic and political order in South Africa'.

Negotiations

In an advertisement in the press in July 1989, Inkatha said that its membership 'continues to rise, despite intimidation and violence in KwaZulu/Natal'. Current membership was given as:

Youth Brigade	718 875
Women's Brigade	464 048
General membership	555 258
<hr/>	
Total	1 738 181

'Our next task is to fashion our membership not for revolution but for winning a democratic, free, and fair election when it takes place', the advertisement quoted Dr Dhlomo as saying.

Under the headline 'This is where we stand', Inkatha said: 'Negotiation politics and non-violent political change, which Inkatha has confidently championed since its founding in 1975, now occupy the centre stage of South Africa. All other strategies are becoming increasingly unrealistic and unworkable. As the author of negotiation politics and nonviolent change in black politics, Inkatha is destined to play an even more prominent role in the political developments that are unfolding in our country.'

The advertisement then revealed the working documents Inkatha had presented to the committee investigating obstacles to negotiation (see above), as follows:

PREAMBLE

It is accepted that there are real obstacles impeding negotiations in South Africa and that unless these obstacles are clearly identified and sincerely addressed, negotiation politics will not take off.

OBSTACLES AS IDENTIFIED BY INKATHA

1. Exclusive as opposed to inclusive negotiations

The South African Government seems to favour exclusive negotiations (ie negotiations that exclude certain groups and individuals who, for one reason or the other, are not acceptable to the Government as negotiating partners). Inkatha favours inclusive negotiations (ie negotiations that include all groups and individuals without any pre-conditions). Inkatha believes that inclusive negotiations would entail the acceptance of the following measures by the South African Government:

1.1 The immediate and unconditional release of Mr Nelson Mandela and other Rivonia trialists as well as the release of all those political prisoners that have already served sentences of over 15 years. Other political prisoners must also be considered for release.

1.2 Declaration of an amnesty which would enable all political exiles to return to South Africa and participate in negotiations. The amnesty would have to be adequately guaranteed and returning exiles would need to be assured of immunity from prosecution.

1.3 Unbanning organisations so that the leaders might freely consult with their followers before and during negotiations.

1.4 The lifting of the state of emergency, the release of political detainees and the restoration of press freedom. This should be done to facilitate free debate and assembly.

2. Removal of Discriminatory Laws

It is accepted that all discriminatory laws cannot be removed overnight in South Africa. Nevertheless there are specific laws that are regarded by the majority as 'pillars of apartheid'. The following laws would need to be removed before the start of negotiations:

2.1 the Group Areas Act [of 1966]

2.2 the Population Registration Act [of 1950]

2.3 the Separate Amenities Act [of 1953]

3. Inability of the Government to allow groups to form themselves voluntarily and the insistence that only race-based groups should be constitutionally recognised

This inability is demonstrated by the Government's refusal to discuss any other alternative suggested formulae that seek to move away from rigid race classification, eg KwaZulu/Natal Indaba, geographic (as opposed to ethnic) federalism etc, as well as the

government's inflexible belief that the only solution is rigid ethnic separation, eg the homelands policy and the tricameral parliamentary system.

4. *The existence of the tricameral Parliament*

One single obstacle to negotiations is the existence of the tricameral parliament (with all its consequences like the Regional Service Councils, own affairs, etc) which are perceived by the black majority as entrenching apartheid and racism and making a mockery of the concept of power sharing.

PROCEDURES IN ADDRESSING THE OBSTACLES

1. *Exclusive as opposed to inclusive negotiations*

1.1. Political Prisoners. The following procedure should be adopted:

- Mr Nelson Mandela and other Rivonia trialists...should be released immediately and unconditionally;
- political prisoners that have served over fifteen (15) years... should also be released immediately and unconditionally.
- other political prisoners: the principles of remission of sentence and parole should be immediately applied to all political prisoners that qualify as happens with other categories of prisoners.

1.2 Declaration of an amnesty:

- the government should announce an amnesty through appropriate national and international channels; and
- the co-operation of [organisations] like the International Red Cross, the UN Commission for Refugees, Western governments and the International Commission of Jurists should be sought encouraging exiles and refugees to take advantage of the amnesty.

1.3 Unbanning of organisations. Once prisoners [as classified above, 1.1] are released, the government should immediately negotiate with them the modalities for the unbanning of their organisations.

1.4 The ending of the state of emergency, the release of detainees and the restoration of press freedom. The release of detainees and the restoration of press freedom should happen immediately and the lifting of the state of emergency could be done either immediately or progressively according to districts and in accordance with the predetermined time table before the start of negotiations. In any event [procedures 1.1-1.3] would of necessity have to lead to the lifting of the state of emergency, the release of detainees and the restoration of press freedom.

2. *Discriminatory laws:*

2.1 There are laws that are already being considered for abolition

and these should be abolished immediately before negotiations begin, eg the Group Areas Act, the Separate Amenities Act and the Population Registration Act.

2.2 Other laws like the Land Acts of 1913 and 1936 could then be phased out in accordance with a definite time table which would be subject to negotiation.

3. *Race-based group concept*

3.1 The government must announce its acceptance of the principle of voluntary association or freedom of association.

3.2 Voluntary groups that arise should enjoy protection from the state and their constitutional rights should be guaranteed.

4. *Tricameral parliament*

A mutually acceptable statement of intent should be issued stating clearly that negotiations would aim at replacing the tricameral system with a system acceptable to the majority of the people of South Africa.

POINTS OF COMMON AGREEMENT

1. Establishment of a united South Africa with one sovereign parliament. If this is mutually acceptable then the qualification should be that no self governing territory should henceforth be allowed to declare itself independent, and that the TBVC states that wish to rejoin a united South Africa should be allowed to do so.

2. Belief in a democratic, non-racial and multi-party political system.

3. Belief in the protection of individual and minority rights.

4. Belief in freedom of association for individuals regardless of race.

5. Belief in the free enterprise economic system with built-in mechanisms to create wealth, eliminate poverty and afford disadvantaged sections of the South African population maximum opportunity to fully participate and have a meaningful stake in the economy.²³⁰

INSTITUTE FOR A DEMOCRATIC ALTERNATIVE FOR SOUTH AFRICA (IDASA)

The Institute for a Democratic Alternative for South Africa (IDASA) was launched on 1 November 1986 with the opening of its first office in Port Elizabeth (eastern Cape). Since then IDASA has opened branches

in the western Cape, Border area, and southern and northern Transvaal. According to a co-director, Dr Alex Boraine, IDASA was committed to the goal of a nonracial democracy. According to its national co-ordinator, Mr Wayne Mitchell, the role of IDASA was educative. He said, 'We are not into the game of mobilising for our own political power. Our work is to convince the white population that there is a democratic alternative and to indicate how they can work towards it.' Responding to the criticism that organisations such as IDASA represented the middle class and so, despite their efforts to advance the broad democratic struggle, would inevitably be working against the interests of the working class, Mr Mitchell said that 'organisations to the left of the government must be tolerant of liberal strategies'. He said, 'Fears that liberals might subvert mass movements are totally unfounded. They haven't got a large enough support base to do that.'²⁴⁰

In May a co-director of IDASA, Dr Frederik van Zyl Slabbert, met members of the African National Congress (ANC) for 'informal' discussions. Dr Slabbert said he was not trying to forge any new alliances or pursue a 'hidden agenda' and that the discussions involved a wide range of topics.²⁴¹

In September two Ciskei police generals, including the head of the security police, were among the six Ciskei police arrested in connection with the death of former trade unionist and IDASA's co-director for the Border region, Mr Eric Mntonga.²⁴² The arrests came after an inquest into Mr Mntonga's death had found that it was the result of an act by unknown persons. The inquest relied on affidavits submitted by the police (see chapter on *The Homelands*).²⁴³

Opening an IDASA conference on 'Strategies for Change' in November, Dr Slabbert said that the time had come to look at participation in political structures. He said that participation, like boycotts and mass mobilisation, fell within the realm of strategy and tactics and was not a holy cow, but served as a means towards an end.²⁴⁴ Dr Slabbert added that parliamentary participation should be an extension of the broader democratic struggle, and it was therefore important to examine the possibility of joint strategies between parliamentary and extra-parliamentary groups.²⁴⁵

IDASA assisted in facilitating a meeting in January 1989 between 30 South African lawyers, mostly Afrikaans-speaking academics, and members of the ANC (see above).²⁴⁶

Speaking on behalf of an IDASA delegation which visited Moscow in April 1989, the chief minister of KaNgwane and president of the Inyandza National Movement, Mr Enos Mabuza, said that the Soviet Union was prepared to play a positive and constructive role in bringing about a political settlement in South Africa. He added that the Soviet Union desired a political solution rather than a violent one.²⁴⁷

In May IDASA hosted a conference in Johannesburg on the theme 'Options for the Future'. The conference discussed in detail the ANC's constitutional guidelines (see *African National Congress* above). Dr Boraine stressed that the reason for focusing on the ANC's guidelines

was not that IDASA believed that the guidelines were the constitutional answer for the future, but rather to facilitate discussion and debate around them.²⁴⁸

LABOUR PARTY (LP)

In January 1988 the leader of the Labour Party (LP) and chairman of the ministers' council in the House of Representatives, the Rev Allan Hendrickse, defended the role of the LP in the House of Representatives. He said, 'We are all living in an apartheid society and the question of puristic politics in an apartheid society has a negative rather than a positive effect.' Mr Hendrickse said that the amount of press coverage the LP received was an indication of its 'strategic effectiveness'. He said that participation and protest within the system had great effect.²⁴⁹

Asked if it was not more important to strive for black unity since the majority of the population was not represented in Parliament, Mr Hendrickse said that blacks outside Parliament showed great division among themselves in terms of strategies. 'The point at this stage is that you have to take the coloured community with you. The end product is reconciliation of all groups on the basis of equality.' Mr Hendrickse added that the question of upliftment was important and pointed out that pension increases obtained for coloured people had led to increases for Africans as well. Mr Hendrickse said that working within the system gave one a platform for organising.²⁵⁰

In June the LP supported the Promotion of Constitutional Development Bill, which aimed at including Africans in the parliamentary process through the establishment of a multiracial negotiating forum (see chapter on *Government and Constitution*). The LP's support for the bill drew criticism from opposition MPs. The Independent MP for Claremont, Mr Jan van Eck, said that the LP had shown itself to be nothing less than the NP's partner in oppression. Extra-parliamentary organisations saw the bill as merely an extension of the tricameral parliamentary system, which they rejected.²⁵¹ Also in June, the LP blocked the second reading of the Constitutional Laws Second Amendment Bill, which would have validated the KwaNdebele Legislative Assembly and it called on the government to initiate a discussion among all interested groups in the KwaNdebele/Moutse/Lebowa region (see chapters on *The Homelands* and *Government and Constitution*).²⁵²

Speaking at a meeting in Eden Park (east Rand) in August, Mr Hendrickse said that he would not advise any black person to take a seat in the cabinet if offered one, because it was a 'futile exercise' while the cabinet was dominated by the NP.²⁵³ In August the LP rejected the Constitution Second Amendment Bill, which proposed that African ministers be appointed to Parliament.²⁵⁴

Speaking at the Karoo (northern Cape) congress of the LP in August, Mr Hendrickse invited the state president, Mr P W Botha, to hold a referendum among coloured people on the Group Areas Act of 1966. The invitation followed a statement by Mr Botha that a referendum among Indians and coloured people would show that 70% of them were in favour of protecting their own residential areas.²⁵⁵

In September the LP refused to vote on the Free Settlement Areas Bill and staged a walkout on the debate in Parliament. Mr Hendrickse said that the LP intended to show its 'utter disgust' at the three group areas bills (see chapter on *Government and Constitution*).²⁵⁶ Following the rejection of the three bills by the House of Representatives and the House of Delegates, the bills were referred to the President's Council (PC). In November, however, nine LP members of the PC staged a walkout after debate on a motion that the Free Settlement Areas Bill and the Local Government in Free Settlement Areas Bill be presented to the state president for his assent. In a speech before the walkout, the leader of the LP in the council, Mr Billy Rose, warned that his party would obstruct every piece of legislation put before Parliament in 1989 if the PC passed the group areas-related legislation. The PC sent two of the bills to Mr Botha for his assent. The third, the Group Areas Amendment Bill, was referred to the government for redrafting and was subsequently abandoned.

In October Mr Hendrickse said that a geographic nonracial federation in South Africa was the only solution to the country's problems as it would cater for both white fears and black aspirations. He said the country would be divided, not on the basis of colour or culture, but on a geographic basis between this river or that mountain.²⁵⁷

Opening an LP congress in Bloemfontein in December, Mr Hendrickse said that the LP would not support a move to postpone the white elections and that the next Parliament would be marked by conflict and confrontation unless the LP had its way on the Group Areas Act. Commenting on continued participation in Parliament, Mr Hendrickse said that the LP had used the system effectively in the dismantling of apartheid and to uplift the coloured community.²⁵⁸ Delegates decided unanimously to continue to participate in the tricameral Parliament.²⁵⁹ Delegates also supported the idea of communication with the African National Congress (ANC), the Pan-Africanist Congress (PAC) and other extra-parliamentary groups.²⁶⁰

In March 1989 Mr Hendrickse said he was willing to deal with the NP on constitutional changes, but not before Mr Botha had retired. He said that in all his dealings with Mr Botha, he had always been treated 'like an underdog'. Mr Hendrickse said that the LP would support a change in the constitution that would make the enlargement of the Assembly possible, but it would want the immediate scrapping of the Reservation of Separate Amenities Act of 1953 in return.²⁶¹

Also in March, the deputy leader of the LP, Mr Miley Richards, said that his party would reject any bill making provision for the appointment of African ministers because of the 'negative response' from black

leaders the LP had consulted, including the chief minister of KwaZulu, Chief Mangosuthu Buthelezi.²⁶²

In May 1989 the LP rejected the budget of the Department of Constitutional Development and Planning in protest against the 'lack of constitutional development and the perpetuation of apartheid by the government'.²⁶³

Various racial issues

In January 1988 the LP took an official stand that it would boycott the Dias festival celebrating the 500th anniversary of Bartholomew Dias' landing at Mossel Bay unless beach apartheid was permanently lifted in Mossel Bay (eastern Cape) and not only during the festivities.²⁶⁴ Extra-parliamentary activists accused the LP of practising double standards by boycotting festivals in protest against apartheid, but not the major apartheid institution, the tricameral Parliament.²⁶⁵

In April Mr Hendrickse said that a decision by the minister of finance, Mr Barend du Plessis, to freeze funds that would allow for a R12-a-month increase in coloured pensions was 'racist'. Mr Hendrickse said that the decision of the ministers' council to increase coloured pensions was part of an ongoing programme to wipe out the disparity between coloured and white pensions. Mr Hendrickse also criticised the attitude of Mr Du Plessis towards the House of Representatives saying that the minister had shouted at them as if they were children and that such an attitude did not help the process of reconciliation.²⁶⁶

Mr Hendrickse said in the same month that Mr Botha owed him an apology in the light of the court decision in May that Port Elizabeth's King's Beach had not been properly zoned for exclusive white use. King's Beach was the site of Mr Hendrickse's 'protest swim' (see 1987/88 *Survey* p738).

The LP welcomed an announcement in May by the minister of defence, Mr Magnus Malan, that facilities and opportunities for members of the South African Cape Corps would be expanded. The LP spokesman for defence, Mr Abie Williams, said that the expansion was an acknowledgement of the service and permanence of the coloured people in the defence network of the country. Mr Williams stated categorically that the LP was against compulsory national service until all South Africans enjoyed equal rights on the economic, social and political levels.²⁶⁷

In August Mr Hendrickse said that LP supporters were opposed to sanctions and that sanctions could result in bloody revolution.²⁶⁸

Mr Hendrickse condemned the banning of the End Conscription Campaign (ECC) in August. He said the banning was another step on the road towards totalitarian government. Given the LP's opposition to compulsory conscription he said, 'We therefore believe the ECC is entitled to oppose conscription while the army is seen as undergirding and supporting the unjust apartheid policies of the NP government.'²⁶⁹ The minister of defence, Mr Magnus Malan, criticised Mr Hendrickse's

standpoint, saying that it was 'irresponsible and reckless' and that it did not take into account the threat against South Africa and all its people.²⁷⁰

In April 1989 Mr Peter Mopp MP (LP), said the LP had the same goals as the ANC, but did not agree with its strategy. He said the time had come to talk to the ANC.²⁷¹ Mr Hendrickse appealed to Mr Botha in April to grant clemency to Mr Robert McBride, an ANC member who had been sentenced to death for terrorism.²⁷²

Internal conflicts

In January the minister of education and culture in the House of Representatives, Mr Carter Ebrahim, was asked to resign by Mr Hendrickse, who accused him of being a National Party (NP) 'crony' and of trying to foment pro-NP mutiny in the LP. The row began when Mr Ebrahim presented a resolution at the LP congress recommending that the LP negotiate with the NP to postpone the white general election to 1992. The LP, whose approval was needed to amend the constitution so as to delay the election, insisted, however, that it would co-operate only on condition that the Group Areas Act of 1966 was scrapped.²⁷³ Mr Ebrahim refused to resign his post despite demands by Mr Hendrickse that he do so. Mr Ebrahim said that he had not been given good reason why he should resign and that as he was appointed by the state president he could be dismissed only by the state president.²⁷⁴ Mr Hendrickse then formally asked the state president, Mr P W Botha, to dismiss Mr Ebrahim. Mr Hendrickse said that protocol necessitated agreement by Mr Botha to his request and that disagreement on the part of Mr Botha would make a farce of the whole structure he was trying to sell.²⁷⁵ Mr Botha refused to dismiss Mr Ebrahim, but the contents of his reply to Mr Hendrickse were not made known. The LP said that Mr Botha's refusal was unconstitutional. However, Mr Ebrahim decided to resign, saying that he wished to avert a split in the LP. He said that he would remain a member of the LP.²⁷⁶

