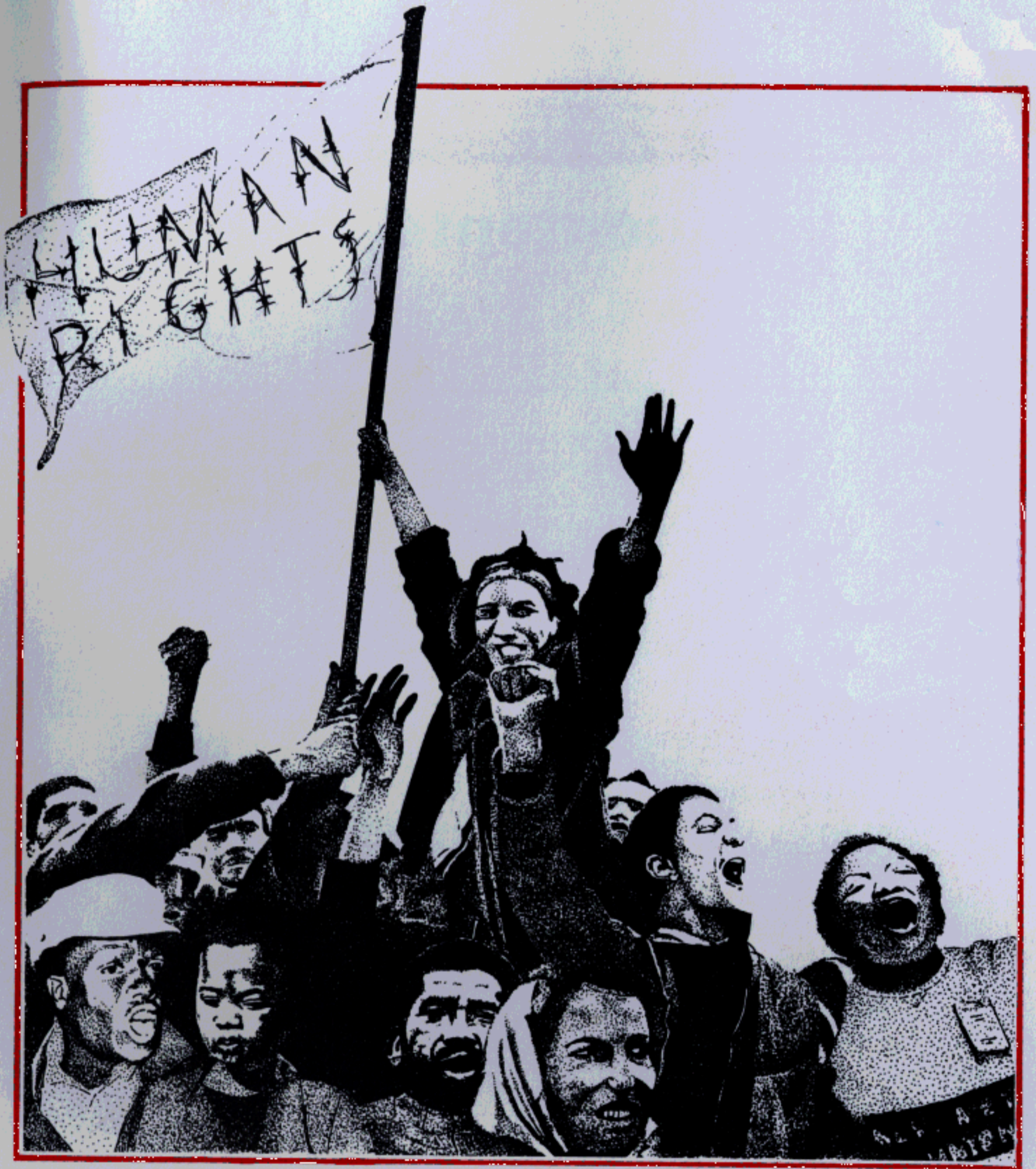


sash

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No 4

MARCH 1988



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contents

EDITORIAL	Sarah-Anne Raynham	4
LAW ON A KNIFE-EDGE <i>Cape political trials show that our legal system is in precarious balance.</i>	Shauna Westcott	5
TREASON TRANSVAAL-STYLE <i>Transvaal courts staggering beneath a heavy load.</i>	Bruce Anderson	10
THE JUDICIARY AND HUMAN RIGHTS <i>The low-down on contesting judgements in Bloemfontein.</i>	Sarah Christie	12
GOVERNED VERSUS THE GOVERNMENT IN NATAL <i>Challenging the Emergency regulations.</i>	Michelle Norton	13
STREET LAW <i>Good news about practical law.</i>	Jill Joubert, Wilfried Schärf	15
FREEDOM! JUSTICE! DIGNITY! PEACE! <i>Re-interpreting a Black Sash refrain.</i>	Michelle Saffer	18
PEOPLES' JUSTICE <i>Some clarification on a complex and clouded issue.</i>	Wilfried Schärf	19
STREET LIFE <i>Cape Town Strollers assert a lifestyle of their own.</i>	Photo Essay	24



Cover note

Our cover illustration by Lucinda Jolly, based on photographs of unsung South African activists, foreshadows the 40th anniversary of the Declaration of Human Rights and the six-month Black Sash campaign on human rights which will be given direction at the national conference.

The mood of the drawing is deliberately assertive and joyous. If this seems out of place at a time when the further erosion of civil liberties is causing depression and deep alarm we might well remember Emma Goldberg's words: 'If I can't dance it's not my revolution.'

THE BLACK SASH CALENDAR OF KEY DATES AND ANNIVERSARIES

JANUARY

- 8 A.N.C. founded in 1912.

FEBRUARY

- 3 500th Anniversary of the arrival of Dias in Mossel Bay.
12 District Six declared "white" 1966.
28 A.N.C. Defiance Campaign 1952.

MARCH

- 8 International Women's Day.
10-13 Black Sash National Conference, Jhb;
start of 6-month Human Rights Campaign.
12 National Detainees Day. 21 Sharpeville 1960; Langa, Uitenhage 1985.

APRIL

- 6 P.A.C. founded 1955.
8 A.N.C. and P.A.C. banned 1960.
13 300th Anniversary of the arrival of the Huguenots in Saldanha Bay.

MAY

- 1 International Labour Day.
4 10th Anniversary of Kassinga Raid; International Day of Solidarity with Namibia.
19 Black Sash founded in 1955. 25 African Liberation Day; O.A.U. formed 1963.
31 40th Anniversary of Nationalist Rule in South Africa.

JUNE

- 1 International Children's Day.
16 Soweto Day 1976.
26 Freedom Charter adopted by the Congress of the People 1955.

JULY

- 18 Mandela's 70th birthday.
20 Funeral of Cradock Four 1985.

AUGUST

- 9 National Women's Day; March to Pretoria 1956.
20 U.D.F. launched 1983.
26 Namibia Day.

SEPTEMBER

- 3 Sebokeng 1984.
12 Steve Biko's death 1977.
29 10th Anniversary of the U.N. Resolution 435 on Namibia

OCTOBER

- 8 Troops into townships 1984.
11 International Day of Solidarity with Political Prisoners.
16 Day of Prayer for Political Prisoners (Dependants Conference Sunday).
19 Major black consciousness and other organisations banned 1977.

NOVEMBER

- 30 COSATU launched 1985.

DECEMBER

- 4 N.U.M. launched 1983.
10 Human Rights Day; 40th Anniversary of the
Universal Declaration of Human Rights.
16 150th Anniversary of the Great Trek.

