

COMMISSION OF INQUIRY  
INTO THE SOUTH AFRICAN COUNCIL OF CHURCHES

HELD AT PRETORIA

ON 8 FEBRUARY 1983

CHAIRMAN:

THE HONOURABLE MR JUSTICE C F ELOFF

COMMISSIONERS:

MR S A PATTERSON

MR T L BLUNDEN

PROF P OOSTHUIZEN

MR F G BARRIE

CHIEF INVESTIGATING OFFICER:

ADV K P C O VON LIERES SC

INVESTIGATING OFFICER:

ADV ETIENNE DU TOIT

SECRETARY:

MR M L MARAIS

ON BEHALF OF COUNCIL FOR THE

S A C C:

ADV J UNTERHALTER SC

ADV P A SOLOMON

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LUBBE RECORDINGS (PRETORIA)

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5 THE COMMISSION IS RESUMED AT 14h15 ON 8 FEBRUARY 1983

MR VON LIERES: Mr Chairman, you have asked me to indicate any trends emerging from the recent documentation that was handed in on the 7th, for the edification of the Commission.

Let me say, I did not participate in the inter-umpiring test that the Human Sciences Research Council conducted, so I do not know whether my subjective biased and contextualisation will appear - disappear with the necessary pi-coefficient. But nevertheless .. 10

CHAIRMAN: I invited you to play the role of devil's advocate.

MR VON LIERES: We will endeavour to indicate to you what we believe to be the main trends appearing from this documentation.

Now, M'Lord, in 1977 three major themes emerged. The first one is connected with the Lutheran World Federation's meeting in Dar-Es-Salaam. This particular meeting in Dar-Es-Salaam, at this meeting the Lutheran churches called - the Assembly called on the churches to play 20 a confessional role. Your Lordship will find the necessary references to this particular document in Ecunews Bulletin 24 of 1977, on page 1, and it is dated 1 July. What happened there was that a special appeal was made to White member churches in South Africa to recognise that the situation in Southern Africa, and it says so in inverted commas, "constitutes a status confessionis." I will deal with this aspect somewhat later. It says amongst others in this particular article that political and social systems might become perverted and 30  
oppressive/...

oppressive, so that to reject them and to work for change is consistent with the confession.

In a second article in the same bulletin, on page 2, under the heading "Africa's situation singled out in Statement on Human Rights", the whole matter of violations of human rights by the White minority in South Africa, Namibia and Zimbabwe was raised, in a unanimous vote by the delegates. Now, these are the two main points that were emphasised at the Lutheran World Federation meeting at Dar-Es-Salaam in 1977. This was in the first 10 half of the year.

In South Africa itself, in the report of the Director of Justice and Reconciliation to the National Conference, which in 1977 had the theme "Human Rights in Biblical Perspective", the theological principles of the SACC were specifically raised, and he says on page 26 of that report:

"The need to respond to objections of church members to this effect raises the question on the theological principles underlying the work of the SACC". 20

Now, subsequent to the National Conference, this question as to the theological basis of the SACC was taken further by Dr Kistner, in an article that appeared in Ecunews Bulletin 30 of 1977, on page 17. It is 9 August, and it is headed "Is the Gap between the SACC and its Constituency diminishing? An assessment of the recent SACC Conference by Wolfgang Kistner". I only believe it is necessary to refer you in broad outline to one or two paragraphs.

He starts off by saying:

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"It/...

"It has been felt now by many for a long time that there is a serious gap between the South African Council of Churches and its constituent churches. So it was not surprising when this subject was raised during the church leaders' meeting held just prior to the Conference. As a result of this meeting, it was not surprising time and again to hear the view expressed from the Conference floor for the churches to be informed of SACC decisions and where necessary, to first refer issues to them for 10 comment."

He says a few paragraphs further on:

"The fact that the SACC has in the past appeared to concentrate on these issues (these are now a variety of economic and political issues) has in the past led to questions from its constituency which asked for an explanation of the theological principles underlying the Council's work. It was as a result of these serious questions that the Division of Justice and Reconciliation was 20 asked to prepare a paper on the theological principles of the SACC".

So the necessity to identify the theological principles of the SACC also emerges in 1977. These are then the three main, major aspects that are of importance around the 1977 activities of the SACC, and specifically now, I would like to refer the Commission to the National Conference's theme, human rights in Biblical perspective, and we find an introductory paper, and I must say, this is the only introductory paper I found in the six 30 years/...

years of reports to the National Conference. It is headed "A Background Paper on Human Rights", and it is three pages long. I do not propose to read it all, but what I think may possibly be of importance, on page 13, one paragraph, at the top of the page. Dr Kistner writes here as follows:

"The human rights concept in the present South African context. In reframing its policy towards South Africa, the new government of the United States under President Carter refers to the human rights principle as its guideline. It has, however, not yet indicated clearly how it understands that principle".

And then what I believe may be of some moment, he carries on:

"Within South Africa a considerable number of laws, passed with the alleged aim of securing law and order and ensuring protection against outside enemies, has undermined the understanding of what constitutes justice. It has become clear that laws do not necessarily guarantee justice. They can be used to entrench and legalise injustice, oppression and persecution. The principle of legality therefore is not an adequate guideline for the involvement and the participation of Christians in the affairs of the state and of society. Criteria are needed for what is ethnically legitimate in state and society".

He makes a suggestion, he says, the human rights principle offers such a criterion. So what is raised here,

is the principle of legality of the South African Government against the background, possibly, of the human rights principle to be applied. Examples are given in this - on page 13 in this article, of how the human rights concept has played a far more important role in political controversy since the Second World War than in South Africa on the international field. The Namibian matter is mentioned, and he says here, the human rights issue was not the only criterion in international discussion used to deny the legality of the South African administration 10 in Namibia, also the international court of justice used the same principle.

Certain basic propositions of human rights are then set out. I do not believe it is necessary in indicating the trends, to deal with that. But we will now just briefly see what the subject matter of discussion, suggested by Justice and Reconciliation to the National Conference was. Now, firstly the objectives of the Division were set out, then the human rights concept, the theological principles of the SACC, set out its various study 20 commissions and projects; it set out a commission on non-violent change, comments on detentions, interpretation of the Bible investment in South Africa, education and the convictions and attitudes of Christians.

In the resolutions adopted by the SACC's National Conference in 1977, now again I refer to Ecunews, because the resolutions are not otherwise available, on page 26 of the Ecunews Bulletin 30 of 1977 dated 12 August, I think this was a special Conference issue, if I remember correctly, one of the resolutions reads that - 30

"We/...

"We affirm that God has created all men equal with the potential and destiny of one brotherhood in Christ. Accordingly we formulated the following expressions of solidarity.

We endorse the right of every human being in South Africa to equal and identical protection of his human rights.

We affirm that there must be one political dispensation for all South Africa".

So the human rights theme resulted then in a definite 10 statement by the National Conference.