A spokesman for the LP said that the resolution of the impasse between Mr Botha and Mr Hendrickse was 'definitely a victory' for the LP and that a clear attempt by Mr Botha to force a split in the LP had been averted. Mr Hendrickse informed Mr Botha of his intention to take over Mr Ebrahim's portfolio until a successor could be appointed.²⁷⁷ Following the Ebrahim issue, the LP urged the NP to get rid of Mr Botha. The party said that a more diplomatic and sympathetic state president would be able to resolve conflict between the LP and the NP.²⁷⁸

In September six MPs who refused to withdraw as candidates for the municipal elections in October were expelled from the LP because they had defied a national executive committee ruling.²⁷⁹ The ruling stated that present office-bearers in Parliament and the President's Council (PC) should not contest the elections, but that non-parliamentarians could do so. The six were Mr J W Christians, Mr N Isaacs, Mr J Johnson, Mr C Koeberg, Mr V Sass, and Mr M Swartz. The Peninsula chairman of the LP, Mr Ebrahim, and Mr Andries Johannes resigned from the

party in sympathy with the 'rebels'. Another MP, Mr J J Swartz, also resigned from the LP to join the 'rebel' group.²⁸⁰

Support for some aspects of group areas legislation was also a source of conflict within the LP. The rebel faction revealed that it would support the Free Settlement Areas Bill and that it would also vote for the accompanying bill, the Local Government in Free Settlement Areas Bill, which provided for mixed management committees in open areas. They would, however, oppose the Group Areas Amendment Bill (see chapter on *Government and Constitution*). Mr Ebrahim said that while members of the breakaway group stood as independents at present, the formation of a party could well be a natural development and consequence of its stand on the Group Areas Act.²⁸¹ In October Mr Ebrahim began a campaign to win LP members over to a new opposition party. One of the expelled MPs, Mr Koeberg, rejoined the LP, leaving Mr Ebrahim's group with eight members. The LP still had a strong ruling majority of 68.²⁸²

In May 1988 Mr Pieter Sam Jacobs MP (LP) was shot dead in his car. According to friends and colleagues, Mr Jacobs' murder was linked to his investigations into corruption in the Eden Park management committee.²⁸³

MASS DEMOCRATIC MOVEMENT (MDM)

At the time of writing, there was much confusion surrounding the name Mass Democratic Movement (MDM). Many people were asking what it was, who constituted it, and when it had been formed. In August 1989, one of the leaders of the MDM, Mr Titus Mafolo, a former executive member of the United Democratic Front (UDF; see below), said that the MDM was made up of a number of political, religious and cultural organisations including the UDF, Congress of South African Trade Unions (COSATU), and the National Education Crisis Committee (NECC). He denied allegations by the minister of law and order, Mr Adriaan Vlok, that the MDM was an alliance of the UDF, the COSATU, the African National Congress (ANC) and the South African Communist Party (SACP). Mr Mafolo said that these groups could be referred to as the 'liberation movement' and that the MDM was just one part of the liberation movement. He said the term MDM had been gaining some currency within 'progressive' organisations before the banning of the UDF in 1988 and added that its usage was not accidental because it captured the mass democratic approach of the organisations constituting the MDM.

According to Mr Mafolo the MDM was committed to the following:

- the mass approach to struggle;
- alliances and campaigns on the basis of unity in action and united mass action behind a common programme;

- constituent organisations should be accountable to its constituencies and membership;
- working class leadership in the struggle for liberation and the acceptance of the African majority as the main force in the struggle; and
- collective rather than individual leadership that is both democratic and accountable.

Mr Mafolo argued that the key unifying perspective in the MDM was the desire to establish a non-racial democratic South Africa. He added that there were many groupings which were responsive to the programme of the MDM but were not necessarily within its fold.²⁸⁴

At the time of writing, the MDM announced that it would initiate a widespread defiance campaign against apartheid laws throughout the country.

NATAL INDIAN CONGRESS (NIC)

In January 1988 allegations were made by the past president of the Natal Indian Congress (NIC), Mr M J Naidoo, that the organisation was controlled by a 'cabal' or 'clique' and that democracy no longer existed within it. Mr Naidoo also claimed that the 'cabal' wanted to enter tricameral politics in conflict with the NIC's anti-apartheid policies. Responding to the criticism, the official spokesman for the NIC, Dr Farouk Meer, said that disgruntled NIC members had allowed themselves to become 'tools' of the establishment media in an attempt to slander the NIC. He said that the 'cabal' was actually the organising committee, made up of executive members and representatives of the various congress branches and that it was a democratic structure. He also denied that the NIC would participate in the tricameral system.²⁸⁵

Following further reports that NIC executive members had had talks with a Progressive Reform Party MP, Mr Mamoud Rajab, about possible participation in Parliament, the NIC said that disciplinary hearings would be held and if members had indeed been involved in such talks, they would almost certainly face expulsion. Dr Meer said, however, that as far as his organisation had been able to ascertain, no such talks had been held. He said that it seemed the NIC was a victim of a disinformation campaign and that a letter of complaint had been written to the media council.²⁸⁶

Speaking at a press conference in February, Dr Meer announced that the NIC would continue its campaign for a boycott of the municipal elections in October and intensify its campaign against the House of Delegates.²⁸⁷

In April KwaZulu's minister of works, Chief S H Gumede, criticised the NIC, saying that it was responsible for black-on-black violence (see chapter on *Political developments*). Responding to the criticism, Dr Meer

said that no rational person would believe that the violence in Natal could be caused by a handful of Indian people.²⁸⁸

Dr Meer said in May that the NIC was still opposed to lifting the ban preventing artists from India and Pakistan from visiting South Africa. He said that the NIC would not oppose religious and language instructors from abroad coming to South Africa, provided they did so through the correct channels. He was commenting on reports that the NIC had changed its policies regarding commercial artists visiting South Africa.²⁸⁹

Responding to Mr P W Botha's offer in June of amnesty to political exiles and the freeing of security prisoners if they 'abandoned violence' and turned their backs on 'godless Marxism', the NIC said that it could be meaningful only if it were accompanied by the lifting of the state of emergency, an end to detention without trial, the scrapping of other security laws and a commitment by the government to lead South Africa towards a nonracial democracy. Referring to the conditions of the amnesty, Dr Meer asked Mr Botha if he was prepared to turn his back on 'godless apartheid'.²⁹⁰

Speaking at an Institute for a Democratic Alternative in South Africa (IDASA) conference on the Freedom Charter in August, Dr Meer said that white South Africans had the opportunity of working towards a democratic South Africa if they accepted the Freedom Charter, which laid down the basis for an alternative to apartheid.²⁹¹

In October the NIC was part of a delegation of Indians that met the African National Congress (ANC) in Lusaka (Zambia) (see *African National Congress* above). The NIC rejected the argument that its talks with the ANC were based on ethnic grounds because the group went under the label 'Indian'. A member of the NIC, Mr Yunus Karrim, defended its decision to visit the ANC as representatives of the Indian community because 'it was necessary to mobilise the community on the basis of their own material conditions and level of consciousness'.²⁹²

In November the vice president of the NIC, Professor Jerry Coovadia, said that at the request of the Indian government, he had drawn up a list of South Africans participating in government structures, particularly in the House of Delegates. The list was compiled with the view of barring such 'collaborators' from entry into India. Mr Pat Poovalingam MP (PFP) accused Professor Coovadia of trying to prevent Hindus who 'do not follow the ANC line' from performing their pilgrimage to India.²⁹³

In April 1989 Professor Coovadia said the NIC had not given 'carte blanche' support to the new Democratic Party (DP) (see above). He said that the NIC's support of the DP would be based on the DP's fulfilling a number of conditions. Among these was the question of the DP's participation in the houses of Delegates and Representatives, which the NIC was strongly opposed to.²⁹⁴

In May representatives of the NIC, Transvaal Indian Congress and Congress of South African Trade Unions met the prime minister of India, Mr Rajiv Gandhi. Mr Gandhi told the delegation that nothing short of universal adult suffrage in a single parliament would satisfy India that South Africa had changed.²⁹⁵

NATIONAL PARTY (NP)

The period under review marked a number of important anniversaries for the National Party (NP). The year 1988 was the tenth as head of government for the state president, Mr P W Botha; it was the fortieth anniversary of NP rule; and 500 years since the Portuguese explorer, Bartholomew Dias, landed at the Cape.²⁹⁶

Addressing a public meeting in the Parow Civic Centre (Cape Town) in May 1988, Mr Botha said that revolutionaries aimed at a communist dictatorship, and liberal politicians offered only surrender, but the NP stood in the way of these alternatives and was committed to reform. Mr Botha said that whites could not live as if they were the only group in the country, but he stressed that there was also a need for self-discipline among other groups.²⁹⁷ In an interview on a South African Broadcasting Corporation news programme, Mr Botha said that constitutional reform should have been faster and have progressed much further by 1988. He blamed foreign intervention in South Africa's domestic affairs for much of the delay, but said also that there were strong traditions which many sectors of the South African population had difficulty giving up.²⁹⁸

In a British Broadcasting Corporation (BBC) interview recorded in South Africa in April, Mr Botha said that there were limits to power-sharing and that being a good Christian did not mean committing suicide to please another person. He said, 'I don't foresee, in the Westminster sense, that there could be a black majority because the Westminster system does not work in Africa.' Instead, he talked of a 'unique system' which would safeguard the rights of minorities and create authorities to deal with common interests.²⁹⁹

Reform programme

Following the NP's decisive defeat at the hands of the Conservative Party (CP), in March in the Standerton (southern Transvaal) and Schweizer-Reneke (western Transvaal) byelections, Mr Botha said that the government would have to take note of the anti-integration sentiments expressed in the swing to the CP.³⁰⁰ Speaking in the House of Assembly in March, the minister of national education, Mr F W de Klerk, said that the NP would fearlessly follow its chosen road of reform to extend economic and political privileges to other population groups.³⁰¹

In April Mr Botha announced government proposals for a multiracial policy-making body at central government level and for a new post of prime minister. Giving shape to the government's power-sharing plans, Mr Botha said that the government wanted to appoint African community leaders to government from outside Parliament, revise the President's Council and revamp the proposed national council, possibly under the new name of 'Great Indaba' (see chapter on *Government and Constitution*).³⁰² NP sources said that while the proposals were for debate and negotiation rather than representing firm government intentions, they demonstrated the government's determination to proceed along a

road of reform despite the white backlash shown by new support for the CP.³⁰³

Mr De Klerk said in May that the NP's concept of own affairs was a fundamental pillar on which a new constitutional system would be built in South Africa. Mr De Klerk said the own affairs concept was a logical consequence which flowed from South Africa's diverse nature.³⁰⁴ The minister of constitutional development and planning, Mr Chris Heunis, said that as long as the NP was in control of the House of Assembly, it would not allow the simplistic system of majority government to be introduced.³⁰⁵

In an interview with an international news agency in May, the minister of foreign affairs, Mr Pik Botha, said that the reform of race laws in South Africa would end white domination, but not at the cost of white survival. Mr Botha said that if the government complied with demands to avoid sanctions, it would be destroyed. He said that the advocates of sanctions in Europe and the United States appeared not to want the government to find a peaceful solution to South Africa's problems.³⁰⁶

The government introduced the Promotion of Constitutional Development Bill in June. It was designed to give homeland and urban Africans a chance to draw up a more permanent constitution that would include Africans in the parliamentary process (see chapter on *Government and Constitution*). Addressing the NP's Johannesburg regional congress in August, the deputy minister of constitutional development and planning, Mr Roelf Meyer, said that political rights based on group identity was 'a non-negotiable point of departure' for the NP.³⁰⁷

In May 1989 Mr Heunis announced that the government was aiming for a single Parliament and cabinet for all South Africans. He envisaged a 'unique' democracy where numbers would not be the dominant factor. He said participation in national affairs would be carried out in groups, and the groups themselves would decide upon matters affecting them (see chapter on *Government and Constitution*).

NP election planners announced in May that the party's major strategy for the general election to be held on 6 September 1989 was that it would run on a reform ticket.³⁰⁸

In a policy speech in May Mr De Klerk, who replaced Mr P W Botha as leader of the NP in February when Mr Botha resigned the party leadership (but not the state presidency) because of ill health, called for 'drastic and speedy changes' but rejected majority rule on a common voters' roll. Mr De Klerk emphasised the need for separate power bases for different groups. He said that the NP stood for co-government with other groups over matters of common concern, but in a manner that would rule out domination.³⁰⁹ Mr De Klerk assured white voters that the NP would, while searching for a new dispensation for all, jealously guard the rights and security of all minorities.³¹⁰

Attitudes towards the ANC

In April 1988 Mr Albert Nothnagel MP (NP), said that the ANC and 17

organisations restricted by the government in February were an important factor in South African politics and no solution was possible without their participation (see the 1987/88 *Survey* p587). Mr Nothnagel said that he was not condoning the violence of radical groupings, but it was a fact that political realities could not be dismissed amid the chaos of violence.³¹¹ The deputy leader of the CP, Dr Ferdie Hartzenberg, said that the CP would tell voters that it was NP policy to include the ANC in Parliament unless it repudiated Mr Nothnagel's statement.³¹² However, Mr P W Botha defended Mr Nothnagel, saying that the government was willing to talk to the ANC if it renounced violence and came to the negotiating table. He said Mr Nothnagel was no friend of terrorism or communism.³¹³ Opening the KwaZulu Legislative Assembly in March 1989, the minister of constitutional development and planning, Mr Chris Heunis, in his capacity as acting state president, said that if the ANC were to abandon violence, it could participate in negotiations for a new constitution for South Africa.³¹⁴

The state president, Mr P W Botha, had tea with a jailed leader of the ANC, Mr Nelson Mandela at his official residence in Cape Town, Tuynhys, in July 1989.

State of emergency

In a briefing to foreign journalists in February 1988 in which he assessed South Africa's internal security position, the minister of law and order, Mr Adriaan Vlok, said that there still existed a climate of revolution despite a successful campaign to curb black revolt. He said it was for this reason that the nationwide state of emergency could not be lifted (see chapter on *Security*).³¹⁵

Group areas and urbanisation

In March, speaking in the debate on a call for the immediate repeal of the Group Areas Act of 1966, Mr Heunis said the act had always made provision for, and recognised, circumstances where totally separate areas could not reasonably be achieved and that this had resulted in what was now being called 'open areas' (see chapter on *Housing*). He said that the total repeal of the act was not realistic as the government was obliged to recognise the right of specific established communities to an 'own community life' if they so wished. He added that no solution to South Africa's problems could be found without understanding, acknowledging and protecting the existence of different groups in South Africa.³¹⁶

Speaking in the debate on the Prevention of Illegal Squatting Amendment Bill in August, Mr Meyer said that the government was sincere in accepting its responsibility to meet the challenge of urbanisation. He said that urbanisation, rather than being seen as a threat, should be used to raise the general standard of living (see chapter on *Housing*).³¹⁷ Mr Meyer also denied accusations that the anti-squatting law was 'heartless' and said that the government could not meet everyone's housing needs. He said that the private sector had a duty to become more involved.³¹⁸

Social segregation

The minister of home affairs and of communications, Mr Stoffel Botha, said in February 1988 that beaches and related facilities for use by 'a specific population group' would be retained and further beaches would be developed along these lines. Where amenities could not, however, be duplicated, they would have to be used communally by all population groups in a 'civilised manner'.³¹⁹ In May the mayor of Durban, Mr Henry Klotz, was suspended from the NP because of his involvement in opening the city's beaches to all races. The chairman of the NP in Natal, Mr Jurie Mentz, said that the decision was taken because Mr Klotz had acted 'disloyally or contrary to the interests of the party' by not associating himself with statements by Mr Stoffel Botha on retaining white beaches (see above). Mr Klotz responded by saying that the policy of opening facilities had to be pursued to ensure Durban's development and if it meant expulsion from the NP, then so be it.³²⁰

In March the minister of transport affairs, Mr Eli Louw, said that racial discrimination in the use of transport facilities would be done away with.³²¹

Commenting on the CP's reintroduction of social segregation in Boksburg and other CP-controlled towns subsequent to the October municipal elections, Mr Pik Botha said that it would do immense harm to South Africa's economy (see *Conservative Party* above and chapter on *Political Developments*).³²² The CP argued that it was simply implementing a law, the *Reservation of Separate Amenities Act of 1953*, which was created by the Nationalist government.³²³

The government announced in May 1989 that it intended to introduce legislation that would force the Boksburg and other CP-controlled town councils to reopen their facilities to all races. The draft bill would, however, amend, not abolish, the *Reservation of Separate Amenities Act*.³²⁴ At the time of writing no such bill had been introduced.

Provincial congresses

At the Natal NP congress held in August 1988 Mr P W Botha said, 'Those who wish to abolish the new dispensation after only a few years of its existence, try to do so without the clarity of a practical alternative. They only want one thing, a black majority government in South Africa.' He said, 'Under my leadership that will not happen.'³²⁵

Addressing the Orange Free State NP congress in September, Mr Heunis said South Africans had only one choice, between the NP and democracy or escalating violence.³²⁶

The NP's Cape congress held in George (western Cape) was characterised by calls for drastic and radical constitutional change and for a new and bolder leadership. Delegates called for clearer reforms, including a rethink on the *Population Registration Act of 1950*, to create an 'open group' and for the adoption of the *KwaZulu/Natal Indaba* proposals.³²⁷

Diplomatic initiatives with African countries

During the period under review, Mr P W Botha held talks with representatives of a number of African countries.

In August Mr Botha met the president of Mozambique, Mr Joaquim Chissano, in the town of Songo near the Cahora Bassa Dam. The result of the meeting was a commitment to work for regional peace. Mr Chissano said that he had accepted an invitation from Mr Botha to visit South Africa. In a joint communiqué, both heads of state said that the talks had ended on a note of hope and co-operation and they affirmed their commitment to peace and stability. It was Mr Botha's first meeting with an African leader beyond South Africa's borders. On the same tour, Mr Botha also met the president of Malawi, Dr Kamuzu Banda.³²⁸ Also during September, Mr Botha met the president of Zaïre, Mr Mobutu Sese Seko and the president of the Ivory Coast, Mr Felix Houphouët-Boigny.³²⁹

The main issues focused on by Mr Mobutu and Mr Botha were the talks between Angola, South Africa and Cuba regarding Namibian independence and the release of a jailed ANC leader, Mr Nelson Mandela. Following his meetings in Zaïre, Mr Botha said that he would be seeking a wider African summit that would bring him into direct negotiations with leaders of southern Africa's frontline states that were hostile to South Africa. Mr Botha made it clear that the release of Mr Mandela would be used as 'bait' to 'lure' African leaders to a regional summit.³³⁰

Mr De Klerk met President Chissano in Maputo in July and was due at the time of writing to meet President Mobutu in Zaïre and President Kenneth Kaunda of Zambia in Zambia in the last week of August 1989.