THE NATIONAL COUNCIL <i>The Government's latest attempt to gain legitimacy.</i>	Mary Burton	30
DIARY OF A RURAL VISIT <i>Lots at stake - responding to rural calls.</i>	Beva Runciman	32
BATTLE FOR NAMAQUALAND <i>Last chance for communal farming.</i>	Lala Steyn	34
MORE TRIBUTES TO THE PIONEERS Freda Bate, Philippa Taylor, Joan Pare <i>Starting out south of the Hottentots Holland mountains.</i>		38
WHAT DOES MOMMY LOOK LIKE, DADDY? <i>A Sash Dad's whimsical reply.</i>	Bobby Melunsky	45
RURAL ROUND-UP <i>Listing current Western Cape rural ventures.</i>	Candy Malherbe	46
BREAKING GROUND IN TRAINING ADVICE WORKERS <i>Sharing skills with Advice Office workers.</i>	Sue van der Merwe	47
SHE WAS SO KEEN AND BRAVE AND BRIGHT Judy Chalmers, Hilda Tshaka <i>A gem of a testimony to Pauline Mbunye</i>		48
WORKING AT THE OUTPOSTS <i>The Natal Midlands region in a hot-spot.</i>	Pat Merrett	50
REVIEWS <i>The Strollers, South Africa under Apartheid, Democratic Liberalism.</i>		52
LETTERS <i>The Systems debate, Men in the Black Sash</i>		54
NEWS-STRIP		54
NATIONAL CONFERENCE <i>Advance details about the Black Sash national conference.</i>		56

SASH magazine

SASH magazine is the official organ of the Black Sash. While editorials and editorial policy adhere broadly to the policies of the Black Sash, the views and opinions expressed in other material do not necessarily reflect the opinions of the Black Sash.

The contents of this magazine have been restricted in terms of the Emergency regulations. All political comment in this issue, except where otherwise stated, is by S.A. Raynham, 5 Long Street, Mowbray 7700.

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editorial

The movement from one year to another usually calls for some kind of stocktaking. We look back on 1987 and forward to 1988 within a context of the Black Sash commitment to promoting the rule of law in South Africa — now a casualty of intense political struggle and, perhaps, of failure in advocacy.

This issue provides an overview of some of the recent political trials which have occupied our supreme courts. We also report on the emergence of alternative systems of law enforcement on two fronts: Street Law and People's Justice. Increasingly, legal battles grow from rural bases. This is evident in those articles which describe the background of political developments as they emerge from Namaqualand, Eastern Cape and Natal Midlands.

Even this limited review shows a legal system subject to immense pressure — both procedural and political. If we are to make any sense of the real implications of current developments in this field, we will require a far greater degree of broad-based legal literacy within the Black Sash. The crisis of legitimacy that has enveloped the South African legal system will require the Black Sash to assess its environment with new eyes, as it were, in order to distinguish the wood from the trees. We need to understand the roots of universal principles of justice in order to extract those worth saving from the system in which they are embedded. For it is unlikely that a legal system so contaminated by the lawlessness of the state will survive intact. We shall also need to work for the transformation of those fundamentally just legal principles into new forms which are appropriate to a divided society as it moves through phases of transition towards the new — probably as complex and challenging as the one we know.

The immediate task of our national conference will be to begin planning a six-month campaign to mark the fortieth anniversary of the Declaration of Human Rights. In executing this campaign we will take forward the mission of working for the achievement of human rights in ways which show their relevance to contesting parties. Our cover was designed to suggest that this work can be done in joyful solidarity.

Sarah-Anne Raynham

POLITICAL TRIALS OF 1987



Julia Raynham

law on a knife-edge

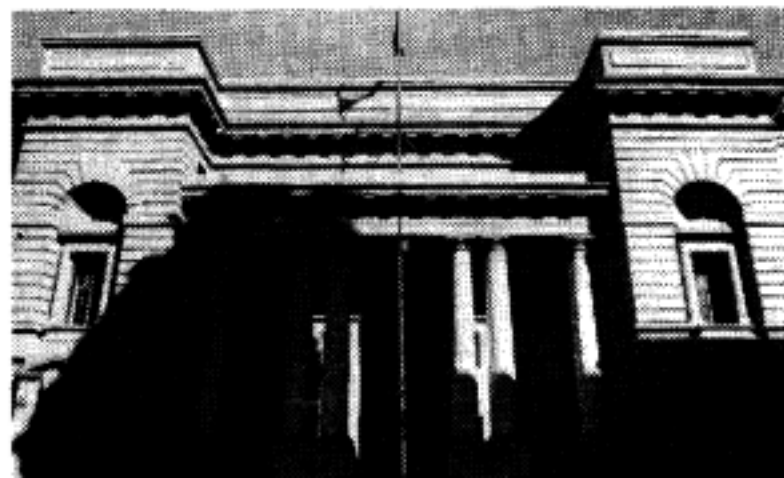
shauna westcott

'There is an intimate and permanent relationship between freedom and the rule of law. The rule of law does not constitute the whole of freedom but it is certainly a basic part of it ... There is an equally important link between social justice and the rule of law in the sense again that justice, while being a much broader idea, incorporates the rule of law as a fundamental part of its meaning.'

Anthony Mathews: Freedom, State Security and the Rule of Law.

1987 was a watershed year for the courts. In several major political trials they have been adjudicating between the regime and the resistance. In this contest the State of Emergency has created the framework for some alarming judgments and protracted proceedings. Shauna Westcott outlines developments in the Cape Town Supreme Court (pictured here) over the last two years.

The Supreme Court in Keerom Street is quite an imposing edifice. It is designed that way, as are the rituals of dress, procedure and language governing officials and lawyers participating in what is described as the administration of justice. A certain amount of pomp in the high courts has been considered necessary and desirable by the rulers of most societies. It is a way of stressing the seriousness of what takes place. It can also be a way of intimidating, mystifying and coercing those at the base of the social pyramid without exposing those at the pinnacle to too much moral discomfort. Finally, it can be mere form, pretence — the gloss of tyrants.



Julia Raynham

POLITICAL TRIALS OF 1987

... no person is safe from what Mxolisi Petane described as 'state terror' ...

It is not within the scope of this article to consider to what degree justice is accessible in ordinary criminal and civil matters that do not fall within the category of 'political trials'. But it should be noted that there is an extent to which any trial has political dimensions in so far as it reflects and perpetuates structures of power and privilege. There is a corollary to this in the unequal access to the courts summed up by a nameless wit who remarked that 'the courts, like the Ritz Hotel, are open to all'.

Most South Africans probably understand what is meant by 'political trials'. However, if only to be liberated from the need for endless quotation marks, they will be defined in this article as those in which the relationship between the government and the governed is a key issue.

In democratic societies this relationship is subject to what lawyers call 'the rule of law'. This phrase may have to be abandoned in post-apartheid South Africa as hopelessly contaminated by the present regime's 40-year habit of ruling by enacting laws that 'enthroned a system of state lawlessness', as Tony Mathews puts it.

The simplest definition of 'the rule of law' which emerges from Mathews's very thorough discussion is Albert Venn Dicey's: 'The security given under the (English) Constitution to the rights of individuals.' Another is: 'The legal control of the government in the interests of freedom and justice.'

There can't be many people who need to be told that in South Africa the 'rule of law' has been systematically demolished by a string of 'security laws'. What that means is that no person is safe from what Umkhonto we Sizwe (MK) cadre Mxolisi Petane, jailed in December 1987, described as 'state terror'.

There are those who would object to this as extravagant language, but to the majority of people in the country it is accurate.

It is accurate, perhaps even an understatement, for the estimated 70 000 people who lost their homes when the Nyanga Bush, Portlands Cement, Nyanga Extension and KTC squatter camps went up in smoke between May and June 1986. They allege — and so do priests, journalists, relief workers and others on the scene at the time — that the police and the Defence Force played an active role in the destruction.

The first of some 3 200 damages actions against the Minister of Law and Order, brought on the basis of this allegation, is currently being heard in the Supreme Court and may be a test case. At stake is over R5-million in claims, the official credibility of the police and the remnants of popular confidence in the courts.



A prelude to the damages actions was the vain attempt of KTC residents to stave off the destruction suffered by the three satellite camps by means of an interdict against witdoeke, soldiers and police. A temporary interdict was granted but proved no protection. Significantly, the Minister of Law and Order withdrew his opposition to the granting of a final order and agreed to pay costs. He said the case had become 'academic' since KTC had been razed, and he could not afford to have his men tied up for months in a trial. The test case in the R5-million damages trial is likely to occupy the Court at Keerom Street for most of 1988.

Shauna Westcott



POLITICAL TRIALS OF 1987



Afrapix/Guy Tillim

A scene during the destruction of a KTC squatter camp in which, it is alleged, the police and Defence Force played an active role. A test damages case against the Minister of Law and Order is currently being heard.