Now, in the same Ecunews, certain papers were referred by the National Conference to the Executive. This is covered from approximately page 29 of that particular issue, right up to page 34. Basically, on page 34 we find in the second paragraph from the top, in connection with the first theme, namely the status confessionis theme, in which it is stated that it, that is the SACC, also rejects the widely accepted tenet that the law regulation of a state can require a Christian to desist from 20 the duty to resist authorities abusing their power. If such legislation damages society and serves the selfish interests of some, in ways against both reason and God's will of love, as revealed in the Biblical message, then it is the duty of a Christian to be obedient to God. So to a certain extent this, although not a resolution, already reflects the adoption and the right to accept the status confessionis.

Now, these themes were taken further, and we find them reflected in the 1978 Conference again. The 30 theme/...

theme of the 1978 Conference was the 10th National Conference of the South African Council of Churches, and the theme was "South Africa in Crisis: Our Response as the Children of God". Now, again I am primarily going to refer to the Department of Justice and Reconciliation's report to the 10th Conference, and it says the following are the main projects on which the Justice and Reconciliation Division is working at present; this is page 2 of their report. Firstly the foreign investment issue; secondly, the homeland policy; thirdly, change without violence, 10 and it says here:

"A short report on the progress of the study process of preliminary findings has been prepared for the information of the National Conference; Appendix 1, and the Division of Justice and Reconciliation has also worked out a memorandum on the WCC's study paper, South Africa's Hope; Appendix 2".

The next heading is the Human Rights heading; then we have Faith and Ideologies Commission; Ministers as Marriage Officers, research projects on the attitude 20 of Christians, the visit of delegation of the SACC to SACC member churches in Namibia; we have contact and co-operation with other churches and secular institutions, etcetera, etcetera, and then we have a heading in which the difficulties experienced in the work of the division is pointed out by Dr Kistner here. He says:

"Security legislation and the police measures of the South African state are a serious hindrance to the work of the Division. In view of the surveillance of the information system of the 30

State/...



State, large-scale conference no longer offer an opportunity for an open, honest exchange of views". Now, in the appendices attached to this particular report, the Conference was held between 10 and 14 July. Now, in the appendices to this particular report, there is especially Appendix 2, which I believe may reflect the particular trend or trends that may be of some moment, but before I deal with that, I would just like to refer you to a document which is entitled "Report of the Director of the Division of Justice and Reconciliation" 10 submitted to the Executive Committee of the SACC, 14 and 15 March 1978, and it is marked "A3.3.1.1" which is one of Dr Kistner's documents. This is a lengthy document, but on page 8 of this particular document he refers to the WCC paper "South Africa's Hopes". Now, before I read what he says here, the WCC paper, "South Africa's Hopes" is apparently a document that appeared after the Lutheran World Federation's meeting at Dar-Es-Salaam at which the churches were encouraged to adopt the status confessionis. In paragraph 10 of this document 20 which was submitted to the Executive, reads as follows:

"Since the late 1960's the problem of violent and non-violent methods in the struggle for justice have been extensively discussed in the WCC. In August 1973 the Central Committee issued a careful statement on this topic. The problem was also widely discussed especially in the Federal Republic of Germany. In the same year, 1973, the Chamber for Public Responsibility of the EKD worked out a memorandum on the topic. Recent events in 30

South/...

South Africa, especially the death of Steve Biko and the circumstances of his death, as well as the banning of organisations criticising or opposing the policy of the Republic of South Africa, and the new wave of detentions, has motivated the WCC to issue a new study paper on this topic. This paper is concentrated on the situation in South Africa. It takes up the concept of just revolution, which was brought forward in a lecture held in Soweto, Remembrance Day, at the Assembly of the 10 Lutheran World Federation in Dar-Es-Salaam in June 1977. The WCC's study paper receives attention in many of its member churches. It requires careful consideration and study on the part of the South African Council of Churches and its member churches. The background paper for the discussion of the concept 'Just Revolution' with a preliminary and a revised draft of suggestions is submitted to the Executive Committee; Exhibit 5".

This was the document submitted to the Executive 20 Committee before the National Conference was held. Then the next item is under the heading "Change without Violence" and it concerns conscientious objection, in which - to which I will refer later. It refers to non-violent methods of change, orientation courses for ministers from the Federal Republic, and the priorities of the work, staff requirements etcetera. With that as background I would like to refer to Appendix 2, which was submitted to the National Conference.

Now, in Appendix 2, in paragraph 1 - or shall 30

1/...

I first say, the heading of this appendix is "Background Paper" for the Discussion of the Problem of a 'Just Revolution'. In paragraph 1, Dr Kistner recapitulates the stand taken on related problems by the SACC, and I think it is important that I just read this in view of what he said later on in this document. Now, he says, firstly:

"The SACC has repeatedly and publicly declared that the South African political system of apartheid is fundamentally unjust. In its resolution on conscientious objection the SACC intimated 10

that Christians in South Africa who were liable for or called up for military service, should consider conscientious objection in view of the unjust system that the SA Military defends (selective conscientious objection). Thirdly, the SACC at its National Conference in 1976 expressed its approval of the aims of liberation in Southern Africa.

Fourthly, the SACC has repeatedly expressed its condemnation of the structural violence inherent in the South African system, and has at the 20 same time condemned the violence that is used to oppress any opposition in South African society to that system.

Fifthly, the SACC has repeatedly expressed its opposition to violent means to bring about change in the present system or to uphold the present system.

Lastly, in its resolution on conscientious objection the SACC has left the decision whether or not to take part in military service to the conscience 30

of the individual".

Now the Doctor says in paragraph 2, "Some Thoughts on the Above SACC Insights". He says:

"Given that the SA political system is fundamentally unjust, that structural or embedded violence prevails in South Africa, that violence is used against the opponents of apartheid, that the aims of liberation movements are approved and that the SA Military defends an unjust system, one must ask: in considering the matter of a just revolution in South Africa, is one considering the overthrow of the legal structure, or is the issue one of seeking to end an illegal structure of oppression?"

And he replies to that as follows:

"The SACC statements given in 1.1 to 1.4 above (that is now that apartheid is fundamentally unjust, conscientious objection in an unjust system, that the aims of the liberation movements in Southern Africa have been approved and that it has condemned the structural violence) would point to the illegality of the South African political structure, rather than to its legality, and a determination of the status of the political system is vital, in any consideration of a Christian's response thereto. This crucial issue has not been adequately dealt with by the SA Church, and some guidelines are given in 3 below to initiate a debate".

Now, you will recall that in 1977 the question of legality was specifically raised in the background paper that I have already referred to.

Now/...

Now, I would just like to draw the Commission's attention to the guidelines that Dr Kistner gives in paragraph 3 below, to initiate the debate, on the question of the legality or illegality of the South African Government. Paragraph 3:

"The Legal Vacuum in which South Africa lives.