Blowpipe missile incident

In May Mr P W Botha sent an apology to the prime minister of Britain, Mrs Margaret Thatcher, regarding the 'blowpipe missile incident' in which it was alleged that South Africa had supplied Ulster loyalists with arms in return for secret missile parts. However, three South African embassy staff members were ordered to leave Britain within seven days.³³¹

Presidential issues

Mr P W Botha's future as head of state was in question when he suffered a stroke in January 1989.³³² Mr Botha appointed Mr Heunis, the senior minister in order of precedence, as acting state president.³³³ In February Mr Botha suddenly announced his resignation as the leader of the NP. At the caucus meeting to decide on the leadership of the party, Mr De Klerk was elected, narrowly defeating the minister of finance, Mr Barend du Plessis.³³⁴ In his first speech in Parliament as leader of the NP, Mr De Klerk committed himself to achieving a 'totally changed South Africa', free of racism and domination of any kind.³³⁵

However, Mr Botha's announcement in February that he intended to resume his position as state president created uncertainty about the leadership of the government. NP MPs openly declared in Parliament that it was Mr De Klerk who now decided NP policy.³³⁶

Addressing his first public meeting as leader of the NP in March, Mr De Klerk said the time had come for 'the great indaba' in South Africa. He said leaders had to be talking urgently about how different aspirations and expectations could be reconciled.³³⁷

In an interview with a political reporter, Mr Alf Ries, in March, Mr Botha said that he wanted to serve out his term of office and that it was too early to speculate on whether he would stay on for another term. Mr Botha said that had he not become ill, he would have raised the question of the separation between the posts of NP leader and state president at the NP's first caucus meeting of 1989. Commenting on Mr De Klerk's call for a 'great indaba', Mr Botha said it was not a new call and that he had called for an indaba in Parliament in 1988. Mr De Klerk indicated in March that he wanted to have talks with Mr Botha on the issue of who would decide on party policy as well as the division of power.³³⁸

A meeting of the NP's federal council in March rejected Mr Botha's move to separate the office of state president from that of leader-in-chief of the party. The federal council — the party's highest advisory body — did not, however, call on Mr Botha to retire early. The council said that it would negotiate with Mr Botha on the way in which power would be exercised during the remainder of his term. The federal council also expressed its full confidence in Mr De Klerk as leader of the party and offered him its total support in handling the interests of the NP in its future activities.³³⁹ Addressing Parliament in April for the first time since he had suffered his stroke, Mr Botha announced that there would be a general election on 6 September and that he would retire after the election.³⁴⁰

In August, following a dispute over Mr De Klerk's proposed visit to Zambia at the end of the month, Mr Botha resigned the office of state president. Mr De Klerk became acting state president in his place.

Resignations and breakaways

In a total break with the NP in March, 27 Stellenbosch Afrikaans-speaking academics called for the abolition of all apartheid laws, including race classification, and the ending of white domination in South Africa. The break with the NP came two weeks after a meeting between the academics and Mr P W Botha, who is chancellor of the University of Stellenbosch. The meeting was followed by the resignation from the NP of several members of the academic group, including its leader, Professor Sampie Terreblanche.³⁴¹ The call for the abolition of all apartheid laws was supported by a petition signed by 301 academics of the university.³⁴² Also in March eight leading members of the NP in Grabouw (western Cape) resigned. The eight said that their nationalistic aspirations could best be served through a united South Africa where

race did not play a dominant role in the constitution of the country.³⁴³

Mr Stoffel Botha announced in May that he would retire from politics.³⁴⁴ In a statement in May Mr Heunis announced his resignation as minister of constitutional development and planning and Cape leader of the NP. Mr Heunis, who said he would no longer participate in active politics, was the fifth senior cabinet minister to resign before the election on 6 September. The others were the minister of manpower and public works, Mr Pietie du Plessis; the minister of economic affairs and technology, Mr Danie Steyn; the minister of agricultural affairs, Mr Greyling Wentzel; and Mr Stoffel Botha.³⁴⁵ Mr Heunis gave no reason for his resignation.

Mr P W Botha announced in May that the administrator of the Cape, Mr Gene Louw, would succeed Mr Heunis as minister of constitutional development and planning.³⁴⁶

Violent attacks on NP members

Responding to an explosion which rocked his Randfontein home in May while his wife and daughters were at home, the chief information officer of the NP in Transvaal, Mr Boy Geldenhuys, said that violent action against defenceless women and children could not be justified. Nobody was injured in the incident.³⁴⁷

Negotiation

At a federal congress held in Pretoria in June 1989, the NP adopted a five-year action plan, as follows:³⁴⁸

THE GOAL

This Five-Year Plan of Action is based on the Programme of Principles and the 1987 Election Manifesto of the National Party, as well as the complete Plan of Action of 1989, all of which remain relevant and valid, and indeed opened the way for the Five-Year Plan of Action.

The National Party aims to create a new South Africa in which every South African can live in safety, prosperity and dignity, as an individual and as a member of a group.

The new South Africa must be a democracy in which:

- no individual or group dominates or is dominated;
- the interdependence of the judiciary is upheld and honored;
- civilised norms apply;
- a dynamic economy thrives, based on free enterprise; and
- everybody lives in safety and harmony, and as good neighbours to the international community – in short: a South Africa to be proud of!

COMMITMENT

We as the National Party, commit ourselves to:

- pursue energetically, each of the cardinal points of this ideal for the future;
- show real progress within the next five years, in respect of each of the key objectives contained in this plan of action;
- uphold all the commitments contained in our Programme of Principles and our Manifesto of 1987; and
- put to the electorate any new constitutional principles before implementation, and to submit constitutional changes to Parliament for approval.

1. A democracy: participation for all

Every South African has the right to participate in decision making at all levels of government that affect his interests, subject to the principle of nondomination.

The National Party will, within the next five years:

- promote those values that unite us;
- engage the leaders of groups who are committed to peaceful solutions in talks and negotiations;
- start institutions in which these leaders can participate in the creation of a new South Africa; and
- review the position of the head of state, his functions and powers, and the manner of his election.

NEGOTIATED PARTICIPATION FOR EVERYONE WILL CREATE A JUST SOUTH AFRICA OF WHICH WE ALL CAN BE PROUD.

2. No domination: protection for individuals and groups

The diversity of the South African population necessitates the protection of individuals and of minorities. Domination, of whatever nature, will bring bloodshed, poverty and misery.

To ensure continued democracy, the participation of all groups and individuals must be permanently protected, with checks and balances to prevent domination.

The National Party will, within the next five years:

- promote the peaceful settlement of political disputes and non-domination, as exalted values;
- promote, by continued action, self-determination regarding own affairs, along with joint decision-making on general affairs, by means of division and devolution of power in a nondiscriminatory manner;
- inject a new dynamic into the process of negotiation to seek agreement among leaders on:

- a basis for eliminating and preventing domination;
- an objective and depoliticised deadlock-breaking mechanism to take final decisions in case of disputes;
- a more just and meaningful basis on which groups may be defined for political participation;
- give constitutional expression to the protection of human rights—both individual rights and group values;
- give content to the overall juridical and structural protection of groups in constitutional structures; and
- reinforce the process of negotiation with independent expert research and advice.

JUST AND EFFECTIVE PROTECTION OF MINORITIES IN SOUTH AFRICA WILL PROVIDE THE BASIS FOR CO-OPERATION BY ALL.

3. *The judiciary and equality before the law*

A strong, independent judiciary is an essential guarantee for the protection of individual rights and group values, and to ensure stable democracy and justice for all.

The National Party will, within the next five years:

- continue with law reform in order to ensure the availability of full justice to all;
- guarantee the inviolability of judges and officers of law to ensure the independence of the judiciary; and
- ensure the conduct of proper and lawful public administration by constant review of the jurisdiction of the Advocate General.

A SOUND, STRONG AND INDEPENDENT ADMINISTRATION OF JUSTICE IS THE CORNERSTONE OF A JUST AND FREE SOUTH AFRICA.

4. *Civilized norms: social welfare*

Each individual and each group must have the freedom to enjoy a community life of his choice. Because of the diverse needs of the people of South Africa, this must be embodied in the principle of 'live and let live'.

The practical application of this principle must eventually be in the form of a set of arrangements mutually acceptable to all groups, arrived at through negotiation.

The National Party will, within the next five years:

- negotiate with leaders to find a mutually acceptable basis for maintenance of own community life, own residential areas and own schools for those who so wish, and for the provision and utilisation of public amenities;
- promote home ownership and appropriate welfare housing;

- make progress in respect of the housing needs of rapidly urbanising groups, within the limits of affordability;
- make available new and established residential areas, after thorough consultation with the inhabitants, to provide for people who prefer living in free settlement areas;
- maintain own residential areas according to the Group Areas Act in a firm, yet sensitive manner until an acceptable alternative method can be put into practice;
- show progress in the provision of public amenities in order to provide, as far as possible, for the needs of the various communities;
- open up amenities where necessary and where this can take place without causing serious conflict — amenities which have been successfully opened shall not be closed again; and
- ensure the prevention of health hazards and poor social conditions caused by overpopulation and illegal squatting by the proper implementation of local bylaws and other applicable measures.

THE PRINCIPLE OF 'LIVE AND LET LIVE' WILL BRING SATISFACTION BECAUSE IT OFFERS AN ORDERLY EXISTENCE TO ALL ACCORDING TO THEIR OWN CHOICE.

5. *Dynamic economy*

A healthy and dynamic economy is essential for stability, peace and prosperity.

Adversities, such as the worst drought in living memory, a prolonged slump in the gold price and the most vicious international attempt — over more than two decades — to destroy the South African economy by boycotts, sanctions and disinvestments, have strained the economy of the country and of every business and household.

A concerted effort by the government and the people of South Africa is necessary to restore the health and prosperity of our economy and the well-being of all our people.

The National Party will, within the next five years:

- lower personal income tax, reducing marginal rates to a maximum of 40% at the income level of R100 000 (as far as possible in terms of 1989 values) instead of the present 45% at R80 000;
- reduce company tax from 50% to 40%, together with the phasing out of tax abatements as recommended by the Margo Commission;
- reduce the deficit before borrowing to attain an acceptable level of around 3% of the Gross Domestic Product, in order to relieve pressure on interest rates;
- reduce inflation;

- follow a continuous program of privatisation and deregulation;
- implement an industrial strategy focused on export promotion and import replacement;
- promote the further beneficiation of South Africa's raw materials;
- continue to reconstruct the agricultural sector; and
- promote the vast tourism potential of our country.

THIS REALISTIC ECONOMIC PLAN PLACES SOUTH AFRICA ON THE ROAD TO SUSTAINED ECONOMIC GROWTH AND PROSPERITY

6. Security

The first duty of a state or government is to protect people and their property against enemies and criminal elements. Efficient security services are indispensable for an orderly and peaceful community, providing a sound climate for political, economic and social development.

The National Party will, within the next five years:

- equip the South African police adequately with manpower and resources to enable them to counter crime even more effectively;
- maintain the preparedness of the South African Defence Force in terms of both manpower and equipment to enable it to withstand internal, regional and international threats against South Africa;
- limit the involvement of Citizen Force and Commando members, especially as far as annual camps are concerned, with due regard to the security situation; and
- enable the South African Prison Services to carry out its role of custody and rehabilitation even more efficiently.

A STRONG DEFENCE FORCE AND A STRONG POLICE FORCE WILL REMAIN THE BASIS FOR A STRONG AND JUST SOUTH AFRICA.

7. The international community

The Republic of South Africa must regain its rightful place in the international community, while maintaining the honour and dignity of our country.

The National Party will, within the next five years:

- promote the successful conclusion of the independence process for South West Africa/Namibia;
- promote peace and stability in all the countries of the southern African region, and particularly Angola and Mozambique;
- promote economic co-operation among all the countries of southern Africa; and

- counter boycotts and sanctions while working to improve the image of South Africa.

THE NATIONAL PARTY CAN BE ENTRUSTED WITH THE FUTURE OF SOUTH AFRICA IN SOUTHERN AFRICA AND IN THE REST OF THE WORLD BECAUSE THE NATIONAL PARTY PUTS SOUTH AFRICA FIRST.

THE NATIONAL PEOPLE'S PARTY (NPP)

The leader of the National People's Party (NPP) and chairman of the ministers' council in the House of Delegates, Mr Amichand Rajbansi, said in January 1988 that he would use both debates in Parliament and the NPP's power on standing committees to force changes to be made to the Group Areas Act of 1966. However, he said that while the NPP campaigned for the scrapping of the Group Areas Act it would not do so by holding the state president, Mr P W Botha, to ransom. Mr Rajbansi said, 'We must be wary of cutting off our noses to spite our faces.'³⁴⁹

In January Mr Rajbansi said that he was considering instituting a defamation action following allegations against him by the leader of the Progressive Reform Party (PRP), Mr Pat Poovalingam (see below).³⁵⁰

Senior opposition MPs, including the leader of Solidarity, Mr J N Reddy, demanded that Mr Rajbansi step down from office until allegations against him were proven. Mr Rajbansi said he was not prepared to step down as he regarded the allegations as propaganda.³⁵¹

Mr Rajbansi resigned as leader of the NPP in February and accused fellow party MPs of 'treachery'.³⁵² However, following an NPP caucus meeting where a unanimous motion of confidence in Mr Rajbansi was passed, Mr Rajbansi agreed to withdraw his resignation. He said that he had spoken to some of the 'rebel' MPs and that they had 'repented'.³⁵³

In May 11 MPs, including three ministers of the NPP, resigned from the NPP and formed a majority alliance with the Solidarity opposition (see *Solidarity* below). The minister of the budget, Mr Ismail Kathrada, said that the reason for the break-up was Mr Rajbansi's consistent refusal to agree to a commission of inquiry into accusations of corruption in the House of Delegates.³⁵⁴

In May a motion calling on Mr Rajbansi to resign as chairman of the ministers' council was approved by the House of Delegates. Mr Rajbansi responded by refusing to resign and said that he would ask Mr P W Botha to dissolve the House and call a general election.³⁵⁵ Responding to accusations that he was protecting Mr Rajbansi, Mr Botha said that he could take a decision only once he had carefully considered the terms of the constitution.³⁵⁶ Mr Botha was, however, relieved of any constitutional responsibility when the opposition alliance crumbled and members of

the People's Party of South Africa (PPSA; see below) supported an NPP motion of confidence in the ministers' council (see below).³⁶⁷

In August Mr Rajbansi was temporarily suspended from Parliament after presentation of the findings of a house committee on allegations of maladministration in the House of Delegates (the Thaver committee) which investigated allegations that Mr Rajbansi was guilty of misusing public funds. A meeting of the NPP caucus in September, however, passed a vote of confidence in Mr Rajbansi as their leader. The caucus members said that they had no reason to doubt the leadership of Mr Rajbansi.³⁶⁸ The minister of local government and agriculture in the House of Delegates, Mr S V Naicker, was appointed parliamentary leader of the NPP during Mr Rajbansi's suspension from Parliament.³⁶⁹

Mr P W Botha appointed a commission of inquiry, the James Commission of Inquiry into Allegations of Irregularity by Any Member of the House of Delegates, headed by a retired judge, Mr Justice Neville James, to investigate allegations of corruption and maladministration in the House of Delegates. Mr Rajbansi was critical of the commission and tried unsuccessfully to get the chairman to recuse himself on the grounds of bias.³⁶⁰

Among the issues dealt with by the commission were allegations that the NPP used taxpayers' money in its Tongaat (Natal) byelection campaign; that lucrative orders for school textbooks were allocated to booksellers who made donations to the NPP; that Mr Rajbansi was involved in the improper allocation of shops and business rights in Chatsworth (Natal); that he was improperly involved in the allocation of liquor licences; and that he interfered improperly in civil service appointments, promotions and transfers.³⁶¹ Mr P W Botha dismissed Mr Rajbansi as chairman of the ministers' council in December. Mr Botha said that his decision was based on the findings of the James commission. He said that he had committed himself to clean up government administration and that dishonesty and malpractice would not be tolerated. Mr Botha appointed the minister of education and culture in the House of Delegates, Mr K Ramduth, as acting chairman of the ministers' council and minister of housing.³⁶²

Mr Rajbansi said that Mr Botha had acted too hastily and that he should have listened to his side of the story. He said that he had not done anything criminally wrong nor had he enriched himself or done anything dishonest. He said that the NPP still stood solidly behind him and that he would stay on as leader of the NPP and as an MP. He said he would request Mr Botha to consider his party's complaints concerning the James commission.³⁶³

At a special meeting of the NPP in December, a motion of full confidence was passed in Mr Rajbansi as the party's national leader.³⁶⁴

In January 1989, however, Mr Yacoob Baig MP (NPP) said that there was division within the party over the issue of Mr Rajbansi's leadership.³⁶⁵ An NPP caucus meeting in February failed to reach agreement on Mr Rajbansi's leadership. The chairman of the NPP caucus, Mr S V Naicker,

said that the NPP could make a final decision only once the details of the report of the James commission had been fully studied. Judge James recommended that Mr Rajbansi never again be appointed to an official or semi-official post. He had also recommended that the report be referred to the attorney general for possible criminal prosecution of Mr Rajbansi.³⁶⁶

In February Mr Rajbansi resigned from the NPP.³⁶⁷ He was also suspended from the House of Delegates until the general election to be held in September.³⁶⁸

In March Mr Baig was elected as the leader of the NPP. In April, however, Mr Rajbansi was reinstated as the leader of the NPP by a majority vote of the NPP caucus. The effect was that Mr Rajbansi would be the leader of the NPP, but would not be allowed into the House of Delegates because of his suspension from Parliament.³⁶⁹