In fact nobody's men have been more tied up in court during 1986 and 1987 than the minister's. If there was a medal to be won for being sued more often than anyone else, the Minister of Law and Order would have no rivals.

He has been sued extensively — and has paid out an enormous amount of money — to victims of the unlawful behaviour of his underlings. To cite two examples: In September 1986, the minister paid R205 000 to Heideveld resident Mr Leroy Walker who was paralysed after being pushed off a roof by a policeman. Early in 1987, the minister was ordered to pay damages of R50 000 to Mrs

Juwaya Carelse, widow of a Salt River man shot in the head by a police warrant officer — since promoted to lieutenant — while he was visiting neighbours in September 1985. That such damages suits can succeed, despite the fact that security law give the police almost every imaginable protection from prosecution, is one of the arguments against a totally negative view of the present and future role of the courts.

The Minister of Law and Order has also been cited as the respondent in numerous applications for the release of emergency regulation detainees. There were far more of these applications in 1986 than in 1987

POLITICAL TRIALS OF 1987

... a
*Dominican
 nun detained
 after a funeral
 because, the
 police said,
 she assaulted
 a constable.*

because, in the words of one of the Bar's leading lights, such suits cannot be won — given the nature of the Emergency regulations — unless the police 'shoot themselves in the foot', and this they have largely learned not to do after a year's practice. But they 'shot themselves in the foot' with regularity in 1986, and a number of detainees were released either by order of the Supreme Court or by police shortly after such applications had been launched.

Among the most celebrated of these was Sister Claire Harkin, a Dominican nun detained after a funeral because, police said, she assaulted a constable, swore obscenely at him and hindered him in the course of his duties. Papers filed on behalf of Sister Claire said she stood between the constable and a young man he was beating up and pleaded with the constable to 'please have mercy on the boy'.

Among the points made by Mr Justice Robin Marais in a judgment that was an example of how the courts can still choose to uphold the rights of the individual against the might of the state, was that police affidavits had been silent on the crucial factor of why they did not arrest the nun in terms of the ordinary law of the land.

The state appealed against this judgment and the Appellate Division — which, according to advocate Sydney Kentridge SC, has never recovered from the appointment in 1955 of five judges whose qualifications for such elevation the legal profession was unable to detect — reserved its decision on 23 November 1987.

Worthy of mention among judgments handed down in 1987 — not least for the judge's sharp criticism of former Bellville riot squad boss Captain Ockert van Schalkwyk for 'high-handed and unacceptable behaviour' — is that given by Mr Justice L Rose-Innes in ordering the release from

detention of jailed printer Mr Allie Parker. Mr Justice Rose-Innes also took issue with 'brother' judge Mr Justice H C Nel over a supposed Appellate Division ruling that no reason for arrest had to be given to people held in terms of the Emergency regulations. Mr Justice Nel said the ruling existed. Mr Justice Rose-Innes said it did not, analysing the case in question (the Kerchoff case) to substantiate his view that the point was neither argued before the court nor considered.

An article of this length cannot be exhaustive but two further classes of trial need to be mentioned before a conclusion about the implications of political trials can be drawn — 'public violence' and so-called 'terrorism' trials. Quotation marks are used for both terms because they are rejected as loaded by a significant and probably majority constituency.

Passionate objectors to the term 'terrorism' were the 13 young ANC members and sympathisers jailed in August 1987 by Mr Justice Nel for terms ranging from three years to life. They said they were fighting for freedom, that they were not lovers of violence, that violence had been forced upon them and upon the ANC after 50 years of peaceful protest had accomplished only bannings, imprisonment and death. They stressed that they were 'bound by a morality in the struggle', as MK commander Lizo Ngqungwane put it.

Defence team leader Denis Kuny SC observed in his closing address that the trial was 'tragic' because the 13 were not criminals but 'people of integrity, intelligence and principle'. This emerged vividly from their evidence and statements from the dock in mitigation in which poverty, humiliation, exposure to brutality and an idealistic longing for peace and justice for all were the themes.

Sister Claire Harkin pictured outside Pollsmoor prison after her release from detention. She was met by Sister Theresa, acting Regional Superior of the Dominican Order.



POLITICAL TRIALS OF 1987



A teenage girl who was one of the Athlone High School pupils charged with public violence in the case described below. Unlike her co-pupils - 'The Wynberg Seven' - she went free.

'Will the court understand me as I am?' 26-year-old Theophilus Mzukwa asked. 'Will the court understand why an ordinary simple man like myself who has suffered all his life eventually turned to violence? Will this court understand that it is my love for people that drove me to do what I did?'

The court did not understand, dismissing his statement along with the rest as 'of little if any value', describing him as 'a terrorist not only as defined in the relevant statute but in the ordinary sense of the word', and jailing him for 25 years. He had injured no one. Neither had any other of the 13.

On the 'public violence' front, concern and dismay over prison terms imposed on and facing hundreds of young people caught up in the 1985 unrest have been pronounced. Perhaps the most well-known case is that of the 'Wynberg Seven' — pupils from Wynberg and Athlone high schools, aged 17 to 19, jailed in June 1987 for one year (one for three years) for throwing stones. Some 30 000 people had signed a petition to the Chief Justice on behalf of the Seven, asking for leave to appeal, but this was refused. A panel of international jurists who visited South Africa described such sentences as 'bordering on the barbaric'.

A solitary ray of light in this sphere was cast by Mr Justice D M Williamson, who sentenced four Zolani activists convicted of stoning a house and two cars, setting one alight, to two years of community service and suspended jail terms. The judge said evidence in mitigation left him 'with the uneasy impression that there may have been a reluctance on the part of the authorities to receive and act on complaints against vigilantes'. The owners of the house and cars

were vigilantes. The judge sought, in imposing this sentence, to effect reconciliation in the divided community.

The treatment of 'public violence' by the courts was seen from a different angle in September 1987 when Mr Justice C T Howie was overruled by his two assessors in the matter of the guilt of two policemen — Warrant-Officer Kruger and Constable Villet — charged with murder.

The facts were that the two hid behind a fence on a corner in Bellville South after considerable unrest during the day, with orders from Colonel Mans and Captain van Schalkwyk to 'eliminate' troublemakers. A crowd of about 50 gathered, teargas was fired, people ran, and Kruger and Villet fired seven shots, killing a young woman and wounding three others.

The assessors, who may overrule the judge on questions of fact but not on questions of law, acquitted the policemen on the basis that they were following 'superior orders' — a defence that failed Adolf Eichmann. The judge said he would have found them guilty — Kruger of murder and Villet of attempted murder — because the 'superior orders' were clearly unlawful.

The state has appealed against the assessors' decision which may yet be overturned by the Appellate Division.

It is clear from the above that there are judges, not all of whom are mentioned here, who will endeavour — in the shrunken space left to them — to protect individuals from the lawlessness of the state. It must be recorded that these judges are in a minority and fall under the authority of Judge President Mr Justice G G A Munnik, whose role as commissioner in the controversial 'Ball inquiry' into the funding of UDF advertisements had many critics, including the General Council of the Bar of South Africa.

It is also clear from the above that the struggle between the regime and the people extends to the courts, where justice is more of a stranger than the presiding genius.

The present cost of this in terms of human suffering is without measure. The cost for the future — unless the legal profession comes up with something more concrete and compelling than the occasional disapproving statement and the odd heroic voice — may be the loss of the baby with the bathwater when a people angered past endurance comes to overhaul the legal system. □

Shauna Westcott resigned as Supreme Court reporter of the Cape Times at the end of 1987. She is a member of Black Sash Cape Western Region.

POLITICAL TRIALS

treason transvaal-style

bruce anderson

THE KNOWN:

The 22 UDF leaders charged in the Delmas treason trial photographed in April 1986. The three who remain in custody while the trial continues are Moss Chikane (standing far left) Patrick Lekota (in dark blazer middle row, fifth from right) and Popo Molefe (kneeling front row, fourth from right)

This year has seen a phenomenal growth in the number of political trials in the Transvaal. There are 40 people facing charges of treason in five separate trials in the Transvaal. Treason is universally the most serious politically related common law charge that can be brought against a person, but our Internal Security Act has created a number of statutory offences that are also politically related. The number of prosecutions instituted in terms of the Internal Security Act this year has been very high. A further feature has been attempts by the state to use normal common law offences in an attempt to criminalise political opponents through the courts.