In the South African situation it is becoming more and more difficult to decide how one can live in accordance with the law. More and more restrictive laws are passed which limit the freedom of the individual and place absolute power in the hands of State officials. A great number of exceptional laws giving nearly unlimited power to individuals in the executive, have been passed. These laws have to be rejected by the church, because they severely infringe upon human dignity and responsibility. The result is that despite the many new laws and regulations which are constantly passed, one can speak of legal vacuum in which the Christian lives in South Africa. The steady abrogation of the rule of law, the granting of powers to make officials above the law, and the holding of untried and uncharged citizens who are dealt with outside of recourse to the courts of law, are factors contributing to this legal vacuum. A polarisation is now being evidenced in South African society whereby a government which increasingly rules by edict and regards itself as a legal government, in turn attribute illegality to all forms and manifestations of opposition. The response of opposition/....

opposition to an increasingly totalitarian state is the response of illegality in the estimate of that state. In terms of international law, racism is illegal and the South African political system is a system of illegal injustice. Co-operation with the South African system is thus deemed to be co-operation with an illegal system. These guidelines are given to stimulate a discussion on the legality or otherwise of the South African system, a vital consideration in the consideration of 10 the just revolution theme and one with which the SACC is called to do battle".

Then he deals with recent international discussion on the concept of the just revolution; he refers to the Lutheran World Federation's Assembly in Dar-Es-Salaam, where he says:

"At its Assembly in Dar-Es-Salaam in 1976 the LWF took a resolution stating that the rejection of the oppressive political system of the RSA is an obligation emerging from the confession of 20 the Christian faith. The status confessionis was based on twin factors of evaluating the apartheid society on the basis of the Christian faith, and on the basis of the unity of the Church."

The concept of the just revolution as discussed in Dar-Es-Salaam is then dealt with, over about 2 pages; Then the concept of a just revolution discussed in the WCC paper "South Africa's Hopes: What Price now?" is discussed, and what he basically describes the paper as doing, is, he says, the paper refers to the present 30

evaluation/...

evaluation of violent resistance to the Nazi regime, by the resistance fighters of occupied Europe, which is widely accepted by Christians. We do not define the resistance fighters of occupied Europe who used violence against their Nazi oppressors as terrorists, because we accept that their cause was just and their methods disciplined. Towards the end of the paper it is intimated that the same criterion should be applied in the evaluation of the struggle of those Black people who resort to violent means in their fight for freedom. It is on the ground 10 of exactly such arguments that South Africa's Black people claim our recognition of their struggle as a just rebellion.

He then goes over to a discussion of the term 'just' and the term 'revolution', and ultimately comes up with a suggestion that a theology of justifiable resistance instead of just revolution should be considered, and he - at the bottom of page 7 of this appendix he says:

"The SACC therefore expresses its solidarity with the aims of the liberation movements, but 20 qualifies its support by subjecting the concept of freedom to the human rights criterion".

The SACC, in paragraph (b), reaffirms its rejection of the apartheid system; it affirms the obligation of Christians to seek to bring about fundamental change in the South African political situation, and in humility believes that the rejection of the system is an obligation emerging from the confession of the Christian faith, that is the status confessionis. The SACC encourages Christians to consider that circumstances can arise in 30

which/...

which the right to resist evil laws becomes apparent and that the theology of resistance is both a valid and a vital concept in such consideration.

Now, unfortunately in this particular instance, I was unable to find all the resolutions of the 10th National Conference in the Ecunews, and I will have to refer the Commission to two different sources. Firstly, in connection with the suggestion of just revolution, the minutes of the National Conference, which is document 26 before the Commission, I think it is A26, on page 4, has 10 the following to say around this subject:

"The group which had met to discuss justice and reconciliation reported to the plenary session, it was agreed that the background paper for the discussion of the problem of a just revolution be referred to the churches for response at the next National Conference."

Some points in Section 8 of this paper were amended, namely, Section 8 is the one from which I have just read. It is headed "Some Suggestions". The SACC - in 20 connection with (b), the SACC reaffirms its rejection of the apartheid system; it affirms the obligation of Christians to seek to bring about fundamental change in the South African political situation, and in humility refers the paper to its member churches and observer churches for debate and discussion. Now, (d):

"What positive steps have they taken to resist and oppose the violence inherent in the SA system, and what study have they made of non-violent methods of achieving change?" 30



The other minutes - some of the other resolutions are to be found in Ecunews Bulletin No 20 of 1978, on page 15, running through to page 22. What is perhaps important here is to take note that in these resolutions, especially the one on page 16, the National Conference of the SACC confess that we have tendered to conform to the apartheid society instead of presenting a Christian alternative, and indicates therefore that the status confessionis has been adopted in that respect by the National Conference. Similarly, in this connection, and with reference 10 to the 1977 report that open discussions become difficult because of Security Police - security legislation, we find in the same Ecunews on page 6, that is No 20 of 1978, under the heading "The Foreign Investment Debate", we find the following:

"The debate on foreign investments held in committee and with a legal adviser present, evidenced the restriction on open discussion of this issue under threat of prosecution in terms of the Terrorism Act. An anomalous pact with differing motivations developed into a call to 'say nothing', one reason being to avoid possible contravention of the law, the other being to highlight the suppressive nature of the South African legislation and policy. Therefore it is preferable to say nothing if we cannot say it all. In the event a resolution was adopted after strong debate, which inter alia called on foreign countries and organisations for the sake of justice to revise radically their investment policies with regard to South Africa 30

in such a way as to benefit the total population of South Africa".

Now, basically then the suggestions by the Director of Justice and Reconciliation were adopted at the plenary session, as a basis for reference and consideration to be forwarded to the churches. It was therefore adopted that the South African political structure points to illegality rather than to legality, and the status confessionis in view of that was then also adopted in respect of certain of the resolutions that were adopted. 10

Now, similarly in this - in the previous Ecunews Bulletin, the report of the General Secretary of the SACC to the 1978 National Conference is recorded. This is Ecunews Bulletin 19 of 1978; it starts at page 10, and I briefly want to refer to page 13, under the heading "Review since last Conference", in the middle of the page, the General Secretary talks about fundamental change.

He says:

"Fundamental change ultimately means Blacks 20  
having a significant share in political decision-making, so that a society would evolve in which people counted as persons made to the image of God, not because of biological accidents over which they have no control, and so calls have been made for the abolition of pass laws albeit gradually, since they are the most hateful part of a thoroughly hateful system, for the recognition at least initially of urban Blacks as a permanent part of what is erroneously called White South Africa, and 30  
granting/...

granting them freehold title to land and not this 99 year lease, which really is neither fish nor fowl, because people who have a stake in the land are unlikely to join the violent revolution" and then fourthly, for a national convention, and where all the acknowledged leaders of every section of the community sit in.

Then, M'Lord, on page 15 of the General Secretary's report, the third paragraph, he says:

"The Council and I are unequivocally committed to reasonably peaceful change in South Africa" and in brackets he says:

"It is only reasonable because there has already been so much violence in the situation within South Africa, is already a violent one. We see ourselves as God's instruments of justice, peace and reconciliation. We wish to avert the holocaust, and so we say that change in South African is inevitable. The only questions are, how and when will it come. We want it to come now and we want it to come reasonably peaceful".