NEW REPUBLIC PARTY (NRP)

In January the federal council of the New Republic Party (NRP) discussed the disbanding of the party with a view to the establishment of a new party led by Dr Denis Worrall of the Independent Movement.³⁷⁰ Dr Worrall said the disbanding of the NRP would be the first step in uniting black and white South Africans who wanted to scrap apartheid and start serious negotiations. The leader of the NRP, Mr Bill Sutton, said that the opposition was in complete disarray and would have to restructure itself from grassroots.³⁷¹ Both the Natal and Cape Town head committees of the NRP recommended that the party be dissolved with effect from a date to be decided at its congress.³⁷²

The NRP officially decided to disband at its congress held in Scottburgh (Natal) in March. Mr Sutton said that he could not prescribe to NRP supporters where to go politically. However, the Cape leader of the NRP, Mr Pat Rogers, said that he saw the NRP's future as being aligned with Dr Worrall. There were also strong appeals to NRP supporters not to follow the government. Mr Ralph Hardingham MP (NRP), said, however, that he would first consult his divisional committee before he made a move in the direction of another party.³⁷³

PAN-AFRICANIST CONGRESS (PAC)

In February 1988 the secretary for foreign affairs of the Pan-Africanist Congress (PAC), Mr Gora Ebrahim, said that the PAC intended to 'beef up its arsenals in South Africa and train and arm more people there'. Mr Ebrahim said that there were no grounds for negotiations with the South African government and that the PAC considered the armed struggle as

the main form of struggle. Commenting on talks held between the PAC and representatives of the National Council of Trade Unions (NACTU), Mr Ebrahim said that they had agreed on a number of principles. These were that:

- apartheid could not be reformed, it had to be eradicated;
- the vehicle of change in South Africa could never be the regime but rather the oppressed majority;
- the PAC and NACTU should continue to demand the isolation of the South African regime and the imposition of comprehensive mandatory sanctions; and
- the PAC and NACTU had strongly to resist the introduction of the East/West conflict in the struggle of the South African people for national liberation and self-determination.³⁷⁴

Several community, political and cultural organisations, including the Azanian Youth Unity (AZANYU), the African Women's Organisation (AWO), the Media Workers' Association of South Africa (MWASA) and the African Allied Workers' Union (AAWU) commemorated the 10th anniversary of the death of the founder president of the PAC, Mr Robert Smangalis Sobukwe, in February. They declared the period from 20 to 27 February 'Sobukwe cultural week'.³⁷⁵

Testifying in June at the trial of two PAC members, Lieutenant Colonel Hermanus Barend du Plessis of the Port Elizabeth security police said attacks by the PAC had increased during the last few years.³⁷⁶ According to annual police statistics for 1987 released in June, 85 members or persons allied to the PAC were either killed or captured by the security forces during 1987. The police claimed, however, that they had effectively smashed an apparent attempt by the PAC to 'revive its terrorist activities'.³⁷⁷

In October the chief representative of the PAC in Harare (Zimbabwe), Mr Waters Toboti, criticised the meeting between the African National Congress (ANC), the South African Rugby Union and the South African Rugby Board (SARB) (see *African National Congress* above). Mr Toboti said the PAC rejected the idea that Africans had a common desire to establish nonracial bodies 'with racists'. He said that the president of the SARB, Dr Danie Craven, was interested only in getting South African rugby back into world competition. Mr Toboti argued that South African sports isolation should continue and that there could be no normal sport in an abnormal society.³⁷⁸

Addressing a South African Institute of International Affairs luncheon in October, the leader of the Transkei's ruling military council, Major General Bantu Holomisa, said that peace initiatives in southern Africa would have to involve leaders of the PAC and the ANC.³⁷⁹ In November Mrs Urbania Mothopeng, wife of the PAC president, Mr Zephania Mothopeng, said that her husband's life was in danger because he was not receiving proper medical treatment while in Diepkloof Prison.³⁸⁰

Mr Mothopeng was released from prison unconditionally in November. He said he was very surprised and shocked by the decision to release him. An statement by the government said that Mr Mothopeng had been released on 'humanitarian' grounds.³⁶¹ Addressing a press conference following his release, Mr Mothopeng challenged Mr P W Botha to lift the ban on the PAC and other political organisations if he wished to prove he was serious about reform.³⁶² Mr Mothopeng also called on the international community to intensify economic, cultural and diplomatic pressure on South Africa until oppression had been removed.³⁶³ A mass meeting scheduled to be held in Soweto in December to welcome Mr Mothopeng back into the community was banned.³⁶⁴

At its annual meeting in London, the British Anti-Apartheid Movement rejected a motion calling on it to stop 'sectarian' assistance to specific South African and Namibian liberation movements and to also liaise with the PAC, Black Consciousness Movement of Azania (BCMA) and South West African National Union (SWANU).³⁶⁵

In December the PAC claimed responsibility for ambushes in Soweto in which two policeman were killed. A PAC spokesman said the organisation's military wing, the Azanian People's Liberation Army (APLA) was responsible for the ambushes.³⁶⁶

At a plenary session of the central committee of the PAC in December, it was decided that the PAC's Australian envoy, Mr Maxwell Nemadzhivhanani, would be the organisation's new chief representative to the United Nations.³⁶⁷

In an interview with the *Sowetan* in December, Mr Ebrahim said that the unity of people in the country was of paramount importance, but it had to be based on basic principles. Speaking on unity between the ANC and the PAC, Mr Ebrahim said that the PAC had a positive attitude towards unity, but that the ANC was reluctant. He said no formal meeting had ever been held with the ANC, whereas a unity meeting had been held with the BCMA in 1983. He added that the PAC would not deal with individual white liberals who denounced apartheid, such as the co-director of the Institute for a Democratic Alternative for South Africa (IDASA), Dr Frederik Van Zyl Slabbert, because 'the conflict in South Africa is not a conflict of individuals but a conflict of social forces'. Mr Ebrahim also stressed that organisations such as the South African Council of Churches, which professed to work towards unity, should avoid sectarian treatment of nationalist forces. He said, 'If they go about as if there is only one organisation in South Africa, then they lose their intermediary role.' Mr Ebrahim said that recent amendments to the Freedom Charter which had been proposed by the ANC had moved the ideological positions of the two organisations closer. He argued, however, that the ANC had painted itself into a corner by insisting that no other organisation existed in South Africa. He said it might be impossible for the ANC to swallow their pride and meet with the PAC and other nationalist organisations.³⁶⁸

In January 1989, the chairman of the PAC, Mr Johnson Molombo, said the organisation's central committee had 'resolved to intensify the

struggle on all fronts — especially the armed front'. Mr Molombo also said that the PAC's diplomatic initiatives would include contact with the Soviet Union, the United States and Britain.³⁸⁹

In February Mr Mothopeng was invited to New York by the United Nations special committee against apartheid to be a guest at the observance of the 29th anniversary of the Sharpeville and Langa massacres. However, Mr Mothopeng was refused a passport.³⁹⁰

In April 1989 Mr Mothopeng was granted a passport to allow him to receive medical treatment in Britain. A spokesman for the department of home affairs said that Mr Mothopeng's passport was valid for only three months and that he would be limited to visiting two countries. The spokesman said that due consideration would be given to extending the period of validity of Mr Mothopeng's passport if further medical treatment was necessary.³⁹¹

Also in April, the PAC criticised elements in the liberation struggle who were prepared to negotiate with the South African government 'on the advice of the superpowers'. It said that the Soviet Union's policy of perestroika and glasnost was an offensive aimed at achieving a negotiated settlement through ill-defined means. The PAC said, 'We believe the solution to our problem is the return of the land to its rightful owners.'³⁹²

PEOPLE'S PARTY OF SOUTH AFRICA (PPSA)

The People's Party of South Africa (PPSA) was formed in May following a major split in the National People's Party (NPP). Eleven members of the House of Delegates, including the minister of education and culture, Mr Kassie Ramduth; the minister of health services and welfare, Mr Raman Bhana; the minister of budget, Mr Ismail Kathrada; and the chairman of the House of Delegates, Mr Abram Mayet were announced as members of the new party. The PPSA formed an alliance with the official opposition party in the house, Solidarity, and with Independent MPs, which gave the alliance a majority in the House.³⁹³

The alliance moved a motion of no confidence in the chairman of the ministers' council, Mr Amichand Rajbansi, and called on the state president, Mr P W Botha, to dismiss him. Notice was also given in Parliament of motions calling on Mr Botha to appoint a commission of inquiry into allegations of corruption and bribery.³⁹⁴

The public relations officer of the PPSA and former MP (NPP), Mr N E Khan, issued a press statement denying rumours that others would rejoin the NPP.³⁹⁵

However, the PPSA later backed down on its demand to have Mr Rajbansi dismissed and decided to support a motion of confidence in the

ministers' council. The PPSA indicated that it had taken this stance to avoid an election or a reconstitution of the ministers' council to ensure that its three ministers could retain their positions.³⁹⁶

In August the PPSA indicated that it would merge with Solidarity to form a single party.³⁹⁷

PROGRESSIVE FEDERAL PARTY (PFP)

The Progressive Federal Party, which dated back to a breakaway by liberal MPs from the United Party in 1959, was dissolved in 1989 and its members absorbed into the new Democratic Party (see above).

PROGRESSIVE REFORM PARTY (PRP)

The Progressive Reform Party (PRP) was established in January 1987 following a split within Solidarity, the official opposition party in the House of Delegates.³⁹⁸

In January 1988 the leader of the PRP, Mr Pat Poovalingam, was called to give information to the state under section 205 of the Criminal Procedure Act of 1977. Mr Poovalingam had alleged that the chairman of the ministers' council in the House of Delegates, Mr Amichand Rajbansi, was guilty of bribery and corruption. Mr Poovalingam said, however, that the informant who had provided him with information relating to the allegations did not wish to be named.³⁹⁹ In February Mr Poovalingam was suspended from Parliament after he had refused to apologise to Mr Rajbansi for remarks he had made while defending his reasons for not divulging the name of his informant.⁴⁰⁰

Mr Poovalingam announced in March that the PRP intended to disband and join the Progressive Federal Party (PFP). He said that by joining the PFP, it could better fight apartheid and expose more fully the hypocrisy of those who supported the government. Mr Poovalingam said that the PRP had always stood for a truly nonracial society in South Africa and had always accepted unequivocally the policies and principles of the PFP.⁴⁰¹ This followed a decision by the PFP to become involved in the House of Delegates and House of Representatives in its fight against apartheid.⁴⁰²

The leader of the PFP, Mr Colin Eglin, welcomed the PRP's intentions and said that membership applications from the three PRP MPs would be accepted.⁴⁰³ Mr Eglin said that the three MPs, Mr Poovalingam, Mr Mahmoud Rajab, and Mr John Iyman, would become fully integrated members of the PFP as soon as they joined the party.⁴⁰⁴ Mr Poovalingam said that the PRP would convert all its regional offices to PFP offices after the amalgamation.⁴⁰⁵

SOLIDARITY

Addressing Solidarity's fourth annual congress, its national chairman, Mr Ismail Omar, said that leaders such as the archbishop of Cape Town, the Most Rev Desmond Tutu, who clamoured for sanctions as a means to fight apartheid, would have to explain how sanctions promoted the cause of reconciliation. Mr Omar said that sanctions had aggravated unemployment, alienated whites from blacks and driven the government into laager-style politics. In contrast, Mr Omar believed that economic growth would facilitate the passage of change in South Africa and he was, therefore, opposed to sanctions.⁴⁰⁶

In May Solidarity formed an alliance with the newly formed People's Party of South Africa (PPSA; see above). According to members, the aim of the alliance was to enable members to stand together to oust the leader of the National People's Party, Mr Amichand Rajbansi, as chairman of the ministers' council in the House of Delegates and replace him with the leader of Solidarity, Dr J N Reddy.⁴⁰⁷

Also in May Dr Reddy called for a delay of elections for the House of Delegates because allegations of maladministration had given the House a bad name in the Indian community. He said that until the allegations were tested publicly, an election would not be advisable.⁴⁰⁸

In June Dr Reddy said that he welcomed the wide terms of reference of the Commission of Inquiry into Allegations of Irregularity by Any Member of the House of Delegates (the James Commission), appointed by the state president, Mr P W Botha, to investigate alleged irregularities in own affairs administration (see *National People's Party* above). He said the inquiry would clear the air once and for all.⁴⁰⁹

Speaking in the extended committee of Parliament on provincial affairs, Dr Reddy threatened to withdraw from the tricameral system unless reasonable consideration was given to the problems of Indians and coloured people. He said the other groups had constituencies just as the whites had and that there had to be a reasonable response when there was a conflict of interest. He appealed to the government not to make the job of meeting the demands of their constituencies difficult.⁴¹⁰

In September Solidarity and the Labour Party announced that they would be taking their fight against the Group Areas Act of 1966 outside Parliament by holding protest meetings. Dr Reddy warned the government that it was seriously threatening participatory politics by persisting with the legislation.⁴¹¹

In January 1989 Solidarity formally merged with the PPSA to form the New Solidarity Party.⁴¹²

In March 1989 Mr P W Botha appointed Dr Reddy as chairman of the ministers' council in the House of Delegates.

SOUTH AFRICAN COMMUNIST PARTY (SACP)

In July 1988 the South African Communist Party (SACP), established in 1921, marked its 67th birthday. The SACP is led by its chairman, Mr Dan Tloome, and its general secretary, Mr Joe Slovo. The SACP has a formal alliance with the African National Congress (ANC) and sees the national liberation struggle and the Freedom Charter as the most important first steps on the road to socialism (see 1987/88 *Survey* p771).

Despite calls by the government for the ANC to break away from this alliance, the ANC refused to do so, saying that the SACP had proved itself a trusted and dedicated ally in the liberation struggle.⁴¹³

In September the commissioner of police, General Hennie de Witt, said that attempts were still being made by the SACP/ANC alliance to disrupt the country's economy and social order.⁴¹⁴

According to a report in *Africa Confidential* in October, the SACP's domination of the ANC was reaffirmed in terms of new appointments to the ANC's policy-making body, the national executive committee. The report said that until the reshuffle of the ANC's national executive body in July, 22 out of the 28 members of the committee were SACP members. Following the new appointments, the report put SACP membership of the committee at 25 out of 35 members.⁴¹⁵

According to the minister of information, broadcasting and the film industry, Dr Stoffel van der Merwe, Mr Slovo had said in a Radio Moscow broadcast that 'all avenues towards peaceful transformation have been closed and the choice of revolutionary violence as part of the struggle is a choice that was forced upon us by the intransigent stubborn refusal of a minority to extend democracy to the majority'.⁴¹⁶

According to the SACP's official mouthpiece, *Umsebenzi*, the organisation's congress held in June 1989 was its biggest and most significant since it went into exile in 1963. The congress, which focused on the possibility of a negotiated settlement to South Africa's conflict, saw the adoption of a new SACP programme of action. The programme, called 'the path to power', replaced its 1962 guidelines. It accepted that the strategies of armed struggle did not rule out the possibility of negotiations and compromise. The SACP believed, however, that the government was attempting to catch the Mass Democratic Movement (MDM) off-guard and to push militant organisations into negotiations while they did not have enough strength on the ground to back their demands.⁴¹⁷ The SACP also noted that there were certain elements pushing for negotiations, particularly those parties in South Africa who were willing to transform South Africa beyond the reform limits of the government, but whose objects would frustrate the implementation of communism.⁴¹⁸

The programme further acknowledged that South Africa was not a suitable site for classic guerrilla warfare and said that the chance of

seizing power this way was remote. Instead, it stressed the need for mass-based political organisation inside the country to be merged with armed struggle. The programme reaffirmed the SACP's commitment to the 'two stage theory of struggle', which is based on the premise that a national democratic revolution would open the way for a transition to socialism. It emphasised that divisions within the 'white bloc' in South Africa had intensified and said that anti-apartheid groups should encourage whites to withdraw their support for minority rule.

The SACP claimed that its membership had risen by 90% since the last congress, in 1984, and that its popularity among workers inside the country had grown.⁴¹⁹

TRANSVAAL INDIAN CONGRESS (TIC)

In January 1988 the Transvaal Indian Congress (TIC) held a mass meeting in Springs (east Rand) to end its campaign against the House of Delegates byelection in the eastern Transvaal. The TIC said that the National People's Party (NPP) had 'disgraced' the Indian community by supporting the state of emergency and by signing the President's Council reports on group areas and on military conscription.⁴²⁰

In its first conference in five years, held at the University of Witwatersrand in August, the TIC defined its primary task as being to defeat government attempts to co-opt Indian people, and to bring its members into the national liberation movement. In line with this, the TIC called on members of the House of Delegates to resign from the 'racist Parliament'. The TIC also called for an end to conscription, the lifting of the ban on the African National Congress (ANC) and the immediate end to the three-year-old state of emergency.⁴²¹ The chairman of the Action Committee to Stop Evictions (ACTSOP), Mr Cassim Saloojee, was elected president.⁴²² The new publicity secretary of the TIC, Mr Firoz Cachalia, said that the organisation stood by its decision not to participate in constitutional arrangements designed by the government.⁴²³

On the eve of the municipal elections in October, the TIC, in an open letter to the community, urged people to help oppose the National Party and all who supported it, the management committees and the House of Delegates.⁴²⁴

In September Mr Cachalia said that ten years after the state president, Mr P W Botha, had come to power as a reformer, the NP had plunged its own constitutional creation, the tricameral Parliament, into a deeply rooted crisis because for the NP genuinely to share power was ultimately to lose it. He said that wider processes of change and negotiation had to be encouraged and that these processes had to be aimed at establishing a nonracial democracy. Mr Cachalia said, 'Our definition of democracy must surely include a recognition of the sovereign rights of the democratic majority.' He further said, 'Our vision of democracy must also include a recognition of fundamental freedoms and, in particular,

cultural language and religious rights, including those of the Afrikaner people.⁴²⁶ Commenting on the visit of a delegation of Indian leaders to the ANC in October, Mr Cachalia said, 'People are increasingly feeling that the government is unable to resolve the country's problems. Combined with this,' he said, 'is the recognition that the ANC is central to any solution' (see *African National Congress* above).⁴²⁶ In May 1989 members of the TIC, including Mr Saloojee, were part of a delegation that met the prime minister of India, Mr Rajiv Gandhi. The delegation also included members of the Natal Indian Congress and the Congress of South African Trade Unions. Mr Saloojee said that the Indian government would deny access to India to people who participated in the tricameral Parliament and other government structures. The talks were facilitated by the ANC.⁴²⁷

UNITED DEMOCRATIC FRONT (UDF)

The United Democratic Front (UDF) was launched on 20 August 1983 and claimed to have 900 affiliated organisations with 3m members.