Of course, by far the most important political trial has been the ongoing Delmas treason trial. The trial has now been moved

from Delmas to Pretoria's Palace of Justice where it is being conducted in the same courtroom where Nelson Mandela and seven co-accused were sentenced to life imprisonment. The trial is highly significant both because key UDF leaders are on trial and because it reveals clearly the kind of issues that are at stake in other smaller, less publicised trials in the Transvaal.

The key UDF figures in the Delmas trial are Patrick Terror Lekota, national publicity secretary of the UDF, Popo Molefe, national organiser of the UDF and Moss Chikane, former Transvaal general secretary of the UDF. The three are the only accused still in custody. Of the original 22 leaders charged, three have been acquitted and 19 released on bail.

The basis of the state case is that the accused attempted to overthrow the state by violent means. The scale of the trial has been enormous. More than 20 000 pages have been used to chronicle the course of the trial so far. Over 30 organisations have been implicated in the state case and more than 900 conspirators have been named and could face trial if the state case against the accused proves successful.

It has become one of the longest-running treason trials in South Africa's history. The trial began in earnest in January 1986 and it has proved to be a marathon undertaking for the defence counsel, George Bizos SC and Arthur Chaskalson SC, who have been involved. The defence began to present its



POLITICAL TRIALS

case in January 1987 and it is expected to take almost as much time to present as the state case.

The defence is relying on three counter-arguments to rebut the state case. These are that the accused did not follow a policy of violence, that they cannot be held responsible for violence which flared throughout the country in 1984 and 1985, and that the UDF was not formed in response to a call from ANC President Oliver Tambo.

Another treason trial that has aroused considerable interest, despite being heard largely in camera, has been that of Moses Mayekiso, general secretary of the National Union of Metalworkers of South Africa, and four co-accused in the Rand Supreme Court.

The five men have pleaded not guilty to treason and alternative charges of subversion and sedition. The state has alleged that the men tried to seize control of Alexandra in 1985 and 1986. Mr Justice van der Walt has ordered that the evidence of Alexandra residents be heard in camera to prevent possible reprisals. The trial is the first in which the state has alleged that the accused set up alternative people's structures to compete for power with the state. It is likely to be closely followed by activists throughout the country, for if the accused are found guilty then further prosecutions could follow against people who have established alternative people's structures in other parts of South Africa.

The trial has attracted considerable

publicity overseas, largely as a result of Mayekiso's prominence as a trade union leader in South Africa. In October a full-page advertisement calling for his release appeared in *The Independent* newspaper in Britain.

In another treason trial in the Rand Supreme Court involving Alexandra residents eight young men ranging in age from 19 to 28 were alleged to have conducted people's courts in Alexandra. State evidence was that the comrades encouraged residents to bring charges before people's courts. By all accounts in the trial the people's courts usurped the existing channels of justice. The court was told of a graphic demonstration of the power wielded by the comrades in the first half of last year when the number of charges laid at the Alexandra police station dropped sharply, this in turn affecting the number of cases brought before magistrates.

A review of other politically related trials in the Transvaal would be a lengthy one. A Detainee's Parents Support Committee (DPSC) report takes three pages just to list the more serious trials for October 1987. However, what has become abundantly clear this year is that the state has resolved to pursue these cases relentlessly no matter how many months they occupy on court diaries and irrespective of the amount of time activists are forced to spend in custody while awaiting the outcome of their cases. □

Bruce Anderson is Supreme Court reporter for The Star.

THE UNKNOWN:

The trial of Mlamli Mielies and Moses Jantjies is one of a long list not featured in this issue. In the picture below, their families receive official confirmation of their hanging as a result of the killing of Eastern Cape Community Councillor Kinikini and family.



the judiciary and human rights

sarah christie

The acting chief justice assiduously avoids revealing the principles which inform his choice

O*mar/Fani/Bill v The Minister of Law and Order* 1987 (3) SA 859 (A) is one of the most important cases to deal with civil liberties in the past twenty years in South Africa: it makes dispiriting reading.

What is the significance of the cases? The facts were not in dispute: they all concerned claims by detainees that they were entitled to be given reasons for their detention, to be able to make representations why they should not be detained, and to have access to their legal advisers. The Emergency regulations provided that a person may be detained for 14 days but that the Minister of Law and Order might 'without notice to any person and without hearing any person' extend the period 'until the expiry of the State of Emergency'. A detainee is only entitled to access to a lawyer with the permission of the Minister of Law and Order or the commissioner of the South African Police.

If the facts were not an issue, what was? At issue in the appeal against decisions in the provincial divisions of the Supreme Court was whether the Public Safety Act empowered the state president to make regulations which prevent a detainee from knowing why he is to be kept in detention, not permitted to make representations in regard to his detention and not permitted access to an attorney.

The appeal court did acknowledge the fundamental entitlement at common law to access to an attorney and to be heard, prior to one's rights being detrimentally affected.

But Acting Chief Justice Rabie upheld the validity of the regulations. Why?

The explanation he proffers (and with which three other appeal judges concurred) is very simple: the Public Safety Act is designed to deal with an extraordinary situation in which the state president is permitted by the Act to perceive the ordinary law of the land as inadequate; is given very wide powers to make regulations which in his opinion are necessary or expedient for the achievement of the

The recent Appellate Division judgment in three separate cases dealing with the rights of Emergency detainees, one of whom is a member of the Cape Bar, is a snub to what looked like advances in civil liberties.

purposes of the Act, namely — the maintenance of the public order, the safety of the public and the terminating of the emergency.

It was strenuously though unsuccessfully argued that the very wide powers of the state president must nonetheless be applied to the purposes of the Act and if they are not, then the regulations are unlawful. Rabie held that because the state president has the power to choose the means and method to achieve these purposes, it cannot be said that the detention clause 'is unrelated' to the purposes of the Act.

This is a curious argument. The head of the judiciary refuses to distinguish between means and ends and asserts that because detaining people for a long time, without hearing them, is not unrelated to the aims of the Act then it is impliedly authorised by the Act.

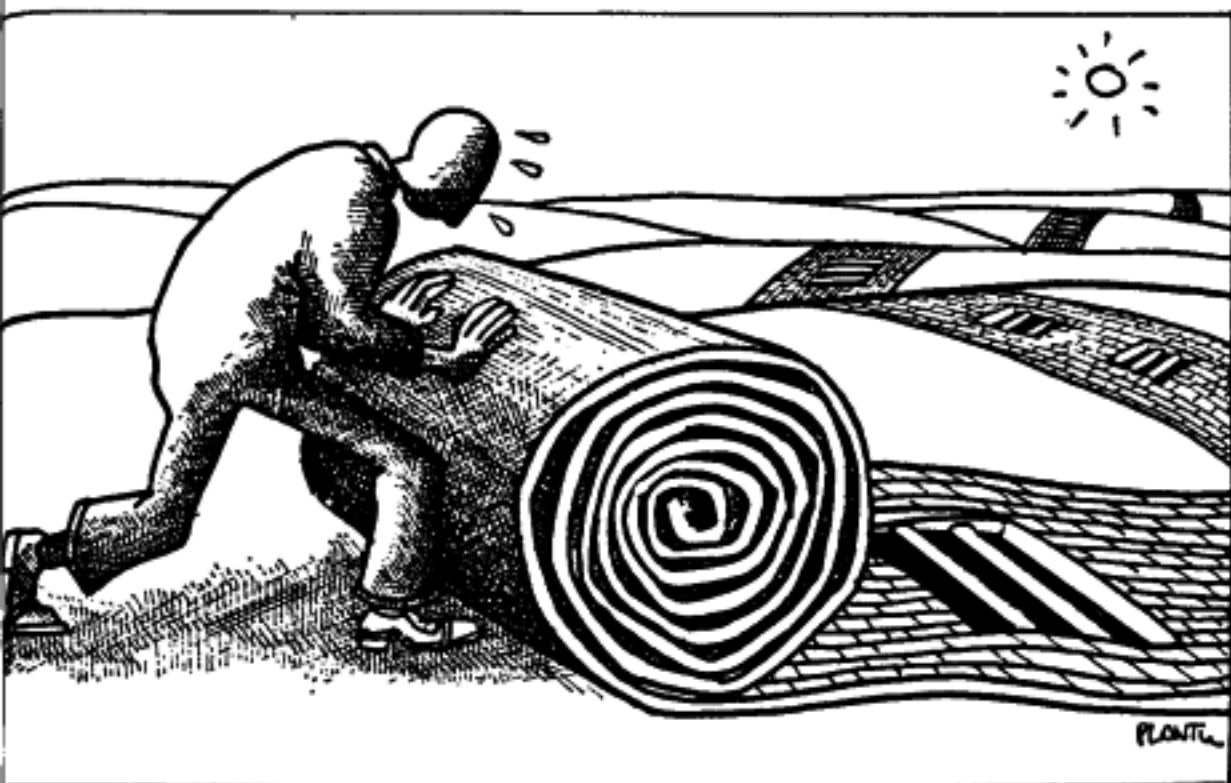
Professor John Dugard states that though the 'judicial decision is essentially an exercise in choice', the court in *Omar* chose to exclude common law rights although the dissenting judgment of Hoexter argued that basic rights are to be retained unless an Act of Parliament expressly compels their denial.