Then there is a bit about the trinity of the welfare bills, surrounding which he says the following:

"The onus must lie with the authorities to prove that our work is not religious, but we still want to issue a word of warning: the churches do not want a confrontation with the authorities, but if the authorities insist on telling the church how to be church, then they should not be surprised if the church says they are not a competent authority/...

authority so to do, and if the authorities still insist, then they will have only themselves to blame if the churches do as they said they would, disobey the provisions of these bills insofar as they affect the churches. This would be a serious situation. We believe wise counsel will prevail. Many Whites are aware that in supporting the present system, they are supporting something that is unsupportable. It is unsupportable because it is unjust; it is immoral and oppressive". 10

Now, these are the main trends to emerge from the 1978 Conference. The 1979 Conference has a title - a theme "The Church and the Alternative Society". Now, in order to more fully understand the activities at the 11th Conference, may I refer the Commission to Ecunews Bulletin No 24 of 1979, which is dated 3 August. In that bulletin, on page 31, the resolutions passed at the National Conference of the SACC will be found; extracts of the Presidential address and extracts from the report of the General Secretary to the Annual Conference will also be found in 20 this particular bulletin. It is a document provided to us as most of the Ecunews' are, by the Council, and I think it is no 1195 on the exhibits list.

Now, if I could then briefly just refer the Commission to this report. In this particular report, Mr Chairman, the Director of Justice and Reconciliation discusses not only faith and ideology, but also the national security ideology, the homelands policy on resettlement and the strategies of resistance. Under the heading "Strategy of Resistance" he refers - or he says the following: 30

In/...

"In view of the great suffering resulting from the policy of separate development, the question has arisen whether the South African churches are not under an obligation to withdraw, as far as that is possible, from co-operation with the state. In this context reservations have been expressed against the participation of ministers in the registration of marriages"

and if I may interpose here, this is the fourth appendix to the Justice and Reconciliation Division's report 10 in 1978, that covers this particular topic as well. Now, without going into detail, the last paragraph under this heading says:

"Recent events have illustrated the divisive effect which different political viewpoints can have on the life of the churches. Uncertainty prevails especially with regard to the way in which the church and their members should respond to the implementation of an alleged independence of the homelands and to the proposed new constitutional dispensation for Whites, Indians and Coloureds in the section of the Republic of South Africa that is directly under White control. Some Christians feel an obligation to withdraw from all co-operation in the context of the new political dispensation; others embark on partial co-operation with a view of undermining the political system from within. Others again welcome the envisaged change as changes that inaugurate a new future for the people of South Africa".

The next topic under discussion, which we believe may be of some moment, is entitled "Confessional Integrity in the South African Context". It says:

"In view of the divergencies of opinion prevailing amongst Christians in South Africa with regard to overcoming the present political crisis, the J & R Division has given special attention to the status confessionis discussion on the South African issue. At the Assembly of the Lutheran World Federation in Dar-Es-Salaam in 1978, a resolution 10 was taken on Southern Africa and on the role of the churches in Southern Africa. The heading of this resolution reads 'Confessional Integrity'. In terms of this resolution loyalty to the Christian faith in Southern Africa implies an obligation to oppose the present political system and to reject it. In our opinion the principle of obligatory opposition and resistance applies also to any re-arrangement of the system which does not fundamentally change the existing economic and politi- 20 cal power structure in South African society and which excludes the majority of the people from participation on the decision-making process that affects the country as a whole. The churches cannot commit their members to the one or the other strategy of opposition or resistance. They are, however, under an obligation to provide reliable information to their members in such a way that the latter recognise the ethical challenges arising from the South African situation, whatever the strategy 30

of resistance they choose may be. Even in a situation of intense conflict, churches are under an obligation to insist on love of and concern for the opponent and enemy. This principle applies especially in view of the fact that the people who are engaged in maintaining and entrenching a system of oppression, have destroyed their own freedom and have become captives of the system themselves. They are also in need of liberation".

Now, although this is perhaps a bit premature because 10 it applies to the whole report of Justice and Reconciliation, it is perhaps convenient at this stage to refer the Commission to page 34 of Ecunews Bulletin 24 of 1979 of 3 August 1979, paragraph 15 under the heading of "Justice and Reconciliation", which reads as follows:

"The Conference accepts the report of the Division of Justice and Reconciliation with appreciation and subscribes to the recommendations for future activities as set out in paragraph 1 to 4 on page 8 of the report. The Division should be re- 20 garded as a facilitating agency to the SACC and to its member churches with a view to stimulating the theological reflection on and with a view to promoting action in Justice and Reconciliation issues. It should have the task to maintain contact with the work undertaken by overseas partner churches and ecumenical institutions, and to feed into the life of these churches and institutions the experience gained in the South African situation. The number of full-time staff should be limited 30

as/...

as possible".

I can just shorten that somewhat. Now, on page 35 under the heading "E", that will be paragraph 15(e), we now find the following:

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

CHAIRMAN: Might this be a convenient time, or would you like to finish that?

MR VON LIERES: Could I just finish this particular piece?

Now, the next sub-heading in the Director of Justice and Reconciliation's report for 1979, has as its heading "Non-Violent Action for Change", and he reports as follows in this connection:

"In this connection the work of the J & R Division in the area of non-violent action for change 30

has/...



has to be mentioned".

This is now in connection with the previous, the confessional integrity etcetera.

"It is true that the concept of non-violent action easily arouses suspicion amongst Black people who have suffered and who are suffering violent oppression. Now can we expect non-violent action from people who experience persistently violent action on the part of the authorities? Non-violent action however has to be understood largely as the 10 refusal of co-operation with the system that practises violence and exploitation. Though the chances to achieve fundamental change by non-violent action in South Africa are not favourable, such action has a long-term conscientisation value. It alerts especially the White public to the injustice that happens before their own eyes and partly with their own collusion. Reverend Rob Robertson who works on a part-time basis with the J & R Division, has been untiring in his efforts to stimulate 20 non-violent action in different parts of the country".

The Commission has already had the benefit of the Army's submission in which certain reports or circulars by the Commission on Violence and Non-Violence have been attached as annexures in which - which gives a bit more detail in this connection, as far as conscientious objection is concerned.

"The concept of withdrawing co-operation support from a political system, that legitimises 30  
injustice/...

injustice and oppression, is of significance not only in the national but also in the international context. Overseas partner churches are as a rule very concerned about the South African churches and their task in South African society. They are willing to help and contribute funds so as to support forces of change in Southern Africa. They do, however, often find it difficult to realise that a fundamental change in Southern Africa is impossible without their contribution to fundamental change in their own situation, in which forces are at work that support the oppressive structures and policies of the RSA". 10

Now, the next item then deals with the foreign investment issue, with the staff of the J & R, and under the next heading, "The Search for Appropriate Organisational Forms Serving the Mission of the Church" on page 7, we find again that Dr Kistner refers to E Lange and he says:

"According to E Lange the task lying ahead of us therefore is to sensitise the conscience of the people in our time for their global responsibility". 20

Mr Chairman, I think that that may be a convenient stage. We have now had from 1977 to 1979; we have seen how the ideas come in in connection with human rights, legality of the state, confessional status, we have seen how, from 1977 to 1979 these have become accepted policy by the Council. So if you wish to adjourn now.