In a five-page new year message in 1988, the UDF said that it would continue to struggle for a South Africa where all the people would govern. The UDF message singled out the nationwide municipal elections, scheduled for October, as one of the major issues it would challenge in 1988. It said that the organisation had always rejected 'piecemeal reforms', such as the KwaZulu/Natal Indaba, regional services councils, joint executive authorities and the proposed national council (see chapter on *Government and Constitution*). It said that the solution to the country's problems lay in the provisions of the Freedom Charter and that the implementation of the charter would be 'a suitable replacement for undemocratic elections'. The UDF repeated its appeal to the white community 'to help build a South Africa free of apartheid and violence'. The message called on those participating in the tricameral Parliament to 'join the democratic forces, because they were unable to stop the National Party's steamrolling of security legislation in 1987'. People in the rural areas were urged to increase pressure on tribal chiefs, and chiefs who rejected apartheid were encouraged to join the democratic movement. The UDF called on its members in the Pietermaritzburg area (Natal) to work towards peace and to unite against apartheid (see chapter on *Political Developments*). The message warned that the repression of the previous year would continue and described the 40th anniversary of National Party (NP) rule as 'the anniversary of a period of hatred, strife and death'.⁴²⁸

In January a new political organisation was formed by UDF activists to organise whites in Cape Town. The formation of the organisation, known as the Cape Democrats, followed the launch of the Mowbray and the Gardens youth congresses which aimed to organise white youth. All three organisations had been formed in response to a decision by the

UDF (western Cape) that membership of the front could only be through membership of an affiliated organisation. According to the UDF, the Cape Democrats would try to reach liberal whites who were disillusioned with parliamentary politics.⁴²⁹

Police removed UDF activists from the first provincial congress of the United Democratic Party (UDP) in January. Members of the UDF-linked United Committee of Concern (UCC) criticised the new party's adoption of the Freedom Charter, saying that the UDP was ignorant of the charter and its history. Members of the UCC also attacked the UDP's continued participation in the tricameral parliamentary system.⁴³⁰

Addressing an executive businesswomen's lunch in January, a co-president of the UDF, Mrs Albertina Sisulu, said that the organisation would be forced to reconsider its position on non-violence if apartheid continued. Speaking on the role of the UDF in present-day and post-apartheid society, Mrs Sisulu said that this would be determined by a national convention of all liberation movements and individuals who defied apartheid.⁴³¹

The UDF denied claims by the South African government in February that it might have been behind an unsuccessful coup attempt in Bophuthatswana (see chapter on *The Homelands*). A national co-president of the UDF, Mr Archie Gumede, said, 'The government is merely trying to create confusion about the true relations between South Africa and the so-called "independent" homelands by implicating the democratic forces of our country in the coup.'⁴³²

Despite reports that it was reconsidering its position of non-participation in government, the UDF announced that participation in parliamentary or municipal elections was 'totally out of the question' (see chapter on *Government and Constitution*). The chairman of the UDF in the western Cape, Mr Dallah Omar, said, 'Tricameralism has been proved to be a total farce.' He said that the boycott of the first tricameral election had destroyed the tricameral Parliament's legitimacy and credibility. He made it clear, however, that non-participation was not a matter of principle and that decisions would be dictated by the particular situation that prevailed at the time.⁴³³

In February the government restricted the UDF, together with 16 other organisations. It also placed restriction orders on five senior UDF office holders (see 1987/88 *Survey* pp531, 773). The UDF filed legal charges in the Cape Provincial Division of the Supreme Court against the restrictions, imposed by the minister of law and order, Mr Adriaan Vlok.⁴³⁴

A regional structure was formed in the eastern Cape in April to fill the gap created by the effective banning of the UDF and other organisations. Representatives from 17 organisations formed the new committee, called the Eastern Cape Special Committee against Repression. According to the committee, its immediate aims were to campaign against the banning of the 17 organisations and the October municipal elections, and for the lifting of the state of emergency and the release of all detainees. A representative of the five-person committee emphasised that those

working towards a nonracial and democratic South Africa 'are not prepared to be forced underground but will continue to work publicly'.⁴³⁵

In June, however, a 'working paper' representing the views of some UDF affiliates stated that 'the mass democratic movement should master the techniques of secret and underground work'.⁴³⁶ The paper said that the UDF should adopt underground methods so as to be able to continue with open, above-board work. The most important task was to reorganise and strengthen grassroots structures. This was imperative because, more often than not, large-scale detentions broke the nucleus of organisations. Furthermore, the paper stated that underground networks were important because the state of emergency would remain in existence for many years.⁴³⁷

Also in June, 24 affiliates of the UDF criticised the visit to Israel of the life president of the restricted Soweto Civic Association, Dr Nthato Motlana. In an open letter to the Palestinian people, the affiliates said that they dissociated themselves and the democratic movement from the visit because the UDF, prior to its banning, had always supported the struggles of oppressed people for national liberation throughout the world.⁴³⁸

In August the deputy minister of law and order, Mr Leon Wessels, accused the UDF of aiming to bring South Africa into the Soviet Union's power bloc.⁴³⁹ A senior counsellor for the defence in the three-year-old 'Delmas treason trial', Mr George Bizos, said in August that the state had failed to prove that the Vaal Civic Association (VCA) was formed by the UDF to further the alleged African National Congress/South African Communist Party (ANC/SACP) conspiracy to overthrow the state by violence (see below).⁴⁴⁰

The chief of the security police, Lieutenant General Johan van der Merwe, said that while former ANC members and sympathisers had been involved in the setting up of the UDF in 1983, there was no evidence that the organisation was formed by the ANC.⁴⁴¹

The northern Transvaal publicity secretary of the UDF, Mr Alfred Mabake Makeleng, who was also a trade unionist, died in the Johannesburg Hospital in August after collapsing in Nylstroom near Pietersburg (northern Transvaal). Mr Makeleng had been arrested in Pietersburg in June 1986 in terms of the emergency regulations (see chapters on *Labour Relations* and *Security*).⁴⁴²

In September the declaration of the UDF as an affected organisation was confirmed as legal in a judgement of the Appellate Division of the Supreme Court in Bloemfontein. An appeal by the state president, the government of South Africa and the ministers of law and order and of justice was upheld by the acting chief justice, Mr Justice P J Rabie, against a finding in the Durban and Coast Local Division of the Supreme Court on 8 May 1987 that the declaration of the UDF as an affected organisation was of no force and effect and that the registrar of affected organisations had not been entitled to act against the UDF (see 1987/88 *Survey* p777).⁴⁴³

In September three emergency detainees, all senior UDF officials,

took refuge in the American embassy in the Kine Centre (Johannesburg) after escaping from the Johannesburg Hospital. The three detainees, who were the UDF's acting treasurer, Mr Mohammed Valli; its acting publicity secretary, Mr Murphy Morobe; and the chairman of the National Education Crisis Committee, Mr Vusi Khanyile, were given permission by the embassy to stay in the consulate in Kine Centre.⁴⁴⁴ A statement issued by the detainees said that they would like their action to be seen as highlighting not only their plight but also that of hundreds of detainees whose situation was equally hopeless. They also demanded 'the right to walk out of the consulate free from any restrictions, or threat of re-detention'.⁴⁴⁵ The minister of foreign affairs, Mr Pik Botha, said that the three were free to go but would not because they wished to use the incident to create news.⁴⁴⁶ The 'Kine 3' said that they had refused the government's offer to go free because they were not interested in 'personal considerations of freedom', but rather wished to bring into sharper focus, for both South Africans and the international community, 'the aberration of democracy' orchestrated by the government.⁴⁴⁷ After five weeks, the 'Kine 3' decided to leave the consulate following discussions with family, friends and a message from a jailed leader of the ANC, Mr Nelson Mandela.⁴⁴⁸

In November judgement was passed in the 'Delmas treason trial' (see chapter on *Security*). Mr Justice K van Dijkhorst concluded that the UDF had acted as the internal wing of the ANC and that it had conspired with the ANC to render South Africa 'ungovernable' (see chapter on *Security*). The publicity secretary of the UDF, Mr Patrick 'Terror' Lekota, received a 12-year sentence, while the UDF's national secretary, Mr Popo Molefe, and its former Transvaal secretary, Mr Moses Chikane, received ten-year sentences after all three were convicted of treason.⁴⁴⁹

In December UDF officials met two senior senators from the United States, Mr Sam Nunn and Mr David Boren, who came to South Africa on a fact-finding mission. The UDF's publicity secretary, Mr Murphy Morobe, told the senators that the UDF welcomed the news of the possible release of Mr Mandela, but that it did not see it as an act of benevolence on the part of the government, but rather as one that 'is intended to divert world attention away from what is being done to younger leaders who will have to take over the reins'. Particular attention was drawn to the 'Delmas' treason trialists.⁴⁵⁰

In January 1989 Mr Morobe and Mr Valli met the deputy foreign secretary of Britain, Ms Lynda Chalker, while on a tour of Europe. Mr Morobe said that they spoke out against British policy towards South Africa. They also visited the Netherlands, Sweden and the Soviet Union. They said the purpose of their trip was to inform people around the world about the situation in South Africa. Mr Valli said that everyone wanted to know whether the South African government was moving closer to negotiations. He said their reply was that the 'government had moved further away'. Mr Morobe and Mr Valli also attended a conference in Lusaka (Zambia) hosted by the Africa America Institute. While in Lusaka they met members of the ANC.⁴⁵¹

In a joint 1989 new year statement, affiliates of the UDF described 1988 as a year 'of stress, conflict, bitterness and strife' for most South Africans. The statement condemned the continuing violence in Natal and blamed it on Inkatha. It welcomed the peace treaty between South Africa and Cuba.⁴⁵²

In February Mr Morobe, speaking on behalf of the UDF, the Congress of South African Trade Unions (COSATU) and the Mass Democratic Movement (MDM; see above) as a whole called on members of the community to distance themselves from Mrs Winnie Mandela, the wife of Mr Mandela. Mr Morobe said Mrs Mandela 'had abused the trust and confidence which she enjoyed' and that her actions had brought her into conflict with the MDM. The call was made in the light of the widespread controversy surrounding the 'Mandela United' football club (see *African National Congress* above).⁴⁵³

Speaking at the sixth congress of the National Union of Mineworkers in April, Mr Morobe said the UDF would consider peaceful negotiations with the government only if it lifted the restrictions on all anti-apartheid groups. He said, 'In order for the democratic movement to negotiate, the ANC must be in a position to organise and mobilise freely.'⁴⁵⁴

UNITED DEMOCRATIC PARTY (UDP)

The United Democratic Party (UDP), which is the official opposition in the House of Representatives, was established by a Labour Party (LP) breakaway group. Its leader, Mr Jac Rabie MP, said that the UDP intended 'engaging in aggressive negotiations to convince the government to get a move on with real reform'.⁴⁵⁵

Opening the debate on a motion of no confidence in the ministers' council in February 1988, Mr Rabie said that the council, of which the Rev Allan Hendrickse was chairman, was creating 'a new era of slavery' with the help of state machinery.⁴⁵⁶

In March the UDP said that it was willing to allow the United Democratic Front (UDF) to put up candidates under its banner for election to all three houses of Parliament, since this would mean that the UDF would not have to obtain official sanction from the government. Mr Peter Mopp MP (UDP) said that while this would need a change in strategy by the UDF, it would give an opportunity to what was effectively a banned organisation to 'legitimise' itself and use the system to force the sort of change it wanted (see *United Democratic Front* above).⁴⁵⁷

The UDP walked out of Parliament in March in protest against the banning of the Committee for the Defence of Democracy (CDD). The CDD was formed in the wake of the banning of 17 extra-parliamentary organisations in February. Mr Rabie said that UDP's action was a protest against the abuse of the Public Safety Act of 1953. The deputy leader of the LP, Mr Miley Richards, said that the honourable thing for the UDP to do was to resign from Parliament. He said that the days of boycott

politics were past and that one could not be both in and outside Parliament.⁴⁵⁸

Mr Cecil Kippen MP (UDP) said that the government would face a 'bloody revolution' unless it agreed to talk to the African National Congress (ANC). He said that the government's pre-conditions for talks with the ANC were an evasion. It had to be remembered that the Afrikaners had also used violence in opposing British rule, he added.⁴⁵⁹

Mr Trevor George MP (UDP) resigned from the UDP in June. Mr George said his decision was based on feedback from his constituency. Commenting on Mr George's resignation, the chairman of the UDP, Mr Peter Marais, said that the resignation was not seen as a setback but 'as a process of purification and realignment' which was not new to the UDP.⁴⁶⁰

In July a Natal executive member of the UDP, Mr Morris Fynn, called on the state president, Mr P W Botha, to scrap apartheid immediately to prevent a further escalation of violence in South Africa. Mr Fynn described apartheid as 'an act of violence against humanity' and said it would force moderate leaders like himself to abandon the negotiating table.⁴⁶¹

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RELIGIOUS ORGANISATIONS

RELIGION AND POLITICS

On 24 February 1988 the state president, Mr P W Botha, restricted 18 anti-apartheid organisations in terms of section 6 of the Public Safety Act of 1953 (see chapters on *Political Developments* and *Security*).

Two days after the restrictions had been imposed, leaders of various churches issued a statement declaring, 'The activities which have been prohibited are central to the proclamation of the Gospel. We must make it quite clear that no matter what the consequences, we will continue as a matter of course:

- to campaign for the release of prisoners;
- to call for clemency for those under sentence of death;
- to call for the unbanning of our political organisations;
- to call for negotiations involving the true leaders of our country to bring about a transfer of power from a minority to all the people of our country;
- to commemorate significant events in the life of our nation and those who have died in what the State calls 'riots'; and
- to call upon the international community to apply pressure to force the government to the negotiating table.'

The church leaders who issued this statement were reported to have been the Anglican archbishop of Cape Town, the Most Rev Desmond Tutu; the Rev Frank Chikane, general secretary of the South African Council of Churches (SACC); Bishop Manas Buthelezi, president of the SACC; Father Smangaliso Mkhathshwa, outgoing general secretary of the Southern African Catholic Bishops' Conference (SACBC); Rev Dr Khoza Mgojo, head of the Methodist Church; Rev D N P Luthuli of the Evangelical Lutheran Church in South Africa; Rev D S Madisapodi of the African Methodist Episcopal Church; Rev L Marokoane of the African Catholic Church; and Archbishop N G Ngada, the Rev O Makhubu, the Rev D T Xulu, and the Rev T W Ntongana of the Council of African Independent Churches.¹

Services of prayer and protest were held in Johannesburg and Cape Town.² A service at St George's Anglican Cathedral in Cape Town was attended by a large multiracial congregation. Archbishop Tutu was reported to have said, 'Our mandate from Our Lord is that we carry out the work being done by those organisations which have in effect been banned... If they restrict me, I will contravene the order and accept the consequences.'³

After the service, the head of the N G Sendingkerk, the Rev Allan Boesak, and Archbishop Tutu led a march by 25 church leaders and some

70 other people towards the Houses of Parliament, intending to present a petition to the state president.⁴

Policemen waiting near the entrance to Parliament barred the way of the procession, and warned the marchers that they had contravened a law prohibiting demonstrations in the precincts of Parliament. The people were ordered to disperse immediately. When they refused they were taken to a police station where they were later released but warned that the attorney general of the Cape would decide whether or not charges should be brought against them. (In the event, no such charges were laid.)⁵

Archbishop Tutu then sent the state president a copy of the petition and the state president released his reply to the press. He questioned whether the 'illegal so-called march on Parliament' had really been necessary. On more than one occasion the archbishop and other church leaders had been well received by him at his offices, he said. The truth of the assertion in the petition that the clergy had 'virtually no other effective and peaceful means of witnessing effectively' was therefore open to serious doubt. It followed that the march had been a 'calculated public relations exercise'.

The state president quoted a recent broadcast by the African National Congress (ANC) which stated that 'the church must now be developed into a fierce battleground against the apartheid regime'. The ANC/South African Communist Party (SACP) alliance planned to transform South Africa into an atheist, Marxist state, in which freedom of faith and worship would be among the first casualties, the state president said.

He concluded by saying 'the question must be posed whether you are acting on behalf of the Kingdom of God, or the kingdom promised by the ANC and the SACP? If it is the latter, say so, but do not then hide behind the structures and the cloth of the christian church, because Christianity and Marxism are irreconcilable opposites'.⁶

On 16 March Archbishop Tutu was granted an interview with the state president at which he planned to appeal to him to exercise his prerogative to commute death sentences imposed on the so-called 'Sharpeville Six' (people implicated in the death of a man during a riot in Sharpeville in 1984). The archbishop stated later that the state president had used the meeting 'as an occasion for haranguing me about the church leaders and our petition'. Archbishop Tutu was accused of being a tool of the ANC and SACP and possible government action against him was implied. He subsequently said at a meeting of Anglican bishops that he had told the state president to 'go ahead' with his threats. 'If they try to restrict me or ban me, they are just wasting their time, because I will not obey their orders. They will have to put me in jail.'⁷

On 7 March a meeting of Anglican bishops issued a press statement rejecting out of hand the state president's 'ridiculous' suggestion that the archbishop was 'taking instructions from the African National Congress and the South African Communist Party, or that he is a tool of Marxists and atheists'.