The Acting Chief Justice assiduously avoids revealing the principles which inform his choice.

It is the principle of our common law that a valid regulation may only take away pre-existing rights if specifically or necessarily empowered by an Act of Parliament. Courts should also interpret ambiguous legislation in favour of the freedom of the individual.

In *Omar* it is hard to know what significance is to be accorded to 'fundamental rights' when subordinate legislation takes them away, without parliamentary authorisation. Etienne Mureinik has argued that fundamental rights comprise a body which protects all those human rights essential to the coherence of the legal system of a state: its





Plantu/UNESCO

It is difficult to assert national independence when the head of the judiciary declares to the country that fundamental rights are not worth very much.

judiciary, legislature and constitution. It is specious for the appeal court to make deference to civil liberties, to use the language of human rights while acquiescing in a pusillanimous way in their demise.

Hoexter argued that the regulation provides that people may be detained either for the maintenance of public order or public safety on the one hand, or for the safety of the detainee himself, on the other. If detainees are in detention for their own safety they ought surely to be told that this is so, since at the very least they ought to be able to decline this protection. To assert a contrary view is an absurdity.

What is the significance of *Omar*? It is hard to gauge in the long term; it has certainly put a halt to a number of efforts to compell accountability to some semblance of natural justice by those who detain. It has done severe damage to the image of the judiciary as independent and courageous upholder of common law principle. It is difficult to assert the existence of national independence when the head of the judiciary declares to the country that fundamental rights are not worth very much, when it seems that the emergency climate has subverted critical intelligence when the say-so of the head of the National Party, wearing the state president's hat, overrides common law principles.

This phenomenon is not peculiar to South Africa. In England during the Second World War, the intellectual and political climate of war subverted common law principles. Here, *Omar* has confirmed that although martial law has not been declared, the appeal court will permit the executive arm of the government to remove troublesome liberties so long as this is done in the name of the Public Safety Act and so long as it does so at the highest level of the executive. □

Sarah Christie, formerly a lecturer in law, is a member of the Black Sab Cape Western Region.

POLITICAL TRIALS

governed versus the government in natal

michelle norton

During 1987, amid escalating violence in the province, the Natal Supreme Court was frequently cast into the political arena to adjudicate upon clashes between government and opposition forces.

At a time when the legal system has been experiencing an increasing shift away from parliamentary and towards executive law-making, the most significant type of intervention has been the testing of Emergency regulations granting vast and repressive powers to the executive. Freedom of speech, already depleted, was dealt a severe blow in April 1987 when the commissioner of police, empowered to create certain offences, outlawed reporting of certain security action and campaigns calling for the release of detainees. In applications brought by several extra-parliamentary organisations, the Natal Supreme Court was called upon to test the validity of these regulations.

In Pietermaritzburg a full bench of the Supreme Court declared invalid a number of restrictions on the media, as well as powers given to the commissioner of police by the state president. In Durban Mr Justice Leon declared invalid regulations forbidding calls for the release of detainees. He described the curbs as involving an attack on the freedom of the press and on the freedom of speech.

Late in the year, on 22 September, the Supreme Court dismissed an application by the Release Mandela campaign and the Weekly Mail to have the existing State of Emergency declared invalid. The application was based on the argument that a State of Emergency could not be declared at the time that there existed another declaration of a State of Emergency. Mr Justice Howard decided, however, that the legislature had obviously foreseen the possibility that the circumstances giving rise to a State of Emergency could outlast the 12 months for which the proclamation applied and a fresh proclamation would have to be issued.

POLITICAL TRIALS

In the criminal sphere the Court was faced with trials of several offences involving politically motivated violence. The most extreme form of political activism – the direction of violence against civilians – was the basis of the case against Robert McBride and Greta Apelgren which began in Pietermaritzburg in February 1987. In April McBride was convicted on charges of murder, attempted murder, assault, and terrorism, chiefly relating to the planting of a car bomb which exploded outside a Durban beachfront hotel in June 1986, killing three people and injuring 98 others. The other incident involved was the violent freeing of suspected terrorist Gordon Webster from Edendale hospital in May 1986, and it was in respect of this offence that Apelgren was convicted of counts of assault with intent to do grievous bodily harm and contraventions of the Terrorism Act. The political content and significance of the trial was made explicit in the course of the sentencing process. Defence counsel, David Gordon SC, describing the case as a 'South African tragedy', led extensive evidence as to the socio-political context of the offences. Economic, educational and social deprivation caused by apartheid were argued to be at the root of the frustration and bitterness which drove the accused to political activism.

While recognising these factors, Mr Justice Shearer found that they did not constitute extenuating circumstances which would reduce McBride's blameworthiness. He condemned the punishment of 'people you presume to be innocent for those who have offended against you' and imposed three death sentences upon McBride. Apelgren was sentenced to an effective one year and nine months' imprisonment.

A month later trial of other participants in the Edendale escape culminated in the convictions of Derrick McBride and Arturo du Preez for murder and four counts of attempted murder. Once again, the frustration stemming from South Africa's racial dispensation was presented as an extenuating circumstance, but the absence of political

affiliation, or motive was a ground for lenience for these accused. Mr Justice Kriek found extenuation to exist on the personal level of McBride's illnesses and his special relationship with his son, Robert, who had urged him to assist in the offence. Du Preez's participation, the judge stressed, did not have a political connotation, but was motivated by the desire to help an old friend. Du Preez and McBride received sentences of imprisonment for effective periods of 15½ and 12 years.

A major Terrorism Act trial was also held in Pietermaritzburg during April. In the case against Ramlakan and others, nine men were found to have conspired to assist the ANC to overthrow the government by violence and were convicted of terrorism. The accused were found to have been involved in various bombing incidents – such as exploding bombs at the Chatsworth Magistrate's Court during 1985 and outside the home of Mr Amichand Rajbansi – as well as in the establishment of arms caches and in the recruitment and training of ANC members. In addition to evidence of political grievances led in mitigation of sentence, defence counsel, Alan Magid SC, informed the Court that he had visited Nelson Mandela in Pollsmoor Prison during the course of the trial, and outlined to the Court Mr Mandela's version of the events leading up to the ANC's adoption of a policy of violence in 1961. From this he argued that the accused's resort to violent methods was a final resort once a peaceful solution seemed impossible. Professor Andries du Toit confirmed that political violence could be morally justified when all other options had been exhausted, but limited this justification to action directed against 'hard' or military targets. Mr Justice Thirion, however, emphasised the Court's role in trying to stem the tide of violence and as protector of society, rather than the motivation of the accused, in sentencing the accused to periods of imprisonment ranging from six to 12 years.

South African political organisations and their lawyers have tended to look to the Natal bench for help. Quite often these applications have been successful, but only in the short term. The State can almost invariably be relied upon to go on appeal to Bloemfontein.