THE COMMISSION IS ADJOURNED

ON RESUMPTION:

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The/...

MR VON LIERES: The 1980 submissions by Justice and Reconciliation - to the 1980 National Conference, 5 to 9 May, now takes the instructional resolution that they are to examine the strategies of resistance further, and it says:

"The National Conference of the SACC, July 1979, has given the Division of Justice and Reconciliation a special task. It has asked this Division to examine strategies of resistance with a view to the obligation of the churches to withdraw from 10 co-operation with the state where the law violates the justice of God and with a view to the obligation of all Christians to identify the way in which they reinforce an unjust system".

Now, dealing with this matter, firstly, there is a discussion around this total strategy of the Government, and it says that certain changes have taken place and are still taking place in the Republic, which make it difficult to recognise where in the areas in the ordering of our society, the law violates the justice of 20 God. Then it discusses the interest groups backing the total strategy of the Government, and it basically says, the total strategy is based on a collusion between the groups that control the political power and those that control the economic power in the Republic; they have discovered their common interest. Specifically in connection with labour matters then, which I do not think I will be able to deal with today, it is suggested - or it is written here that they hope that by promoting the emergence of a Black middle class, it will be 30

possible/...

possible to isolate the latter from the majority of the Black workers, even if this Black middle class is not given a fair share in the political decision-making process of the Republic of South Africa.

Now, amongst the documents that were handed in at this session, there are certain study reports concerning the Wiehahn and Riekert Commissions, and these study reports done by Justice and Reconciliation, are to the effect that the Wiehahn and Riekert reports are really trying to create a Black middle class which will have 10 to take the brunt of keeping the Blacks in the rural areas away and therefore those amendments - or those suggestions are not acceptable. I will refer to that in due course.

Then again some time is given to the confession of the Christian faith with a view to the total strategy, and it says:

"According to the resolution of the National Conference, resistance and withdrawal from co-operation with the state in areas in which the justice of God is violated and action on behalf of the suffering, 20 have to be considered as an obligation emerging from the confession of the Christian faith in the present South African situation".

The views of Bonhoeffer are then expounded on the boundaries of the church, and it is suggested that lessons could be learnt from Bonhoeffer. He then suggests, in paragraph 3.3 that the total strategy of the South African Government that is described as an effort to remove an unjust political system occasionally with reference to Christian principles, is a place at which the faith of the 30

South African Christian is in danger of being undermined and at which South African churches are under an obligation to engage in battle. Through its resolution at the last National Conference, the SACC has already emphasised the obligation of Christians to resist. What is still lacking is a clear and easily understandable statement that explains on the basis of the Gospel why such resistance and an obligation emerging from the Christian faith and that also suggests ways as to how effective resistance can be offered. 10

Now, basically the Justice and Society cluster has a Commission on Violence and Non-Violence and this aspect has been entrusted to them.

Part of the resistance to the total strategy then is dealt with in paragraph 4.1, in which the question of the removal and relocation of Black people is discussed. Then in paragraph 4.3, the withdrawal of co-operation with the state, it says:

"In various sessions the small committee has considered the implications of the resolution of 20 the 1979 National Conference, withdrawal from co-operation with the state. The committee was aware of the danger that such a resolution easily can have effects that are contrary to the underlying intention, if it remains merely a verbal statement and if it does not lead to some action on the part of the churches and their members. The committee therefore worked out a number of practical suggestions how churches and their members in an initial stage could practise non-co-operation with the 30 state/...

state in areas in which the law clearly violates the will of God. The Executive Committee as a result of pressure of work and of unexpected emergency situations has not as yet been able to devote attention to these suggestions. They will be submitted to the National Conference".

Now, if I may refer to some of these suggestions, that the Executive Committee could not deal with - I am now referring to the document that was handed into the Commission from Justice and Reconciliation's files, and it is a document numbered A35.4.1, it is undated, but it says: "Proposals for the Executive Committee of the SACC, 27, 28 November 1979. The Implementation of Resolution 15(e) of the 1979 National Conference". Now, you will recall, that is the one that says "Non-Co-Operation". It says -

"The Justice and Reconciliation Division has been asked for specific proposals on implementing this resolution. It should first be stressed that for Christians any specific non-co-operation with unjust laws should take place within a larger willingness to serve the best interest of the state and the common good. Then no accusation of enmity, laziness or anti-social behaviour can be justifiably made. Perhaps we can use the term 'positive non-co-operation'. Three lines of approach are suggested: we need to encourage and help people to think out what positive non-co-operation means in their own areas of life and activity. The Commission on Violence and Non-Violence is willing, despite

its limited experience in this field, to attempt a leaflet on the subject how to practise positive non-co-operation. It would be the aim to provide a simple outline of the Biblical basis for this kind of action, how to identify areas where one's co-operation with the policies of the state is questionable on moral grounds, how to relate a specific act of non-co-operation within the wider context of service to the state and community, how to plan and act non-co-operatively in a creative non- 10 violent and open way, how to handle subsequent prosecutions and penalties".

Then it says, (b):

"We need to set an example in church matters, that is those areas where the church has control and specialist knowledge."

"Positive non-co-operation (it says) involves the willingness to take the consequences of one's action without evading the penalties of the law as it stands. The effect of this kind of suffering is that 20 it enables the community and the legislator to see the offensive nature of the laws, and may lead to changes being made. In the Sprocas publication 'Apartheid and the Church', seven areas of restrictive legislation are mentioned. Looking at each of these we can see how positive non-co-operation could be applied in each case".

The seven areas that are mentioned are the following:  
areas involving restrictions on freedom of movement in residence, and here the suggestion is, when a White 30 minister/...

minister serves in a Black area or vice versa, he should live there, even if not granted permission, for example as Dean Nkoane has done at the Cathedral in Johannesburg.

Secondly, restrictions on freedom of worship. It refers here to Resolution 15(f) of the National Conference, which refers to restrictions of inter-racial contact such as permits to enter Black areas. Here the act of going for worship or for human fellowship is the positive factor. The refusal to comply with permit restrictions is the incidental non-co-operation which is a plea for an open society. Positive action that would strengthen this kind of non-co-operation would be for the churches in the Black urban townships to increase the use of English and Afrikaans in some of their services to encourage White attendance, and for White to learn the vernaculars.

The third area, restrictions on speech and publications. Numerous persons and books that have an important contribution to make to our understanding of the Gospel have been banned; a positive act of non-co-operation would be to quote these persons and publications, particularly from the pulpit or in the church publications.