On Good Friday, 1 April, a silent procession of nearly 1 000 people,

led by clergymen, filed through the streets of Durban, to express their opposition to the restrictions on 18 organisations and on the publication of the newspaper *The New Nation*.⁸

Curb on the Committee for the Defence of Democracy

Early in March, the Anglican Archbishop, the Most Rev Desmond Tutu, and the head of the N G Sendingkerk, the Rev Allan Boesak, were instrumental in launching a body called the Committee for the Defence of Democracy, which would continue certain of the activities of the restricted organisations. On 12 March, however, the government issued an order in terms of regulations under the Public Safety Act, prohibiting the new committee from carrying on or performing any activities or acts whatsoever.⁹ On the same day the divisional commissioner of police in the western Cape banned any meetings arranged by the committee in the Cape Peninsula for 12 and 13 March.

Instead of holding these meetings, church leaders organised two inter-faith prayer services, which were attended by about 2 000 people, in St George's Cathedral in Cape Town.¹⁰ Twelve leading churchmen delivered a message to the minister of law and order, Mr Adriaan Vlok, appealing to him to repeal the restriction orders on the various organisations and to release all people being held in detention without trial.¹¹

In reply, Mr Vlok publicly alleged that the ANC was attempting to extend the 'revolutionary onslaught' by involving the churches. Radio Freedom, he said, had announced in a message broadcast on 1 March that 'The Church must now be developed into a field battleground against the regime... The Church must call for liberation.'

The state president made a lengthy statement on the whole matter during discussion of his budget vote in the House of Assembly on 21 April. He said, 'I wish to make it very clear, the government is not in confrontation with the churches and does not wish to be so. But it so happens that a few church leaders go out of their way to seek confrontation with the government... The Christian principles which are proclaimed by the church are regarded as the foundation stones for the whole community. The government wishes to govern on the basis of these principles... I go out of my way to invite church leaders to co-operate with me,' Mr Botha continued. 'I regularly receive deputations from various churches. But in exercising their prophetic task outside the religious sphere, the churches must recognise certain limitations...they should guard against declarations on subjects about which they do not always possess adequate knowledge.' The government was aware, Mr Botha said, that certain members of the clergy deliberately pursued a path of confrontation. 'They play into the hands of the ANC...attempting to force liberation theology on the churches... These radical church leaders try to create the impression that they represent the majority of Christians in our country. This is not true... I urgently appeal to them to abandon this kind of attitude... The church in South Africa should play a responsible, constructive and conciliatory role.'¹²

Calls for international action against South Africa

During a visit to Nairobi in March, the Anglican archbishop of Cape Town, the Most Rev Desmond Tutu, was reported to have urged other governments not only to continue economic sanctions, but also to break off diplomatic relations with South Africa until the restrictions on anti-apartheid movements had been removed, the state of emergency lifted, and detainees released or charged in open court.¹³

Later that month, while visiting New York, he made a similar plea, addressed specifically to the United States (US), Britain and West Germany. But the US secretary of state, Mr George Shultz, was reported to have rejected the call for a break in diplomatic relations, saying 'I think it is important that we stay there and we continue to make our voice heard.'¹⁴

The archbishop addressed the same appeal to the British, Portuguese, Spanish, and other western European governments during a further overseas tour in April. He then re-visited New York where, at a meeting in Harlem, he urged black Americans to form a powerful lobby to prevent the American government from 'collaborating with apartheid'. Subsequently, in Washington, he was reported to have called for the support of legislation under consideration in the US Congress that proposed sweeping new economic sanctions against South Africa; and to have said, 'Apartheid remains firmly in place, protected, aided and abetted by the Reagan administration, Thatcher, and Chancellor Helmut Kohl.'

A spokesman for the White House, Mr Marlin Fitzwater, replied that the US administration remained strongly opposed to new sanctions. 'Our experience with sanctions has been that it hurts the people most that we are trying to help and has little impact on forcing change in the government.'¹⁵

The Archbishop stated in May that in a year's time he would examine about 25 honorary doctorates he had received from various overseas universities, and would return those from institutions which had not imposed sanctions.¹⁶

While in the US, Archbishop Tutu advocated sanctions at a meeting of the (black) Southern Christian Leadership Conference in Atlanta (Georgia). In New York he addressed the UN Special Committee Against Apartheid, at which he was reported to have described apartheid as being 'as evil, as immoral, as Nazism ever was'.¹⁷

In June the archbishop visited Moscow, having been invited to attend the 1000th anniversary of the founding of the Russian Orthodox Church. He met the Soviet first vice president, Mr Pyotr Demichev, and was reported to have expressed gratitude to the Soviet people for their support of South Africans who were struggling for freedom and justice.¹⁸

In May a number of church leaders visited Bonn, where they met the chancellor of West Germany, Mr Helmut Kohl, and urged the European Community to adopt tough measures to pressure the Pretoria government into dismantling its race laws and abandoning the draft Promotion

of Orderly Internal Politics Bill (see chapter on *Political Developments*) which might restrict the flow of foreign funds to be used for political purposes in South Africa. These leaders included the Rev Allan Boesak, head of the NG Sendingkerk and president of the World Alliance of Churches, Dr Beyers Naudé, former secretary general of the South African Council of Churches (SACC), the Rev Frank Chikane who was the succeeding secretary general of the SACC; and the Rev Dr Khoza Mgojo, then president of the Methodist Conference. A few days earlier they had made a similar plea to the British foreign secretary, Sir Geoffrey Howe, who was reported to have told them that while Britain wanted to see an end to apartheid, its policy towards South Africa was one of 'persuasion and pressure'.¹⁹

The Church and the municipal elections

An extraordinary meeting of 26 leaders from 16 churches in South Africa was held during the SACC's annual conference in June (see *South African Council of Churches* below). They declared that 'truth cannot be bound by unjust laws'.

They apparently defied a provision of the emergency regulations, promulgated on 10 June, by deliberately issuing a statement urging Christians not to vote or stand for election in the local authority elections due on 26 October. (The regulation had rendered it illegal to incite members of the public 'to boycott or not to take part in an election of members of a local authority, or to commit any act whereby such an election is prevented, frustrated or impeded'.)

The church leaders further declared their intention 'to ignore the emergency restrictions that require our church news networks to register as news agencies', and resolved to use these media and all other means at their disposal to make their decisions known.

The full text of the statement issued by the church leaders at the meeting was published in *Crisis News*, a publication of the Western Province Council of Churches. Some 30 000 copies of this paper were seized by the police.

On 4 September, the Anglican Archbishop, the Most Rev Desmond Tutu, preached a sermon in St George's Cathedral (Cape Town), in which he was reported to have described the elections as 'ludicrous' and 'unjust', and to have urged black people not to vote.

In a pastoral letter circulated during September the South African Catholic Bishops' Conference advised Catholics to question their consciences in regard to voting.

At its meeting in Pietermaritzburg in October, the general assembly of the Presbyterian Church debated this question at length, eventually voting to call for a withdrawal from involvement in the elections, but nevertheless to allow for full discussion at congregational level so that individuals could make informed decisions for themselves.

Speaking at an international press conference in Pretoria on 7 October, the minister of information, broadcasting services and the film

industry, Dr Stoffel van der Merwe, said that at that stage the government would not act against clerics who had called for a boycott of the elections. However, this attitude could be reviewed if a more direct link emerged between the utterances of these men and hard intimidation calls.

Bombing of Khotso House and Khanya House

Early on 31 August a very large bomb explosion took place in the basement of Khotso House in central Johannesburg. Damages to the building were estimated at more than R1m. Khotso House was owned by the South African Council of Churches (SACC), which had its headquarters there, and also housed the Transvaal regional offices of the Black Sash, and the offices of the Evangelical Lutheran Fellowship, the Anglican newspaper *Seek*, and other church organisations.²⁰

During the night of 11 October arsonists set fire to Khanya House, the headquarters of the Southern African Catholic Bishops' Conference (SACBC) in Pretoria. The archives of the SACBC were destroyed, as were the furniture and fittings of most of the offices. On the following day a package in one of the offices was found to contain two limpet mines and some grenades.

On 11 January 1989 the minister of law and order, Mr Adriaan Vlok, announced that the prime suspect for the bombing of Khotso House was a white woman, Miss Shirley Gunn, alleged to be an African National Congress (ANC) terrorist. She and two male accomplices were thought to have taken explosives into the building, with the intention of making a car bomb, but the bomb had exploded prematurely. Spokesmen for the SACC demanded that the police should produce evidence in support of their 'statements and innuendos' that Khotso House had been visited from time to time by ANC terrorists, or that the premises could have been used to construct or transport bombs or explosives. The police then made it clear that their investigations had not been concluded.²¹

The leader of a right-wing group known as Wit Wolwe (white wolves), Mr Barend Strijdom, was suspected of being involved in the fire-bombing of Khanya House, Mr Vlok said.

Meeting of delegations from the SACC and ANC

On 25 November a meeting was held in Harare between a delegation from the South African Council of Churches (SACC) led by its president, Bishop Manas Buthelezi, and one from the African National Congress (ANC), which was led by the president of this organisation, Mr Oliver Tambo.

A joint statement was issued saying that the worsening situation in South Africa had been discussed. A call was made to all the people of South Africa who desired a peaceful and democratic society to make a commitment to unity.

The ANC stated that the increase in attacks on civilian targets had caused serious concern: some of these had been carried out not by the

liberation movement, but by agents of the apartheid regime. The ANC leadership continued to oppose attacks on civilians, it said.

AFFAIRS OF INDIVIDUAL CHRISTIAN ORGANISATIONS

Roman Catholic Church

At the annual plenary session of the Southern African Catholic Bishops' Conference (SACBC) which was held in Pretoria (central Transvaal) from 19 to 28 January 1988, the opening address was given by the Vatican chargé d'affaires, Monsignor Mario Cassari. He said, 'The Pope knows about your problems and appreciates and shares your efforts for the support which you give to your people, especially to the black brothers and sisters who continue to be kept silent...and who are oppressed because they are asking for justice and equality'.²² At this session the conference discussed, *inter alia*, the question of the moral legitimacy of the South African government.²³

During March, four Roman Catholic archbishops and four other senior clergymen sent a letter to the press in which they said, 'State actions of recent days have heightened levels of fear and tension and the degree of oppression, and it is the duty of the church to state its position unequivocally when basic human rights are violated... This duty of the church must, in no way, be construed as meddling in politics, because the church is not supporting any political party, but safeguarding basic human rights and ideals. By its very calling as an institution founded by Christ, the church has a divine duty to involve itself in human affairs.'²⁴

An order of Catholic priests, the Missionary Oblates of Mary Immaculate, sent a letter to the state president in April, expressing support and solidarity with the Catholic bishops.²⁵

Further statements expressing its views on current affairs were issued by the SACBC in August. In regard to violence, the bishops said, 'We object in the strongest possible terms to the recent spate of bombings in shopping areas and public places... At the same time we must point out again that apartheid with its built-in structural violence is the root cause of the violent actions we deplore'.²⁶

In October Pope John Paul II visited Zimbabwe, Botswana, Lesotho, Swaziland and Mozambique. According to various reports, he had refused a personal invitation from the South African minister of foreign affairs, Mr Pik Botha, to include even the briefest of visits to South Africa, the official reply being that the tight schedule for his trip could not be altered. It was stated elsewhere, however, that the South African Catholic hierarchy had advised against a visit at that time.

During his tour, the Pope repeatedly appealed to all southern African leaders to renounce violence as a means of achieving their ends. He called on the Catholic Church in South Africa to promote a peaceful and

just response to the legitimate aspirations of all South Africans. He called apartheid 'a racist vision of human inequality; a violation of human dignity and Christianity'; and added, 'Only a negotiated settlement of differences can bring true peace and justice... A loss of confidence in the possibility of a peaceful solution could easily lead to further frustration and violence, increasing the threat to peace, not limited to this region.'

On his attitude to sanctions against South Africa the Pope was reported to have said, 'Sanctions are a political means. From a global point of view, they are politically acceptable in some situations... But they should be attempted only as a last resort... A search should be made for a solution that is less drastic and more worthy of Man.'

He was also asked about the call by the Anglican archbishop of Cape Town, the Most Rev Desmond Tutu, for South Africans not to vote in municipal elections due in October, and replied, 'Archbishop Tutu is a citizen of South Africa and has South African experience. I am not a citizen. I can only give a global judgement. In principle it is not a good thing to boycott an election, but it is always possible to do so in some situations.'

Replying to another question, the Pope said he wanted jailed African National Congress (ANC) leader, Mr Nelson Mandela, to be released.

On 14 September the Pope stopped over at Jan Smuts Airport (near Johannesburg) when his flight from Botswana could not land in Maseru because of fog. Mr Pik Botha rushed from his office in Pretoria to meet the Pope, and arranged for lunch to be provided for him and his entourage. During this lunch interval Mr Botha had discussions with the Pope, briefing him on regional peace activities. Transport was then provided to Maseru by road, with a strong police escort. The Pope travelled in Mr Botha's bullet-proof limousine.

On his return to Rome, the Pope again condemned apartheid in South Africa, together with the strife in Mozambique and Angola; but reaffirmed his desire to visit these countries.²⁷

Mother Theresa of Calcutta visited South Africa early in November and established a mission and convent in Khayelitsha, a sprawling black shack settlement near Cape Town.

After the Conservative Party began reintroducing 'whites only' regulations relating to amenities under its control in Boksburg, the Roman Catholic Church promised to maintain the nonracial schools which it conducted in this and other areas and pledged itself to support initiatives taken by people adversely affected.²⁸

In statements issued in March, the SACBC deplored the detention without trial of Mr Eric Molobi, who had been actively involved in the church's education enrichment programme and the National Education Crisis Committee, both of which had been opposed to apartheid in education.²⁹

In March 1988, the minister ordered the closure of the weekly newspaper *The New Nation*, issued by the Catholic Bishops' Publishing Company, for three months. On 11 March, four Catholic archbishops and three bishops staged pickets on the steps of the Cathedral of Christ the

King in Johannesburg to protest against the closure, and against what they called other human rights infringements by the government.³⁰ Publication began again at the end of June. At their annual conference, held in Pretoria during January 1989, the Catholic bishops resolved to continue to stand firmly behind *The New Nation* as a sign of their solidarity with the oppressed.³¹

The editor of *The New Nation*, Mr Zwelakhe Sisulu, who had been detained in 1986, was released in December 1988.

The Rev Smangaliso Mkhathswa, who was secretary general of the SACBC and also a patron of the United Democratic Front during the mid-1980s, was detained under the emergency regulations in June 1986. A year after his detention he was formally indicted, and fined R500 for the illegal possession of a firearm. A few days after his release, further charges were brought against him of possessing prohibited material and weapons. Meanwhile, he had instituted a civil damages claim of R50 000 against the state for alleged torture by members of the South African Defence Force while he was in detention.³²

Father Mkhathswa's claim for damages was due to be heard on 21 August 1988; but shortly before the trial, the minister of law and order announced that, without admitting liability, the government would award the claimant R25 000 and would pay any legal costs that he had incurred.³³

Mainline Protestant Churches of Western Origin

Anglican (Church of the Province of Southern Africa)

According to *The Star* of 2 April, like other churches that had taken part in the confrontation with the government earlier in 1988, the Anglican church had a preponderance of black members (76,9% of a total of 409 080, according to the 1980 census), and had therefore to take account of their aspirations.

A bi-annual meeting of the episcopal synod was held in Windhoek (Namibia) during April 1988, under the chairmanship of the Archbishop of Cape Town, the Most Rev Desmond Tutu. There were 24 bishops present, including those from Lesotho, Swaziland, Namibia and Mozambique. In his address the archbishop called on the South African government to leave the people of Namibia to choose their own government in free and fair elections. After the synod meeting the bishops visited the Oshakati military base in northern Namibia and St Mary's mission station at Odibo, on the edge of the then 'no man's land' between Namibia and Angola. It was said that about 2 000 people attended a service held there, most of them having walked long distances to reach the mission. During the proceedings, the archbishop said that he was looking forward to the implementation of the United Nations' Resolution 435 and promised to ask the international community to put pressure on South Africa 'so that that day comes soon'.³⁴

His repeated appeals in this vein, as well as his active protests, caused

considerable differences of opinion among church members in South Africa. A statement in support of Archbishop Tutu was issued after the meeting of the episcopal synod held from 14 to 18 November. The bishops agreed that their Christian objectives had to include:

- 'making every effort to eradicate the racism which is tearing South African society apart;
- overcoming the polarisation between black and white, a polarisation which sadly exists even in our own church; and
- working for a society in which the values of God's Kingdom are realised. This will mean, among other things, that all people will be able to live where they choose, that children of all races will be educated together, that the rule of law will be re-established and that all South Africans will have an equal say in their government.'

They called for internal pressure against apartheid as well as external action in the form of boycotts.

At the so-called Delmas treason trial (see chapter on *Security*), an Anglican priest, the Rev Geoffrey Moselane, was found not guilty. The church's provincial standing committee expressed 'its abhorrence at his being detained for 20 months before any charges were laid, and his appearing in court [at intervals over] three years, resulting in his being deprived of his freedom (and his parish deprived of his ministry) for over four years: an unwarranted deprivation of freedom'.³⁵

Methodist Church of Southern Africa

The Rev Dr Khoza Mgojo was president of the Methodist Church of Southern Africa (MCSA) during the first part of 1988. In October he was succeeded by the Rev M Stanley Mogoba, who is the church's first three-year executive president and first presiding bishop. The membership of this church in 1980, which totalled 2 112 800, was 80,4% black. They and other Methodist leaders were prominent among those who demonstrated actively against government restrictions imposed on various organisations in the period under review.

In his induction address in Queenstown in October 1988, Bishop Mogoba said that all South Africans had a moral responsibility to bring about a different, all-inclusive new South Africa, devoid of fear. He made it clear that any organisation committed to resolving the problems of South Africa through violence could not offer hope to people in need. He said South Africans feared one another. He added, 'We want to kill our fellow men in order to convince them! Killing is the final act of failure, for how can we convince a corpse! We say we kill in order to liberate—but how can we liberate a corpse? We say we kill in order to expand democracy—but how can we bring democracy to those we have killed? We say we kill to bring about "law and order". Again, aren't those who lose their lives—thousands since Sharpeville in 1960—deprived forever of the fruits of that "law and order"?'