As a result the effect of the Natal Judgments, both in that province and the rest of South Africa, is neutralised by months of delay and uncertainty and eventual overruling by the Appellate Division. □

Michelle Norton, member of Black Sash Natal Coastal, is currently in England to complete her Doctoral Studies in law.

Doris McBride, pictured outside the Supreme Court Pietermaritzburg, while the trial of her son Robert McBride was in progress.



spotlight on street law

Suddenly, amidst the gloom engendered by a legal system which is rapidly losing legitimacy, many people are becoming enthusiastic about a new way of looking at practical law. Wilfried Schärf sketches the background and Jill Joubert describes its advent in Grahamstown.



'Are skateboards, bicycles and prams also vehicles?' - this caption and question invites students to analyse the legal problems posed by the case suggested in this cartoon - one of many illustrations in Street Law: A Handbook for South African Students, by David McQuoid Mason.

The concept of Street Law was developed in the United States 15 years ago and holds great promise for South Africa. It sets out to encourage people to think critically about the law (whether they are scholars, students, teacher or adult working in community organisations). It does this in a very enjoyable manner which is great fun. Everyone doing Street Law is required to participate actively in a learning process which emphasises problem solving through role-play and buzz groups. In this process learners find out what the law is in many important areas of their lives. In addition, learners are actually encouraged to think about such laws, to evaluate them as fair or unfair, and they are led to suggest how the laws should be changed. Several of the games put the learners into a position where they are law-makers and are encouraged to make laws as they would like to see them.

Professor David McQuoid-Mason of Natal University has written Street Law books for South African circumstances. Ultimately there will be six volumes containing easy-to-

grasp ways of learning about the law. The books include cartoon drawings, problem-solving games and guides as to how to run mock trials. Each topic is treated in two formats: one for the learners, the other for teachers. The idea here is that teachers do not have to be lawyers themselves, nor do they need to have studied law. They need simply to follow the instructions in the teacher's book. They get help from a regional co-ordinator based at a law school in the region, who runs weekly workshops for teachers. Law students will also be part of the scheme acting as resources to teachers who want additional help.

The project is being implemented in Natal where it is being received with great enthusiasm. Several workshops have also been conducted in the Western Cape at schools, youth groups, and service organisations. The Association of Law Societies has in principle agreed to fund the posts of regional co-ordinators throughout the country. When that takes place, Street Law is likely to take off with gusto.

Several judges have said they would welcome Street Law students in their courts.

The report from the Black Sash (Albany region) below illustrates the excitement and practical possibilities of these ideas as they take root in Grahamstown.

To know your rights in Law and stand up for these rights will be the aim of Albany Black Sash Advice Office workers who are studying Street Law as is being disseminated by the Association of Law Societies of the Republic of South Africa.

From its base in the Centre for Socio-Legal Studies at the University of Natal, Durban, it is already being taught in more than fifty Natal schools and has spread to the Eastern Cape under the umbrella of the Rhodes University Law Department.

Advice Office workers have attended two workshops in Grahamstown and are now awaiting further literature on: Criminal Law, Juvenile Justice, Consumer Law, Family Law, Welfare and Housing Law and Employment Law.

Familiarity can breed contempt — and confidence — the sessions have so far revealed. Role playing in typical situations has been a valuable exercise.

'I see our role as teaching people their rights and to stand up for these rights,' says veteran Grahamstown Advice Office worker, Professor Nancy Charton, who thinks that this should be an aim of every advice office.

The Street Law workshops in Grahamstown have attracted school teachers, welfare workers, representatives of women's organisations and attorneys.

Judges have shown interest, according to Mr Rob Midgley, Rhodes Law Lecturer. 'Several judges have said they would welcome Street Law students in their courts,' he said.

Professor David McQuoid-Mason, Natal University law teacher who initiated the project says, 'Street Law tells people about law that affects them in their everyday life on the street.'

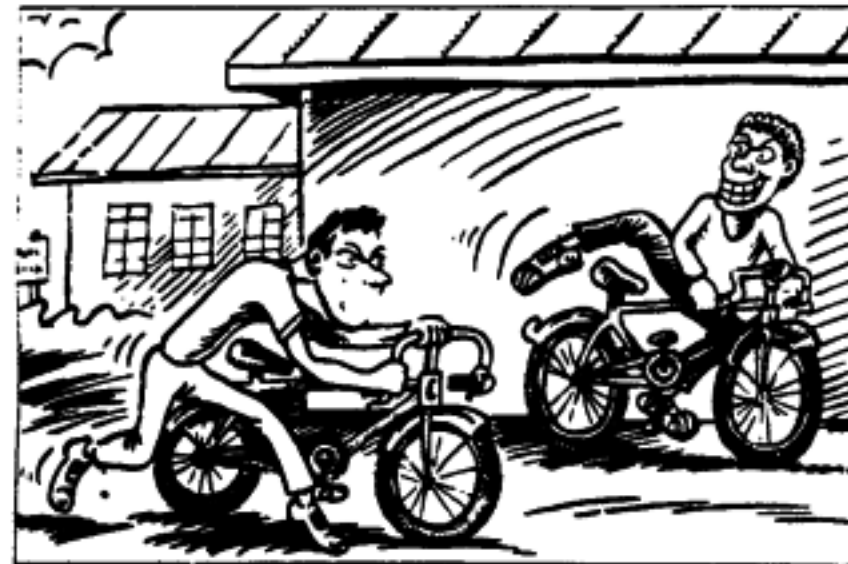
Every time a person buys something, rents a house, gets married or divorced or is accused of a crime he/she comes in contact with the law.

Street Law helps people to understand how the law works and how it protects people. It also explains what the law expects people to do in certain situations. It tells them about the kind of legal problems they should watch out for and how they can solve them.

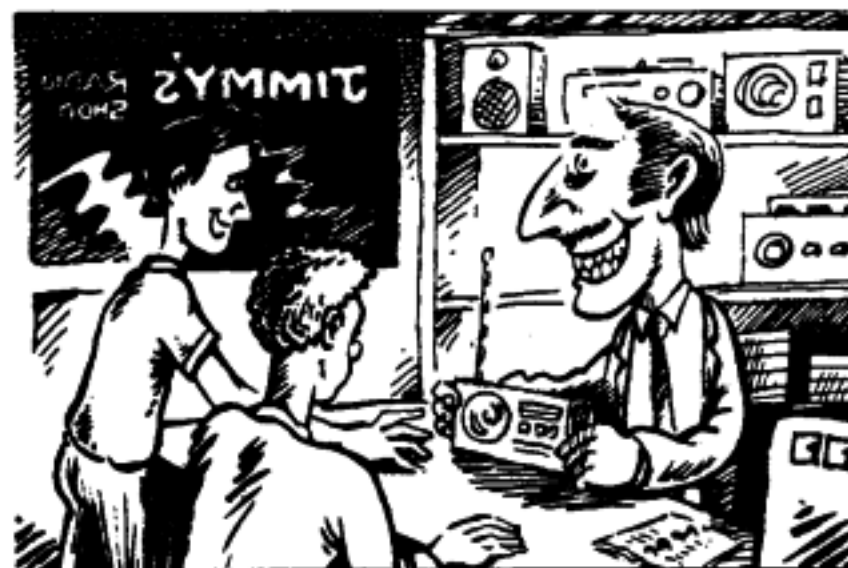
'Many people do not believe that poor people renting broken down houses can get a court order instructing the owner to fix them.

'They do not think that people who buy cars that do not work properly can force the garage which sold them to make repairs or refund their money. Others probably do not believe that people assaulted by the police can obtain compensation for their injuries,' says Professor McQuoid-Mason.