The fourth area, restrictions on the association; the Group Areas Act and the Urban Areas Act restrict the freedom of Christians to fulfil the Biblical injunction to give hospitality and to welcome the stranger in one's home. The positive act of kindness and brotherhood involves non-co-operation with these restrictions.

Fifthly, restrictions on social welfare and services. The situation has been made worse by the new Welfare Act, and the church should simply go on with its positive work of caring and not

co-operate/...



co-operate with the machinery that attempts to restrict it. Most churches have already made their stand known on this matter. I have also earlier already referred to the 1978 Ecunews on the Welfare Bills. Sixthly, restrictions on institutions. Here it is a case of opening to all races hospitals, orphanages and theological seminaries that are under the church's control. Seventh, restriction on education; here the same applies, and it has already been courageously done by the Catholics and a few other cases. These proposals depend 10 on the determined minority for the implementation. In most cases the leadership of the churches will have to initiate these actions.

These are then some examples of positive non-co-operation that - or of proposals that had to be submitted or were to be submitted to the Executive, and these suggestions were basically presented to the Division of Justice and Reconciliation on 22 August by Reverend Robertson, according to this document J & R C21.8.79, which has been placed before the Commission. 20

Now, Mr Chairman, various other aspects were discussed by the Director in his report to the National Conference. I believe that the main trend is also - dealt with foreign investment again, amongst others, and with labour disputes, but I think the main trend has emerged from that reasonably succinctly.

In the 1981 report to the National Conference, we again find a few paragraphs dealing with the concept of a confessing church, the relocation of Black people, the human rights in theological perspective. We find 30

a chapter on war and violence, study commission on faith and ideologies, our confession in South Africa, and these are basically continuations of the trends that have emerged from these documents. Now, if I may then briefly summarise these points, I would suggest that from the documentation available, it appears that both the question as to the legality or illegality of the South African Government, measured against the criterion of human rights, are imported ideas that emanate from the Lutheran World Federation's meeting in Dar-Es-Salaam, that the finding that the Government is covered with illegality, is of course a prerequisite before one can go over to becoming a confessing church, because the criteria as set out is that the secular society must in certain respects be so unjust that a Christian cannot comply with such laws. 10

Therefore, what we really find here in the major - the major trends that we find emerging during the period 1977 to 1979, 1980, is that the theological as well as the secular basis for resistance to the South African Government has been identified over a period of years by the SACC. The net result of this identification on the theological field is the becoming of a confessional church, and on the secular field, of finding the Government has no legality in terms of human rights, because it is unjust, that this in turn gives rise to a basis for supporting liberation movements, provided they comply with the human rights notion as set out in the 1978 report, and that consequently the basis has been laid, the theological basis has been laid, and the secular/... 20 30

secular basis has been laid for an expansion of the activities of the SACC into further fields in the secular area, and here I can simply refer the Commission to the Asingeni reports, for example, no 19, which deals with the period up to the end of December 1979, in which it says:

"Our mandate tacitly involved assisting the victims of the apartheid system and to empower the powers in their liberation struggle against the 10 totally unjust and immoral system prevalent in our country. We are now making this tacit commitment more explicit, in the assistance that we have been called upon more and more to provide. I am sure that those who have supported Asingeni will continue to do so".

Then they deal with labour unrest, they explain that the reason for supporting Fatti's and Monis amongst others, was - Asingeni provided financial assistance to the workers whilst they were out of work, and this helped to 20 maintain their solidarity at a crucial stage. They then give demonstrations of their involvement here, being bus boycotts, population removals and resettlement, legal cases, various trade unions, and this trend is continued in, for example, Asingeni report no 23 of September 1981, in which the following is said under the heading "Labour Unrest":

"The Black trade unions have shown their muscle and their militancy; they have refused to be confined not only to labour issues, pointing out that politics is all-pervasive, and that they could 30

not/...

not divorce themselves from community issues".

Then it says:

"They are the most significant force for reasonably peaceful change and the Government is aware of this and their latest labour legislation is aimed at emasculating the unions and controlling them rigidly".

I am skipping a bit here:

"Black unions have said they will defy any law that intends to turn them into toothless bulldogs 10 and the SACC has said that it will want to be supportive. I hope our friends will be generous in money donations, because these unions have no strike funds, and the Asingeni Fund has assisted in giving relief to striking workers, as the only effective weapon is the right to withhold their labour".

Now, Mr Chairman, it appears then that one other matter that has emerged, which is more detail - I do not think that is necessary, we can skip that one. If you would just bear with me for one second. Another matter 20 that has emerged, although the Commission has heard evidence around this previously, is the matter concerning conscientious objection. Now, the Commission will recall that the conscientious objection issue, a resolution was adopted at Hammanskraal in 1974. Your Lordship will recall that the fundamental resolution on conscientious objection was adopted at Hammanskraal in 1974. Now, the first indications of conscientious objection in the SACC and its predecessor, CCSA's minutes, are to be found in the minutes of the 9th Bi-annual Meeting of the 30

CCSA on 22 and 23 January 1952. In this particular minute - the minutes are before the Commission - it is noted as Minute 3, that the Secretary referred to a minute of the Central Committee of the WCC passed in July 1951 concerning the recognition that conscientious objectors have the right to have their opinions respected. It then carries on; it says:

"The Council agreed to endorse the special resolution of the WCC's Central Committee".

Then there are various other references to CO, in the 10 minutes of the CCSA, later SACC, for example in 1957, in which they ask for the Defence Act to be amended, again in 1964, where they note that representations were made to the Minister, and so forth, up to 1974, when the Hammanskraal matter was - resolution was accepted. Now, in this connection we want to refer the Commission firstly to the Ecunews Bulletin No 18 of 1974, which is dated 11 June 1974, from page 5 to 7. This is entitled "A Special Feature: Hopes of Reconciliation in South Africa after Lusaka". It is a conference that is to be 20 arranged, and it says:

"The Conference is to take place in terms of the resolution of the Third Assembly of the All Africa Conference of Churches held in Lusaka, Zambia last month".

That is May 1974. That resolution asked the churches of Southern Africa in consultation with the AACCC, to convene a conference in a neutral place to discuss the future of Southern Africa and the church's role in liberation, justice and reconciliation. For South Africa this 30

must/...

must rate as one of the most important decisions taken by the AACC at Lusaka. Its assembly had been notable, for its apparent endorsement of violence and enthusiastic support of liberation movements. In the light of the Portuguese coup and the consequential imminent collapse of the Portuguese rule in Mozambique, that even Africa's churches were licking their lips over the predicament of White Southern Africa, seemed the most ominous possible development. This report as to what happened there then carries on, and Mr Rees who is quoted here on page 10 6, says, amongst others:

"Nonetheless, unless there is fast and meaningful change, Mr Rees has no doubt that violence will be seen in South Africa very shortly. There are already a number of significant agreements between the South African groups and those operating in the Portuguese and Rhodesian territories, and I would say it seems likely that attacks in South Africa will be launched within the next 18 months".