'If we go that way, as in fact we seem to be going in South Africa, we end up being caught in a web of retaliatory violence.'

Bishop Mogoba said that the moral responsibility facing South Africans in order to liberate the society from the web of fear and violence differed from person to person and from one sector of society to another.³⁶ In another address to the same conference, he suggested five steps that could lead to a 'new Africa.' These were:

- the release of political prisoners;
- the granting of amnesty to exiles;
- the creation of real freedom for all;
- the convening of a constitutional assembly; and
- the creation of a new non-racial church.³⁷

An important subject under discussion during 1988 was whether or not the church should become a so-called 'peace church', rejecting violence and war and declaring that its members ought not to participate in violence or in military service of any nature. This proposal, first made in 1984, was later elaborated on in a lengthy study document. Copies of the document were distributed to local churches for discussion at circuit meetings; decisions would then be passed to the regional synods, and finally to the national conference of the church in October 1988.³⁸

A misleading report on the study document, which might have been construed to imply a supportive link between the Methodist Church and the African National Congress (ANC), was broadcast by the South African Broadcasting Corporation (SABC) in its 'Network' programme. A past church president, the Rev Peter Storey, accused the SABC of 'mischievous' reporting and 'gross misrepresentation'.³⁹

The annual conference of the MCSA, held in Queenstown (eastern Cape) in October, debated the issue and decided that it should not call itself a 'peace church', but that its churches and members should continue to seek ways of bringing about peaceful change through scriptural justice.⁴⁰

Another decision was that all independent countries in the southern African region which imposed the death penalty should be asked to set up representative commissions of inquiry to examine all aspects of capital punishment; such commissions should include members nominated by the legal, social work, religious and medical fraternities. Heads of state were asked to use their prerogative to declare a moratorium on all executions in the mean time.⁴¹

In March Mr Mogoba addressed meetings of the International Council on Southern Africa and Apartheid in Harare. Discussing ways of resolving the South African crisis, he opposed the use of violence, and expressed the view that sanctions would not succeed. Negotiation was the only possible option. He suggested the establishment of a collective mediatorship, including leaders of other African states as well as representatives of the South African government and white and black opposition groups.⁴²

Later, after the qualified acceptance by the Anglican bishops of the strategic value of selective sanctions in order to bring about change, Mr Mogoba was questioned by the press on the views of his church. A recent

church conference, he said, had been divided in its views. 'We are persuaded that this kind of economic pressure is already bringing about a measure of self-examination and reassessment which may yet lead to repentance among privileged South Africans. We cannot condemn something that could succeed where the cries of the people and the pleas of the church have gone unheard.'

During a radio broadcast in June of a service at the Central Methodist Church in Johannesburg conducted by the Rev Peter Storey, a current practice of this church called 'lighting the candle of peace and justice' was included in the worship, with prayers for people suffering from oppression and violence in South Africa. Thereafter, Dr Storey was warned by the SABC that if this ceremony was included in his next broadcast the section concerned would be cut. At a meeting with representatives of the religious directorate of the SABC, Dr Storey was told that the decision had been taken on political grounds by the corporation's director general. He then cancelled a forthcoming broadcast, stating that no Methodist church could submit to political censorship.⁴³

At the end of March 1988 the ban on the MCSA in the Transkei, which was imposed in 1978 by the Transkeian minister of justice, was lifted.⁴⁴

The head of the Transkei military council, Major General Bantu Holomisa, played an influential role in lifting the ban.⁴⁵ It was reported in October that nearly two-thirds of the circuits and ministers of the United Methodist Church of Southern Africa (the name of the denomination that replaced the MCSA when it was banned in 1988) had applied to rejoin the MCSA.⁴⁶

In June 1989, Bishop Mogoba was awarded an honorary doctorate of laws by the University of Cape Town.⁴⁷

In August he was unanimously re-elected president of the South African Institute of Race Relations. In his presidential address Dr Mogoba said that a post-apartheid society was gradually emerging and was linked to three issues:

- a fundamental movement towards Africanism through the spontaneous dismantling of apartheid at the socio-economic level by the people themselves;
- a new era of negotiation and mediation in southern Africa; and
- a recognition that pluralism is a richness rather than a curse.

Repeating his view that negotiation remained the answer to the problems of South Africa, he said that it was absurd for the organisations involved 'to keep moving the goal-posts by setting pre-conditions that they know the government will struggle to accept or cannot accept'. By so doing they risked delaying negotiation and thereby increased the possibility of more violence. He said that the movement towards Africanism had as its basic motivation 'the one commonly accepted fact that South Africa is one country and that all the divisions within it are artificial, negative, and progress-arresting unless they are integrated and related as a whole'.⁴⁸

In a pastoral letter on the general election on 6 September 1989, sent to all ministers the preceding month to be read from Methodist pulpits, Bishop Mogoba called on South Africans to demonstrate political maturity and to avoid any action that could cause instability and violence. He added: 'Although I am denied the vote, I believe that those who can vote should, as a matter of conscience, decide for themselves whether or not they should vote. Those who vote should do so in a way that will further the process of change, eradicate the scourge of apartheid, and bring about a society where all our people will be able to share fully in the social, political and economic life of our land.'⁴⁰

Presbyterian Church of Southern Africa

In 1980 the membership of the Presbyterian Church of Southern Africa (PCSA), was 499 080, of whom 25,8% were white.

However, a large number of Africans were members of separate churches, such as the Evangelical Presbyterian Church and the Reformed Presbyterian Church. Representatives of the African bodies took part in interdenominational protests against repressive government action in February.

Early in 1988, the church and nation committee of the PCSA distributed a pamphlet on *The Christian Faith and a Just Society* outlining how these principles should be applied in South Africa. Church members were invited to sign a statement which said:

'I commit myself

- to witness to the value and dignity which God has given to all human beings;
- to work and pray for a nonracial church that will faithfully reflect Christ's goal of unity for His church; and
- to work and pray for a society freed from all forms of discrimination and based on justice, equality and mutual service.'⁴⁰

At the general assembly of the church, held in Pietermaritzburg (Natal) during October 1988, the Rt Rev Dr Michael Moore succeeded the Rev Patrick Montgomery as moderator. The meeting resolved that 'on the church/state confrontation, the assembly recognises that this situation reflects the growing conflict between oppressor and oppressed. The underlying problem is that the policy of apartheid, however disguised, is racist and unjust and can only be maintained by force and coercion.'

Support was pledged for the 'standing for the truth' campaign committee and a call was made for prayers for an end to unjust rule; for pastoral care for the victims of apartheid; and for 'witnessing to the Gospel of truth' irrespective of restrictions under the state of emergency.

The South African government was urged to end the state of emergency; lift banning orders on people and organisations; free all political prisoners; negotiate the establishment of a nonracial, democratic South Africa; and lift political censorship and restrictions on the media.

The assembly reiterated a call to the government, made in 1984, to phase out conscription to military service. It stated its belief that a society which citizens perceived as worth defending would not lack volunteers to do so. It urged the enactment of legislation to widen provisions for conscientious objection to include others besides those objecting on religious grounds. The assembly's debate on the municipal elections is mentioned earlier in this chapter.

It was recommended at the meeting that presbyteries and sessions should set up small local groups involving members of other groups not affiliated to the PCSA in order to establish fellowship, work together at dismantling apartheid, learn the skills of negotiation, and identify the areas of suffering which resulted from economic hardship. Relief and self-help projects for the unemployed were encouraged.⁵¹

United Congregational Church of Southern Africa

The United Congregational Church of Southern Africa (UCCSA) was formed between 1967 and 1972 by the union of the London Missionary Society, the American Board Mission, the Congregational Union, and the Disciples of Christ. In 1980 it had 407 000 members, 5,8% of them white. Like the Presbyterian Church, it is a member of the Reformed Ecumenical Synod and the World Alliance of Reformed Churches.

The chairman, the Rev Ronald Steel, was one of those who took part in the 'march on Parliament' (see above).

Evangelical Lutheran Church in South Africa

The Evangelical Lutheran Church in South Africa (ELCSA) has an 'open' membership, in practice mainly black. It retained its membership of the Lutheran World Foundation when, in 1984, this body terminated the membership of the white-dominated German- and Scandinavian-orientated Lutheran churches in South Africa until such time as they abolish apartheid in church life.

The episcopal council of the church issued a press statement in 1988 expressing solidarity with organisations which had been effectively silenced by the government, saying that it 'rejects completely this repressive action...for it denies people who have contributed largely to the development of this country the right to contribute in a very responsible manner to end apartheid and establish a new democratised South African society'.⁵²

Baptist Union of Southern Africa

During October the Baptist Union of Southern Africa elected its first coloured president, the Rev Ronald Hendricks. Of a total membership of 255 100 in 1980, 29% were whites. This church is apolitical.

Dutch Reformed churches

Nederduitse Gereformeerde Kerk

In 1986 the general synod of the Nederduitse Gereformeerde Kerk (NGK) decided that membership of this previously whites-only church should be open to all race groups. It resolved that the application of apartheid could not be accepted on Christian ethical grounds. (It has not been publicly announced whether or to what extent the 'open' membership of the NGK has been practically implemented.)

Unease expressed by NGK leaders about the declaration by the government of a state of emergency was followed in May 1988 by a statement by the editor of *Die Kerkbode*, the official mouthpiece of the church, that a state of emergency could not be allowed to become the normal method of government. There were many other laws which could be used to maintain law and order, he said. Authorities were warned against abusing their powers while they were indemnified by emergency laws.⁵³

Another subject, mentioned in the 1987/88 *Survey* (p242), was the subject of military chaplains. The Anglican, Methodist, Presbyterian, Congregational and Baptist churches had all urged that chaplains should not wear uniforms or bear badges of rank, and that ordained ministers should not be called up except in the capacity of chaplain. It was reported in July 1988 that there was a growing lobby in the NGK in favour of these representations. Dr Willem Nicol, chaplain to students at the University of Pretoria, had called for the 'complete disengagement of the churches from the military and the police'. The church should not join any of the 'warring parties' in South Africa, he said, but should rather act as an 'unattached peacemaker'.⁵⁴

After the march on Parliament (see above), the general synodal commission of the NGK said that its church saw both church and state roles as being defined by the Gospel. The church, it said, must obey the country's laws and work towards reconciliation rather than condoning lawlessness and revolution.⁵⁵

At a meeting held in October, it was decided that this statement should not be withdrawn, as had been demanded by other members of the NG family of churches as a condition for talks between these churches. In consequence the proposed talks, scheduled for October, were postponed.⁵⁶

It was reported in the 1987/88 *Survey* (p229) that in July 1987 the NGK invited 20 churches from across the ecumenical spectrum to attend a conference to discuss reasons for polarisation between the churches and to attempt to bridge differences. This plan foundered early in 1988, however, mainly because the South African Council of Churches (SACC) had not been invited, which deterred the black churches; and the main-line churches of Western origin then decided that the proposed conference would not adequately reflect the views of black Christians.

The NGK had planned another interdenominational conference to be held in February 1988, to which more than 40 churches or church

bodies would be invited, including the SACC. But again the (African) NG Kerk in Afrika and the (coloured) NG Sendingkerk refused the invitation. They considered that the SACC, and not any one individual church, was the only body which could effectively channel discussions. The SACC declined, too, one of its reasons being that the NGK would itself be solely responsible for organising the agenda.⁵⁷

The NGK then proposed another conference for its representatives and those of the SACC, the agenda to be arranged jointly, but dealing in general with attitudes to apartheid and the need for solutions to the 'crisis situation' in South Africa. Further reconciliation talks were planned with the Anglican Church. But then came the banning by the government of 18 organisations, the march on Parliament, and the state president's attack on the Anglican archbishop of Cape Town, the Most Rev Desmond Tutu, and other church leaders. This attack was endorsed by the NGK's general synodal commission; as a result, the SACC and the Anglicans cancelled the proposed meetings.⁵⁸

During August, Bishop Masiya, the head of an independent black church, tried to collect more than a million signatures to a document opposing sanctions which, it was stated, would have numerous negative results. His plan was supported by Professor Johan Heyns, moderator of the NGK, and by the church's ecumenical affairs and information officer, Dr Pierre Rossouw, in their personal capacities: the latter did so in a broadcast on national radio and television.⁵⁹

Between August and October, Parliament issued three pieces of draft legislation dealing with squatting and group areas (see chapter on *Housing*). In an editorial published in *Die Kerkbode* early in October it was stated that the NGK noted the 'division and unhappiness' which had arisen from these bills. It demanded that Christian principles of justice, fairness and brotherly love be applied in the making and application of laws, and stated that 'taking these Christian demands into consideration, it cannot be denied that the Group Areas Act has caused suffering and disruption in the past. But these laws sometimes prevented even more tragic circumstances and brought order where chaos would have prevailed.' Sympathy was expressed for legislators who found themselves 'in a dilemma' when choosing between possibilities.⁶⁰

In November *Die Kerkbode* published an open letter by Professor Heyns, written in his personal capacity, in which he made urgent calls to the Anglican Archbishop Tutu and the Rev Allan Boesak of the Sendingkerk, appealing for reconciliation.

In a statement issued on 18 November, Dr Rossouw re-emphasised that the NGK considered that violence as a means to an end was contrary to holy scripture.⁶¹

Reforum

Reforum is an unofficial movement within the NGK whose members consist of both lay people and clergymen working for church unity and justice in South Africa. Speaking at its annual congress in Pretoria in January 1989, Professor Henning Viljoen of the University of Pretoria

maintained that the system of government in South Africa was not democratic because most citizens had no say in the passing of laws which affected them.

NG Sendingkerk

The leader of the (coloured) NG Sendingkerk, the Rev Allan Boesak, is also president of the World Alliance of Reformed Churches (WARC). He played a prominent part in the South African churches' protests and demonstrations following the restrictions placed on 18 organisations, described earlier, and in the march on Parliament.

Mr Edmond Perret, general secretary of the WARC, headed a delegation from this organisation which arrived in South Africa on 26 March 1988 for talks with Dr Boesak. Mr Perret told the press that the WARC deplored attacks by the South African government on people who had stood out against government action over the restrictions imposed on the organisations.⁶²

In terms of further emergency regulations gazetted on 10 June, the media were forbidden to quote statements by known spokesmen or office bearers of the United Democratic Front and 17 other restricted organisations. The press speculated on whether the objective was to prevent office bearers of these organisations from claiming that they were speaking in their personal capacities. Asked how the regulations would affect the quoting of people like Dr Boesak, an official of the Department of Home Affairs said that such matters would be judged from case to case. 'Where Dr Boesak is talking as a church leader, this will not fall within the scope of the Act. Where he makes political statements it will have to be decided in each case whether or not the statement threatened public order and safety or delayed the termination of the state of emergency.'⁶³

NG Kerk in Afrika (NGKA)

It has been reported that, although theoretically autonomous, the (black) NG Kerk in Africa depends on the white NGK for more than 80% of its finances.⁶⁴ For this reason the leadership in the past was comparatively moderate. However, during the past two years there has been a movement to the left. At a synod meeting held in June 1987, the Rev Sam Buti was elected moderator, and the Rev Nico Smith became actuary. In a press interview after his election Mr Buti said he did not believe in the state president's reform measures. 'You cannot reform a sin' (apartheid), he maintained: 'I believe in transformation.'⁶⁵ The NGKA declined an invitation by the NGK to a multi-denominational conference in February.

During February a delegation of four clerics from the NGKA, headed by Mr Smith, visited Lusaka to meet representatives of the African National Congress (ANC). The talks centred on political developments in South Africa.

Afrikaanse Protestantse Kerk

It was reported in the 1987/88 *Survey* (page 226) that a number of members of the NGK had objected to certain of the decisions of the church's general synod in 1986, in particular the resolutions that the Scriptures could not be used to justify apartheid and that church services should be open to members of all race groups. Some of these dissidents broke away to found a new Afrikaanse Protestantse Kerk (APK). The moderator of the NGK, Professor Johan Heyns, reported in June that 40 ministers of his church and some 14 000 people had left to join the APK. The leaders of the seceding body were Professor Willem J Lubbe (moderator) and the Rev Adam Boshoff.⁶⁶

Earlier in the year the APK had opened a head office and a school of theology in Sunnyside, Pretoria.⁶⁷

At a synod meeting of the APK near Warmbaths (eastern Transvaal) in August, reporters from the Afrikaans daily newspaper, *Beeld*, were not admitted to the opening ceremony, allegedly for 'politicising' the previous year's deliberations. All press representatives were banned from the rest of the proceedings, but a 'communication commission' released a daily statement on issues raised. This commission announced on 24 August that the synod was alarmed that churches were increasingly entering the political arena and allowing pulpits to be used for political statements. It was decided that the APK would not serve any political party.

Nederduitsch Hervormde Kerk

The Nederduitsch Hervormde Kerk (NHK) is the second largest of the three mainline Dutch Reformed Churches. In terms of its constitution, membership must be confined to whites, but it has a black 'daughter church', the Hervormde Kerk in Suidelike Afrika (HKSA). White church councils are empowered to allow black people to attend special services such as weddings and funerals.

In March it was reported that the NHK had investigated the Afrikaner Weerstandsbeweging (AWB) and found 'nothing in the latter's programme of principles and policy against which it wished to express itself'. (The AWB advocates the creation of a one-party dictatorship, the nationalisation of industries controlled by 'aliens' and the creation of homelands for Afrikaners in the Transvaal, the Orange Free State and northern Natal.)⁶⁸

In the December issue of its official mouthpiece, *Die Hervormer*, the NHK condemned sports administrators, particularly those controlling rugby, who had held talks with the ANC. South Africans who held such talks, it was said, were naïve to think that anything could be achieved by these means.

Gereformeerde Kerk in Suidelike Afrika

The Potchefstroom-based Gereformeerde Kerk in Suidelike Afrika (GKSA) (also known as the 'Dopperkerk') is the smallest of the mainline

Afrikaans reformed churches. Unlike the others, it considers its structure to be that of a united church regardless of race, but with four different synods according to language differences. The 'white' synod is in fact open to members of all races and includes the black church in Zimbabwe. The synod of Suidland is the religious home of coloured members, the synod of Soutpansberg caters mainly for Venda speakers, and the Midland synod consists of Tswana, Sotho and Zulu-speaking members. These synods meet every four years to form a general synod, at which 75% of the members are black. Black ministers are acceptable as preachers in white churches.