The flavour of Street Law



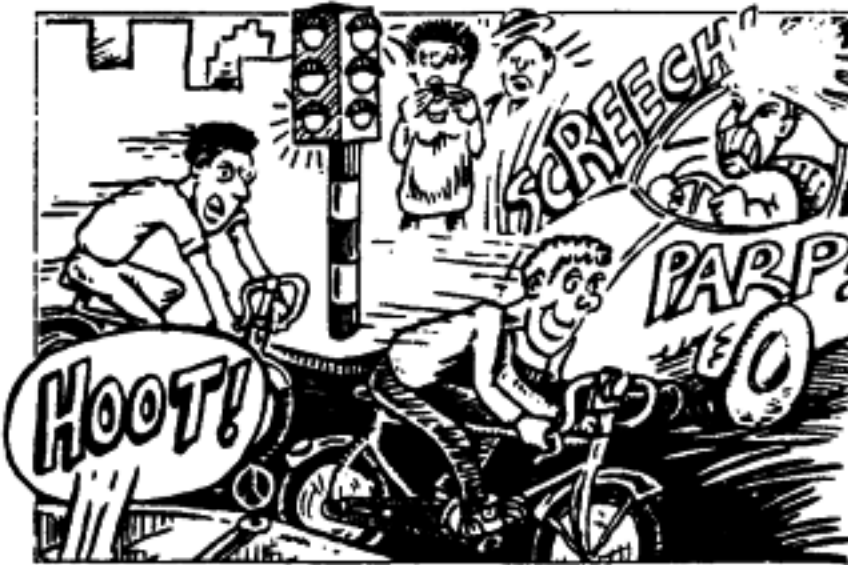
John and Peter steal bicycles belonging to people at their school.



The shopkeeper sells them a radio which he knows does not work properly.



On their way back to the shop John knocks over an old lady and injures her.



On their way into town they ride through a red traffic light.

More working cases from 'Street Law; a handbook for South African students'



Mary is caught shoplifting a cheap dress in Durban.



John is charged with raping a woman in Pretoria.



Govan murders his wife in Pietermaritzburg.



Peter buys a car from a garage in Johannesburg for R8000. In breaks down three days later.

In Grahamstown, the programme is already being introduced in five schools.

'The Street Law programme is particularly significant here because legal resources are scarce in the outlying areas. It becomes even more important that people are made aware of the opportunities that law does provide to protect people against the unscrupulous behaviour of others,' Mr Midgley said.

At the same time the educative value of Street Law and its effect on improving basic skills must enhance individuals' ability to cope with life's difficulties, he added.

Professor Charton said, 'Advice Office workers hope to use it to great advantage during the queues which form while awaiting advice. This will be an ideal opportunity to teach people their rights.'

Information which should be disseminated would deal with hire purchase, the Law of Contract and unemployment insurance, she added.

'Several areas which are coming up should be really helpful to Advice Office workers and those of us who work for GADRA (Grahamstown Area Distress Relief Association),' said Mrs Betty Davenport.

Mrs Gail Victor, Guidance Teacher at Kingswood College, said the plan was to introduce Street Law as a life skill in the post-matric bridging year which will be introduced at Kingswood next year. She said, 'Meantime I started with the Standards 9 and 10 boys and girls. They are very interested. I believe it has great relevance in preparing young people to cope with life.'

A significant aspect of the Street Law workshops had been the distinctions drawn between legal and moral situations. 'This has great application in different sectors of our communities,' she added.

Mr Ken Lemon-Warde, who teaches life skills at St Andrew's College and the Diocesan College for Girls, said he regarded Street Law as an 'all seasons' exercise. 'I shall certainly slot it in next year, probably from the Std 8 or 15-year-old level,' he added. 'I like the group participation the role-playing affords, also the factual information it imparts. Too many of us are ignorant of our rights as to hire purchase, guarantees and so on,' Mr Lemon-Warde said.

The exercise would not only teach people not to accept a situation blindly, it would also teach people to be more articulate in certain situations. 'It leads to critical thinking and creative problem solving,' he said.

Knowledge of the law could also help people to 'keep their cool' in any given situation, something very necessary when they were involved in accidents, for instance.

Teachers from schools for blacks attended the first workshop. Black attorneys and students have also been present. □



The jury system is ... based on the idea that one should be tried by one's peers.

youth organisations of both the major political tendencies (CAYCO and AZANYU) became part of the court, which came to be known as the Nyanga East Youth Brigade.

My interviews all tend to suggest that the founding of the Youth Brigade's court was not discussed and approved within the extra-parliamentary movements prior to its commencement. It was founded on the initiative of youths, some of whom were members of youth organisations of the major ideological tendencies (CAYCO (UDF-affiliate) and AZANYU (AZAPO-affiliate)). The evidence points to the strong likelihood that CAYCO and AZANYU members did not join the court with a mandate from their organisation, but in their private capacities.

Initially therefore, although members of the Youth Brigade court thought of themselves as performing a valuable service to the community, it cannot be said that they were formally accountable to their respective organisations.

At first the majority of people brought before the court were youths, ranging in age from 14-30. (The term youth here refers more to youthfulness in intellectual and cultural status, than to age in years.) Any cases that involved adults, or dealt with marital matters over which the youths had no authority, were referred to the local Civic Association, or the appropriate body in the progressive movement.

Re-education

The founding idea which directed the Court's operations was to discipline deviants by imposing sentences that would entail the rendering of a service — either to the victim of their offence or to the community as a whole. (For example, by cleaning out someone's yard or helping elderly people paint their houses.)

In terms of court procedure the Youth Brigade (ranging from 15-50) would elect four members to officiate in the Court. The chairman (there were no female members) would preside over proceedings without a right to vote. Other 'officials' kept records. Complainants and defendants were then asked to tell their stories to the court, and the Brigade members were given an opportunity to ask questions. All Brigade members had a vote and had the right to suggest appropriate sentences. Questions of guilt and appropriate sentences were handled by means of votes.

Both the youth organisations involved also used the court as a forum to recruit deviants to participate in future courts, and their respective youth organisations. In other words once disciplined and 're-educated', the former deviants were invited to become part of the court that would in turn discipline other deviants.

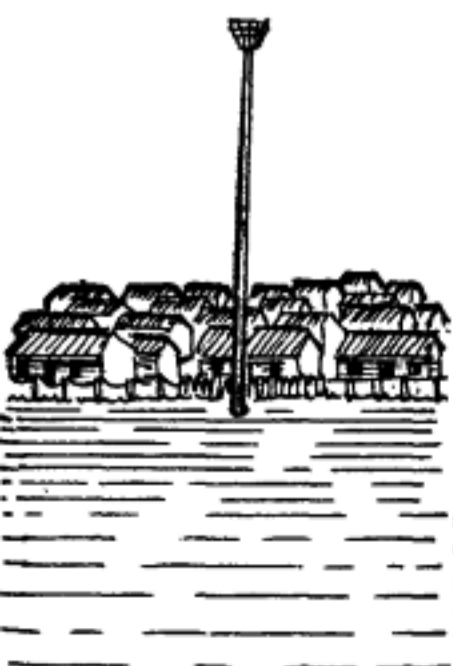
The idea behind the practice of assimilating former deviants to the adjudicating structure is an attempt to counteract the alienation caused by the conventional process of justice when a convicted person is sent to prison. Incorporation into the People's Court was intended to provide the former deviant with the opportunity of becoming more familiar with the code of behaviour expected of youths at the time. In theory, it also gave the more experienced members of the Brigade an opportunity to keep an eye on the youngsters and give them some guidance where this was considered appropriate. While this could perhaps have worked under different circumstances, it was difficult to apply successfully in the volatile climate towards the end of 1985.

This process may well shock those people whose conception of justice is based on notions of 'objectivity' and 'impartiality' administered by professionals. One should bear in mind, however, that informal judicial structures, of which People's Courts are merely *one* manifestation, have always had lay members who apply notions of justice peculiar to the particular cultural and or local circumstances. The jury system is similarly based on the idea that one should be tried by one's peers, rather than by people from a different race and class. In terms of this concept, the jurors apply notions of justice in tune with their particular culture.

Although in principle these motivations conformed to the noblest ideals of 're-education', 're-integration' and appropriate sentencing, in practice it didn't work out that way. What eventually happened was that the concept of 'appropriate' sentences became laden with other meanings supplied, often as not, by these former 'hooligans'. Sentences rapidly increased in severity towards September-October 1985. It was not unusual for the court to sentence someone who had stolen a tape-deck to thirty lashes, far in excess of the maximum lashes (seven) in the official courts. Sentences as high as one hundred lashes were imposed for crimes such as rape and serious stabbings.