I skip a bit here:

"Summing up his reaction to the contacts with 20 the liberation movements, he says that a very real threat posed by their violence, bears out what we in the SACC have said on numerous occasions, that to continue to focus on international situations is an excuse for overlooking the internal situation in South Africa is having the most serious consequences. Naturally we are all scared of violence and hope for peaceful change, but this depends on those in authority because they have it in 30 their/...

their power to bring about peaceful change. Bold and prophetic action is called for".

Now, following this, Mr Chairman, we have the Hammanskraal resolution, and in the documentation provided by the Defence Force, a little booklet was contained setting out in what years, what church adopted that particular resolution. Now, Mr Chairman, it is, I believe, of some - may be of some interest to the Commission to know what the Council of Churches itself has to say surrounding this particular resolution. In this connection I 10 wish to refer you to a document that we obtained, not from the Council but from other sources. It is entitled "The SA Council of Churches Report to the Director of the Division for Justice and Reconciliation" (Submitted to the Executive Committee of the SACC 17, 18 March 1977). It is a rather thick document; it is a lengthy document. It contains three or four annexures, including military chaplains in the South African Defence Force, and I specifically wish to refer you to the third annexure in this connection. This annexure has a title "Conscience 20 in Conflict", Appendix 3 it is, something on war, violence and non-violence in South Africa, a historical case study. Now, may I just tell you what the Division of Justice and Reconciliation or the Director says concerning Appendix 3. He says:

"In paragraph 4.1 on page 3 of his report to the Executive Committee of the Council of Churches, under the heading 'Violence and Non-Violent Action, Conscience in Conflict', a historical case study has been worked out on conscientious objection. 30

It/...

It is attached as Appendix 3. The Committee of Justice and Reconciliation has decided that this paper should be published. May I refer the Executive Committee to the resolutions paragraph 9.1.1, 9.1.2, also paragraph 9.2 of the minutes".

Now, I also have as EXHIBIT "A14" before the Commission the minutes of the Executive Committee of the SACC on 17 and 18 March, and paragraph 7 at the bottom of page 2 is headed "The Report of the Director of Justice and Reconciliation", and this paragraph says the fol- 10  
lowing:

"The Executive was asked to consider the objectives of this Division as set out in paragraphs 8.1 to 4 of the Appendix attached to this report. These were all accepted with the amendments to paragraph 8.3 that the possibility of the Division itself initiating programmes should not be excluded".

I now skip a bit.

"It was confirmed that the historical case study on conscientious objection, Appendix 3 of the 20  
report, should be published. The issues raised in paragraphs 9.1.1, 9.1.2 and 9.2 were referred to Mr Thomas, Dr Kistner and Mr Rees for further action".

So the decision of the Executive was taken that the historical case study on conscientious objection should be published. If I may now again return to this particular document, I would like to read from page 18 - sorry, page 21, under the heading "4 Conscientious Objection as a  
Lever for a General Rejection of the South African 30  
System/...



System". That is the heading of paragraph 4. It starts off:

"The Congress of the AACC at Lusaka in 1974 had the effect of initiating a new phase in the approach to the problems of conscientious objection in South Africa. At this conference several participants of the SACC encountered representatives of the liberation movements. Having returned to South Africa the General Secretary of the SACC (that was Mr Rees in those days) reported to the National Conference 10 on this encounter. The representatives of the liberation movement had made a deep impression on him and on other participants from South Africa. In these movements there were many convinced Christians. Practising Christians in liberation movements were not aware of a contradiction between the violent method they used in the fight against South Africa and their Christian faith. They had taken their decision to join the liberation movement in the full awareness of being Christians and of 20 being responsible to God. At the conference (that is the AAC conference) there was an open discussion on change which the freedom fighters expected if a violent conflict with South Africa and in South African society is to be avoided. The report on the All-African Conference of Churches made a deep impression on participants of the SACC National Conference. Among these participants there were several whose sons had left the country and had joined the liberation movement. The Conference 30

under/...

under these circumstances had good reason to consider carefully how the SACC could respond to the expectations of the liberation movement. Several participants were of the opinion that the churches in South Africa have no possibility of effecting change which the representatives of the liberation movements had demanded. They therefore propose that the churches should envisage change in matters in which they have a realistic possibility of action. One of these possibilities was the 10 encouragement of conscientious objection in churches. South African Christians could be encouraged to consider refusal to do military service in view of the injustice and violence inherent in the structures of South African society. This consideration induced Dr Beyers Naude and Reverend Douglas Bax to submit a motion for a resolution on conscientious objection".

Now, it says - it continues and it says the following:

"The resolution of the SACC on conscientious 20 objection has thus to be understood as a response to the expectations of the liberation movements. It is not in the first instance concerned about justice to be done by the Government to conscientious objectors, but rather encourages South Africans to consider whether they should in view of the injustice institutionalised in South African society, choose the path of conscientious objection. In this respect the resolution differs essentially from previous efforts of the SACC and other 30

organisations/...

organisations with regard to the recognition of conscientious objection by the authorities. The resolution is meant to make members of the SACC aware of the confrontation between South African churches and the state. It is meant to enhance the credibility of their concern for justice in the eyes of the liberation movements".

Mr Chairman, more or less the same expression is repeated on page 26 of the same appendix, in which it is again stated as follows: 10

"The SACC resolution on conscientious objection of the year 1974 was motivated not so much by the concern for the conscientious objector, but rather by the desire to reject the policy of separate development and to give the concern of the South African churches for peaceful change in South African society, a greater credibility in the eyes of the liberation movements. The resolution challenges SA Christians to strive for greater clarity on the concepts of love, power and of violence and on their mutual 20 relationships".

Now, Mr Chairman, this is a document that the Executive had agreed should be published. I do not know whether in fact it has been published, but as far as we could establish, this motivation is not reflected in any of the documents of the Commission on Violence and Non-Violence who are active in the conscientious objection field.

This then means that the interest is not so much towards the conscientious objector, but it is meant to enhance the credibility of the church's concern for 30  
justice/...

justice in the eyes of the liberation movement. This is 1977, three years after the resolution was passed.

Now, dealing with foreign investments very briefly, according to the documentation before the Commission, again we find that a volte face has taken place. I refer the Commission to Mr Thomas' book, the white book that he published on the South African Council of Churches, in which he says that the SACC had done a complete volte face with regard to its attitude to disinvestment. I have not got the exact page in my head now, but 10 there are two paragraphs in which he says that, and he says that in 1972 the WCC had already taken a resolution in which it has decided to disinvest of its investments in South Africa. That appears on page 77 of that particular book, and in 1976 we find that the SACC's National Conference gives instructions that the matter be investigated. In 1978 we find that the foreign investment issue, it is then resolved to approach the churches and investors to consider how they should invest. We are not certain, in view of the extracts that we have read to you 20 from Ecunews, whether the resolution that was ultimately adopted in fact reflected the true attitude and stance of the National Conference. You will recall in the Ecunews it was said that a legal adviser was present and people were considering the implications of the Terrorism Act and someone said they should say nothing; others said they either should say all or nothing. So we do not know exactly whether that resolution in fact reflects the thought of the National Conference and the policy of the SACC as it has been expressed. 30

As/...