During a 'white' national synod meeting, held in Potchefstroom in January, Dr Koot Vorster of the GKSA announced that an ongoing study on race relations was in progress in the GKSA. It was decided by the synod that in future stress should be placed on unity in the church structure, rather than on any other factor, although language would still be taken into account.⁶⁹

A general synod meeting was held in Potchefstroom at the beginning of September 1988. The black synod of Soutpansberg urged that the GKSA should be represented by one delegation instead of four, but it was agreed that further study should be given to this whole question.⁷⁰

Membership of the World Alliance of Reformed Christians (WARC)

The World Alliance of Reformed Christians (WARC), of which the Rev Allan Boesak is president, is a wide-ranging body of churches following the traditions and teachings of Calvinism. It is said to consist of some 150 churches in 76 countries, the South African members being the Presbyterian Church of Southern Africa, the United Congregational Church of Southern Africa, the Nederduitse Gereformeerde Kerk (NGK) and its three 'sister churches', the NHK, the Gereformeerde Kerke in Suidelike Afrika, and the separatist Evangelical Presbyterian Church and Reformed Presbyterian Church.

As mentioned above, a delegation from the WARC visited South Africa in March for talks with Dr Boesak and with members of the Alliance of Black Reformed Churches in South Africa, formed in 1986 to cater for the special problems of Africans in an apartheid society.⁷¹

Membership of the Reformed Ecumenical Synod

The Reformed Ecumenical Synod (RES) is a less wide-ranging body than the WARC and consists of about 35 Calvinist churches in 18 countries. It has been more outspoken on various issues although, compared with the World Council of Churches, it is considered to be a conservative body. There is some overlapping of membership between these bodies. In South Africa, the member churches of Afrikaans origin were the Nederduitse Gereformeerde Kerk (NGK), its four 'sister' churches, and the Gereformeerde Kerke in Suidelike Afrika (GKSA). The NGK suspended its membership after the 1984 synod condemned apartheid.

The synod of the RES, which meets every four years, re-convened in Harare in June. During its conference an advisory committee of the RES was appointed to draw up a report on the South African race issue. It was decided that a majority report, expressing the views of most of the black South African churches, should be submitted to the synod, together with minority reports by the NGK and GKSA respectively. The majority report stated that apartheid could not be reformed, but had to be completely abolished and called on the South African government to unban all political organisations, free all political prisoners, and begin negotiations with authentic black leaders. The report noted with appreciation signs of internal criticism of apartheid in the NGK and GKSA, but said that neither church had addressed and denounced apartheid in practice or been unambiguous in its criticism of government policies. The minority reports declared apartheid to be sinful, but stopped short of calling for drastic action to be taken against the government. No consensus was reached.⁷²

Earlier in the proceedings Professor Johan Heyns, moderator of the NGK, apologised for his church's past support for apartheid. The synod decided that the NG family should meet and try to resolve their differences in October, the meeting to be steered by the interim committee of the RES.

The GKSA temporarily withdrew from the synod.⁷³

The October meeting was not held, however, because the N G Sending Kerk and N G Kerk in Afrika set certain conditions which the NGK was unwilling to meet: one of these was that the NGK should withdraw its criticism of church leaders who took part in the protest march in Cape Town earlier in the year. In December a delegation of the RES led by its American secretary general, Dr Paul Schrottenboer, came to South Africa to hold talks with each of the three NG churches in a further effort to heal differences. It was then announced that renewed plans would be made for a joint meeting.⁷⁴

In January 1989 an informal gathering was held in Cape Town where NGK, NGSK and NGKA ministers met to discuss mounting polarisation in the country and the possibility of reconciliation between their churches. They agreed that apartheid, the emergency regulations, and the existing violence were the causes of the crisis facing the country. Representatives of the three churches decided to appoint a commission to investigate how their congregations could be unified.⁷⁵

African independent churches

Statistics

According to a study by University of Cape Town theologians, the growth rate of the African independent churches in recent years has been astounding. After the trade unions, churches were considered to be the most respected organisations in the black community.⁷⁶

The Star stated in April that independent churches constituted the

largest single group of churches in South Africa, accounting for a fifth of all Christians. They were generally apolitical, but they might in time assume an important political role.⁷⁷ There are two main groups – the separatist (or Ethiopian) churches, and the Zionist churches.

Separatist and indigenous church alliances

Many of the separatist churches have broken away from established churches such as the Anglican, Dutch Reformed, Methodist, or Presbyterian churches. They retain the doctrines, policies and methods of their parent bodies, but have been African nationalist in outlook. Some 'indigenous' churches, however, have never been under white control.

There are several umbrella bodies which bring together various groups of churches. The most conservative of these is the **Reformed Independent Churches' Association** (RICA), also known as the Reformist Alliance of Free Churches, its president being Bishop Isaac Mokoena. For a time it was a member of the South African Council of Churches (SACC), but seceded in 1973 because it did not share the views of the more liberal members of this council.

The **Alliance of Black Reformed Churches in South Africa** (ABRECSA) is a member of the SACC. Its general secretary is the Rev François Bill. It brings together Calvinist churches which have seceded from white-dominated reformed churches such as the Presbyterian church and includes the three 'sister' churches of the (white) Gereformeerde Kerk (NGK).

A more outspoken organisation is the **Council of African Independent Churches**, an umbrella body for smaller organisations and churches that broke away from established churches. The 'sister' churches of the NGK belong to this body, too. It is a member of the SACC.

One of the constituent bodies of this organisation is the **African Independent Churches' Association** (AICA), which also is a member of the SACC. Its constituent churches are mainly those that seceded from non-calvinist Protestant churches, together with the NG Sendingkerk. Its leader is the Rev Allan Boesak.⁷⁸

Another prominent organisation is the **African Ministers' Association of South Africa**.

Zionist Christian churches

There are a number of Zionist christian churches, the largest being that at Zion City, Moria, near Pietersburg, which is headed by Bishop Barnabas Lekganyane. It arranges a convention at Easter each year. In 1987 this was attended by more than a million Africans from South Africa, Botswana, Lesotho, Namibia, Swaziland, Zimbabwe and Zambia. Press reporters are not allowed to attend.

Zionists are drawn mainly from the peasant and working classes, and are strongly discouraged from political involvement. Their religion has been described as a blend of old beliefs in magic and new Christian concepts.⁷⁹

United Apostolic Ministers' Council

The United Apostolic Ministers' Council is an inter-church organisation representing over two million black Christians from both Zionist and Apostolic churches.⁸⁰

Other Christian organisations

Koinonia Southern Africa and the National Initiative for Reconciliation

The formation of these nonracial, interdenominational organisations was described in the 1986 *Survey*. The leaders were the Rev Dr Nico Smith, a Nederduitse Gereformede Kerk (NGK) minister serving African Christians in Mamelodi township, Pretoria, and Mr Michael Cassidy, who founded the evangelical organisation called Africa Enterprise. Both bodies seek to promote fellowship between members of all races in South Africa.

Rhema Bible Church and the International Fellowship of Christian Churches

There are growing numbers of multiracial charismatic Rhema Bible Churches in South Africa, the leader of the biggest, at Randburg, being Pastor Ray McCauley. They are affiliated to the International Fellowship of Christian Churches (IFCC), which includes other churches and religious groups, all with basically the same views and doctrines.

In the course of an overseas preaching tour in January 1989 Mr McCauley visited Washington DC, where the National Religious Broadcasters presented him with their Peace Award in recognition of his work in promoting harmonious race relations. He also received an African Award in acknowledgement of his work in establishing more than a hundred nonracial churches in southern Africa.⁸¹

Mr McCauley has also been the South African director of an IFCC project called Accelerated Christian Education (ACE), first developed in the United States. By the end of 1988, ACE had established 62 private multiracial English-medium schools in South Africa (14 of them being 'Rhema' schools), all attached to so-called 'born again' or 'restoration' churches.

An ACE school in Vereeniging (the Kingdom School) encountered difficulty during 1988, when the town council objected to the existence of a nonracial body in an area demarcated for white occupation in town planning regulations, and applied for a Supreme Court interdict against the school. The court ruled, however, that the Group Areas Act of 1966 superseded town planning schemes, and in terms of this act it was not unlawful for persons to occupy land or premises as bona fide scholars.⁸²

In 1987 the 14 Rhema schools applied to the education authorities for registration under the Private Schools Act of 1986. This was granted, as the curricula and tuition complied with official requirements. The other 48 schools, catering for some 1 600 children, remained unregistered.

In January 1989 the Department of Education and Culture (white own affairs) announced that the unregistered schools (including the Kingdom School) were to be closed because the curricula were not officially approved, or facilities were inadequate, or there were not enough qualified teachers. Owners of the schools might face fines or imprisonment if they continued their activities, and criminal action might also be taken against the parents of the pupils. Every effort would be made to absorb these pupils into registered schools. There was a 30-day period in which appeals might be lodged.⁶³

Mr McCauley led a delegation which was granted an interview with the minister of education. It was agreed that the schools should be granted a reprieve, until the end of March, to comply with various conditions. The delegation told the press that there would be no problem in complying with the conditions.⁶⁴

South African Council of Churches

The general secretary of the South African Council of Churches (SACC), the Rev Frank Chikane, was reported to have told a press reporter in May that the SACC consisted of 20 member churches and church groups, and seven Christian bodies as associate members. The individual membership of the churches concerned had been estimated to be between 12m and 15m.

Replying to a question about funds received from the European Community (EC) during 1987, Mr Chikane said that a sum of R4,5m had been received, which had been made available to victims of apartheid.⁶⁶

The theme of a national conference of the SACC, held in Bosmont (Johannesburg) from 27 June to 1 July was 'The Church in Action in a South African Crisis.'

Press representatives who were present stated that the proceedings of the conference could not be fully reported because of government restrictions on the media. The following discussions and decisions were, however, described in local newspapers such as *The Star*, *The Citizen* and the *Sunday Times*:

- the state president was called on to declare a moratorium on all executions in South Africa pending the establishment of an independent commission of inquiry into the abolition of the death penalty;
- the SACC would work 'aggressively' against detentions;
- the SACC would continue to refuse to submit its monthly journal *Ecunews* to the government Department of Home Affairs for censorship, as required in terms of the emergency regulations;
- it was alleged that the government sought to define the work of member churches as political, thereby opening the way for the control of church funds;
- a call was made for 'practical church support' for, and close liaison with, the trade union movement. Members were asked to oppose the Labour Relations Amendment Bill, which, the Council believed,

would strip workers of rights which they had acquired after a lengthy struggle. Church leaders were asked to make church premises available to workers in times of crisis;

- dismay was expressed over the climate in black schools and at certain universities which was not conducive to learning. Security forces should not be allowed to use schools as 'hunting grounds', thus provoking students into disruptive action;
- the SACC rejected provisions in the Prevention of Illegal Squatting Bill, then before Parliament. Members pledged themselves to work for the repeal of the land acts and the Group Areas Act of 1966; and
- the conference called on the international community to consider the seriousness of the South African situation and to 'exert the counter-pressure of sanctions'.⁸⁶

For further details on the activities of the SACC, see *Religion and Politics* above.

World Vision

World Vision is one of two major bodies that organise feeding schemes and self-help projects for poverty-stricken communities (the other being Operation Hunger). World Vision also arranges sponsorship by people in South Africa and other countries of individual black children, paying for their food, health care, primary education and clothing.⁸⁷

Africa Enterprise

Africa Enterprise is an interdenominational, interracial Christian organisation led by Mr Michael Cassidy, with headquarters in Pietermaritzburg. It conducts evangelical missions in territories throughout Africa and abroad.

JEWISH ORGANISATIONS

On 1 February, Rabbi Cyril K Harris succeeded Rabbi Emeritus Bernard Casper as Chief Rabbi of the **United Hebrew Congregation of Johannesburg** and of the **Union of Orthodox Synagogues in South Africa**. In press interviews following his induction he was stated to have said that he did not share the thirst for radical change towards black majority rule which was expressed by other religious leaders of all races. 'I prefer peaceful and constructive avenues towards a multiracial society... I am interested in a change of heart; I am not a politician who wants a change of power. One can give moral direction but not political direction.'

The Chief Rabbi, who is from England, said that he had been pleasantly surprised to find South Africa was not the 'monstrous prison state' he had been led to believe, but that change was coming much too slowly.

'The Jewish ethos compels one to act against any kind of oppressive evil. The South African state is fundamentally oppressive.'⁸⁸

His main concerns for the near future, the Chief Rabbi said, were to revitalise Zionism and help bridge the gap between blacks and whites. Individuals had responsibilities to the black community. 'If a Jewish businessman has black employees, he should pay them above the norm. I expect Jewish housewives to treat their black servants better than average.' He said that it was a disadvantage in the South African context that the Jews there were all white — although a few blacks did profess Jewish beliefs.⁸⁹

Jewish Reformed congregations have involved themselves in the country's social and political affairs to a much greater extent than have orthodox Jews: many members have played leading roles in a variety of social and political organisations. In general, however, they have condemned apartheid. In a statement made to their world union, the **Southern African Association of Progressive Rabbis** and the **Southern African Union for Progressive Judaism** stressed their opposition to discrimination in any form, but expressed their belief that sanctions would not promote change and reform in South Africa.⁹⁰

In a statement issued on 19 August a lay organisation, the **South African Jewish Board of Deputies**, appealed to government authorities to reconsider proposed amendments to group areas and related legislation in the light of the fundamental principles of human rights, and the great and unnecessary hardships the measures would cause.⁹¹ The board placed on record its opposition to economic sanctions, in the belief that sanctions were counter-productive and had had a severely detrimental effect on those sections of the population whom they were intended to help.⁹²

Speaking at a meeting held in November to consider social justice, Rabbi Harris said that the answer for the silent majority of ordinary, decent, fairminded South Africans was to become a mass movement with a deliberate programme of dismantling apartheid. The other two solutions commonly put forward — sanctions and violence — were both to be rejected, he said.⁹³

MUSLIMS

Traditional Muslim leaders have tended to deny that politics has any role to play in Islam. This view is shared by many prominent Indian Muslims in the fields of business and law, but in recent years there has been a rapid spread of activism among Muslims in organisations such as the **Muslim Youth Movement**, the more radical **Muslim Students' Association**, and the left-wing **Call of Islam**.

Ten prominent Muslim leaders were among the signatories of the public statement mentioned earlier, that urged people not to vote in the October local authority elections.⁹⁴

The Muslim Youth Movement issues a monthly newspaper entitled *Al-Qalam* (The Pen), which has been critical of the government's racial policies. During the period under review the police have seized all copies of several issues of this paper. One of these was reported to have called for a boycott of the elections, and for the creation of a nonracial, democratic, undivided South Africa. The national director of the Youth Movement, Moulana Ebrahim Moosa of Cape Town, released the text of a letter of protest which he had sent to the minister of home affairs. He had said, inter alia, 'We note with concern the government's orchestrated campaign to silence the democratic press by means of ominous bannings, closure of newspapers, the harassment of journalists... We deplore these acts... Rest assured that the Muslims along with the majority of freedom-loving people in South Africa will resist any violation of their human rights and civil liberties.'⁹⁵

An independent paper which also expresses outspoken views is *Muslim News* published in Athlone (Cape Town) mainly for coloured Muslims. During June, 14 issues of this paper were declared by the Minister of Home Affairs to be not undesirable provided that they were 'confined and made available in the normal manner in legal deposit libraries and university libraries only'. The publishers decided to close the paper for a period. They then produced a similar publication under the same editor, under the name *Muslim Views*.⁹⁶

Various Islamic organisations arranged a conference entitled 'Campaign for Muslim Awareness', which was held in Lenasia (Johannesburg) in October, in order to co-ordinate Muslim activism and oppose attempts by the state to co-opt Muslims 'into state structures — a strategy of divide and rule'. Ways were discussed of formulating a unified response to various issues confronting Muslims. An estimated 400 people from various organisations attended. A co-ordinating committee was appointed to follow up the proceedings.⁹⁷

A similar meeting, to discuss the need for national and regional unity among Muslims, was held in Port Elizabeth (eastern Cape) in September, hosted by the **Muslim Judicial Council**.⁹⁸

During the year, the Institute for a Democratic Alternative for South Africa issued a publication entitled *The Freedom Charter and the Future*. An article by Moulana Faried Essack reflected on the views of Muslims, who, unlike the leadership of the African National Congress (ANC), were deeply religious people. He concluded that the presence of such committed people was necessary in the battle against apartheid and for a nonracial, nuclear-free, democratic and undivided South Africa, in order to ensure a place for religion in a new South Africa.⁹⁹

Qiblah, an organisation founded in 1980 which considers Islam to be 'the religion of the oppressed', developed a militant outlook, but did not ally itself with such politically orientated bodies as the United Democratic Front or the Call of Islam. Its orientation leaned towards the Pan-Africanist Congress.

During October two leaders of Qiblah, together with four members of the PAC and a Methodist minister, were found guilty in the Pretoria

Regional Court of various offences under the Internal Security Act of 1982. The court found that Qiblah was a subversive organisation with unlawful aims, namely of overthrowing or endangering the state by means of violence. Its leader in the Cape, Mr Achmad Cassiem, was sentenced to six years' imprisonment, and a member of its executive body, Mr Yusuf Patel, to five years.¹⁰⁰

WORLD CONFERENCE ON RELIGION AND PEACE

The World Conference on Religion and Peace (WCRP) is a unifying body for different religions, committed to promoting peace and justice. A South African chapter of the WCRP was launched in October 1984, with membership including Christians, Jews, Muslims, Hindus and Buddhists. The Anglican archbishop of Cape Town, the Most Rev Desmond Tutu, was elected as its first chairman.

The fourth annual meeting of the organisation was held in Johannesburg in November, the main address being given by Rabbi Julia Neuberger from Britain, one of the few women rabbis in the world. She is reported to have said, 'The WCRP unites us in saying that there are principles which link all the major religions with one another in their search for justice and peace.'

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