As far as labour matters are concerned, we have already indicated to you that labour matters are receiving a new focus after 1977. There is a large amount of documentation that we obtained from the Division of Justice and Reconciliation, which shows that the labour field has become a new activity of the South African Council of Churches. Amongst others I can just refer to one minute of the SACC. It is a minute of the SACC and trade unions held at Khotso House on 14 August 1981; present were AZAPO, BAWU, CUSA, GUSA, MAKHUSA, ADAGO, HOTELICA, 10 WASA, WPC, SAA - in the form of Bishop Tutu - Dr Kistner and Tom Mantata, and another organisation UAMBAWU. Bishop Tutu, it says, presided over the meeting which started at 2.30 and ended at 4 pm. The Chairman briefly explained the purpose of the meeting, mentioning amongst other things that the delegates were to consider the new labour law which was still being debated in Parliament. It was decided whether all present - it was to be decided whether all present agreed on the unacceptability of that law. While the Chairman was explaining Mrs Mashinini 20 asked about the involvement of the church in the whole exercise. The Chairman asked Dr Kistner to respond to the question. Dr Kistner said that since the law would affect the basic human rights, the church had to be involved. After the above explanation another delegate raised the point that the new laws be seen as discrimination. The Chairman said the point was noted, but deferred it for later discussion. Now, I am skipping a bit. On strikes, it was resolved that they happened as a result of low wages, inadequate bargaining procedures 30

and/...

and completely unworkable official dispute procedures. Unions would stand by their members including strike pay. The prohibition of the strike support would therefore not be obeyed and the unions would support one another in that matter.

In answer to a question raised by a delegate concerning the role the church was playing, the Chairman said that the SACC had helped strikers in the past. On the whole question of justice in South Africa the church was involved. It was further explained that the 10 Government basically wanted to control the worker, in negotiations between management and the worker, the church would stand still against the legislation directed against the worker. It should mobilise and educate the Black worker. After it was accepted that another meeting of the unions should be held, Mr Wauchope said the SACC should play the role of uniting the registered and unregistered trade unions. He said this was an important role in view of the delicate problem between the registered and unregistered unions. An umbrella body was neces- 20 sary, he pointed out. It was also agreed that Government propaganda overseas concerning the labour situation in this country should be countered. The impression was given in overseas countries that the present labour dispensation gave the Black worker bargaining power. The new Labour Law was portrayed as containing the solutions to the country's labour problems. That is just an example of the labour activities.

Finally, Mr Chairman, and very briefly, there is one other aspect. I have not got my documentation 30

on/...

on that aspect here, but it concerns the question of propaganda.

Now, you will recall that documentation has already been placed before the Commission in which Dr Kistner had applied for overseas funds and he got R10 000 to counter Government propaganda. Secondly you will recall that on Monday a document was handed in in which - of which a part of page 1 was read into the record, in which it was claimed by Mrs Karin Welms of the Evangelical Mission Works in Hamburg, who was instructed to prepare a 10 document on communications for the SACC, in which she stated that the General Secretary had said that South Africa was involved in a massive psychological warfare action, and that this particular project was designed to assist the SACC in putting its message across. Now, here from this short extract that I have mentioned, you will see that in respect of labour matters, the same type of activity is to take place, and it appears to me that the trend that the SACC - that emerges from all this, is that the SACC is in fact also involved in the 20 propaganda field. I am not suggesting that these activities that I have sketched here, or the trends that I have indicated, are lawful or unlawful. I do not think that is the issue at this stage at all, but I am suggesting to you that these trends that we have held out here, are the major trends that emerge from the documentation that was handed in recently.

CHAIRMAN: Thank you. That bring us to the end of today. We will not .. (INTERVENTION)

MR UNTERHALTER: Mr Chairman, I am sorry, before 30  
the/...

the Commission concludes today, may I draw the Commission's attention to something that has just been drawn to our attention? We have a copy of Hoofstad, Dinsdag 8 Februarie 1983; it says "Laat", and on the first page we have a very big headline, which I shall show to the Commission in one moment. It starts, "Getuienis voor Kommissie, SARK aanvaar Geweld in Suid-Afrika". It is in very large type, and it says:

"Gewelddadige verset is aanvaarbaar. Dit spreek uit ongeveer 30% van die uitsprake wat die Suid-Afrikaanse Raad van Kerke oor dié onderwerp in die pers gemaak het. Apartheid en amptelike instellings is egter deurgaans deur dié instansie as oorwegend onaanvaarbaar beskou. Soms is dit on-Christelik en onregverdig genoem".

Mr Chairman, we feel we should draw this to the attention of the Commission, just for this reason, that although from what I have just read, there is the reference to the 30% and to the 'onaanvaarbaarheid', it appears that to - at this stage of the Commission's deliberations, for another reason which I shall mention in a moment, it is in our submission most inappropriate before this Commission has given any conclusions at all, to have a heading such as this, misleading to the general public, published in the way it has been done. Bearing in mind, Mr Chairman, that in addition to that, it is perfectly clear from the cross-examination of this morning of the doctor, that the conclusions that have been arrived at statistically, had to be supported by the production of the text of the post clippings, before one could



take any further steps as to conclusions, and certainly in deference to this Commission, nothing like this, in our submission, should at this stage have been allowed today. May I hand it up for the Chairman to see please?

CHAIRMAN: Well, if one reads the heading by itself, it is unfortunate that it was put in this way, because the effect of the evidence was first of all not to establish that that is in fact what the SACC or any spokesman of it in fact supported violence, but that the comments by newspapers were to the effect that in 10 certain instances that was done. The effect of the evidence and the submission was not to show that that is in fact what the SACC said, but to take the - to say what the effect is of the news coverage, which is a different thing. I think it is - it was never suggested that - by anyone, certainly not by the witness, that that is in fact what took place. The object of the exercise was to look at the press coverage in relation to the SACC and its documentation by itself. It is unfortunate that the heading should create that impression. To a 20 certain extent it seems to me that the content does indicate what the object was of the study done by Dr Conradie, but it is, I suppose, an unfortunate fact that there are people who read no more than the headlines. I should record that it is unfortunate that this headline occurred. I shall, however, study the newspaper in greater detail and decide what to do about it.

Now, the position is, tomorrow, Mr Unterhalter, you are not available?

MR UNTERHALTER: That is so, Mr Chairman.

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To/...

CHAIRMAN: To take care of the convenience of counsel,  
we will not sit tomorrow then, but we will resume on  
Thursday, to start at 9.30.

THE COMMISSION IS ADJOURNED