While these sentences are extraordinarily severe, it must be remembered that the mood on the streets was then extremely volatile. People were being shot dead by the 'security' forces almost daily. When challenged about the nature and severity of their sentencing, members of the court argued that the levels of violence township youth experienced at the hands of the 'system' far exceeded the lashes the People's Courts imposed after both sides of the story had been heard. Moreover, they argued that assaults, torture and shooting were inflicted by the 'system' before the victims were brought to court and charged.

The State of Emergency declared in the Cape on 26 October 1985 made it more difficult for



Michelle Saffier

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difficulties exacerbated by obscure legal terminology; the virtual absence of legal representation and legal aid; alleged police brutality in eliciting confessions; and prison sentences with few or no 'rehabilitation' programmes; in short, for as long as justice is not perceived to be done by a substantial section of our population.

People's Courts

It is necessary to begin by confronting the allegation, which the state-controlled media have done their part to promote, that necklacing is closely associated with the sentences delivered by People's Courts.

In my recent research in Cape Town I did not uncover any evidence of necklace killings by the established People's Courts. The only incident of necklacing that I have come across with a connection with a People's Court was what I would call a revenge killing which took place in the following circumstances. A former chairman of the KTC People's Court was necklaced when a group of people, some of whom were victims of his particularly harsh sentences, caught him alone one day in January 1986. They subjected him to an impromptu 'hearing' which they simply convened amongst themselves on the spot. Apart from this impromptu act, I am not aware of incidents anywhere in South Africa in which someone was sentenced to be necklaced by a People's Court.

If one attempts to look behind the eye-catching news reports in order to analyse the background to People's Courts, one detects a message which has serious implications for the Botha government. In essence, township residents have said: We don't believe that your structures can deliver justice to us, so we will create our own structures. In other words, 'our justice is more sensitive to the needs of township residents than your justice'. This amounts to a vote of no-confidence in a system whose judiciary has been held up as a model of independence and objectivity par excellence. It is not surprising that the government seems bent on smashing structures which assert that people may benefit from taking responsibility for the running of this aspect of their lives.

Many courts have been destroyed when their members were detained. Currently 48 per cent of all detainees in the Eastern Cape are in detention because of their involvement in People's Courts (Weekly Mail, 20-26 November 1987, p. 4, citing Human Rights Trust analysis). In other cases, members have been arrested and charged. At first the charge against members of People's Courts was usually assault. Later, as an appreciation of their significance increased, participants were charged, if not with murder, with sedition,

offences under the Internal Security Act and even with treason. Some of the assault charges were sustained, as were some of the sedition charges. Trials involving alleged offences under the Internal Security Act, treason and murder (notably the Alexandra trial -- referred to on page 11) are at the time of writing still in progress.

The increasing severity of the charges is an indication that the government realises the enormous significance of the loss of legitimacy of its own legal system. It has consequently tried to brand the members of People's Courts as criminals and traitors. In the case of the Alexandra trialists, who are charged with treason among other charges, the prosecution has alleged that People's Courts are part of a revolutionary strategy, the M (Mandela)-plan.

Regional differences

There are substantial regional differences in the development of people's courts. In the Eastern Cape and the Transvaal, courts appear to have been formed as part of extra-parliamentary structures and have declared themselves accountable to the progressive movements; this does not appear to have been the case in the Western Cape.

In the Eastern Cape and Transvaal People's Courts were set up by UDF affiliates, in some townships in conjunction with local street and area committees. This has meant that representatives of political movements, women's groups and youth groups became part of the courts.

Most People's Courts in South Africa arose at about the same time as the consumer boycotts of March-August 1985. They dealt with opportunists who were simply robbing people of their shopping bought at 'approved' outlets, in the guise of policing the boycott as well as the boycott breakers. The People's Courts tried and sentenced these opportunists and imposters. At the same time it is alleged that conventional policing of the black townships by the SAP came to a virtual standstill. The police were allegedly mostly policing political matters rather than conventional crime. Consequently there was a marked increase in housebreaking, robbery, assault and theft. Another function of People's Courts was to cope with these violations.

In contrast to the development in other regions the first People's Court in the Western Cape started at the Nyanga Art Centre where young 'hooligans' had sawn off electricity poles, snipped the copper wires and sold them to scrap merchants. This left the Art Centre without electricity and the artists/craftspeople could not do their work. Some members of the Art Centre convened a court to discipline the youngsters. Members of



Michelle Saffer

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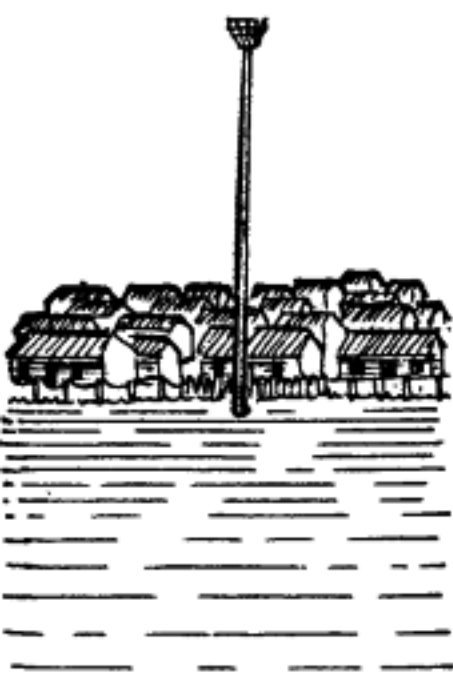
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Although in principle these motivations conformed to the noblest ideals of 're-education', 're-integration' and appropriate sentencing, in practice it didn't work out that way. What eventually happened was that the concept of 'appropriate' sentences became laden with other meanings supplied, often as not, by these former 'hooligans'. Sentences rapidly increased in severity towards September-October 1985. It was not unusual for the court to sentence someone who had stolen a tape-deck to thirty lashes, far in excess of the maximum lashes (seven) in the official courts. Sentences as high as one hundred lashes were imposed for crimes such as rape and serious stabbings.

While these sentences are extraordinarily severe, it must be remembered that the mood on the streets was then extremely volatile. People were being shot dead by the 'security' forces almost daily. When challenged about the nature and severity of their sentencing, members of the court argued that the levels of violence township youth experienced at the hands of the 'system' far exceeded the lashes the People's Courts imposed after both sides of the story had been heard. Moreover, they argued that assaults, torture and shooting were inflicted by the 'system' before the victims were brought to court and charged.

The State of Emergency declared in the Cape on 26 October 1985 made it more difficult for



Michelle Saffler

'... subsequent developments diminished the community's support for the brigade's court.'

the Youth Brigade court to operate. They wrote a letter to the commanding officer at the Guguletu police station to state their aims of acting against criminals and vandals. Major Burger stamped their letter and returned it to them telling them to show it to policemen wanting to interfere with the Brigade's work. For a while, between June and September 1985, the 'court' had seemed to enjoy quite a lot of support from members of the community, as they actually succeeded in reducing the high crime rate in the townships.

Support was shown by the rapidly increasing number of cases that were brought to it. Although this assertion is difficult to substantiate statistically, without knowing who brought the cases to court, in fact, there were so many cases that the court was divided into two, and both courts heard cases until late into the night, and on weekends. Several other People's Courts were set up in Cape townships towards the end of the year. The Youth Brigade had several patrols that acted like an informal police force. Their presence on the township streets appears to have had an impact on the street-crime in the area. But subsequent developments diminished the community's support for the Court.

The first was the increasingly severe sentences it imposed and the brutal manner of the arresting 'pick-up squad'. The second was a persecutory impulse that became prevalent in the court. Very few accused, if any, managed to persuade the court of their innocence. The overwhelming majority of accused were found guilty.

The third and most important reason for the loss of support was that these youths started taking on cases involving adults over whom, in terms of cultural norms, they had no authority. The fact that they tried and punished adults, as well as pronounced verdicts in marital matters, was widely seen as an unacceptable, and flagrant violation of long-standing traditions. Finally the Youth Brigade's court was seen as not being answerable to the progressive movement.

Political divisions

The influence that members of the constituent youth organisations were having over the court diminished markedly as the number of former unaffiliated youths grew. CAYCO members, in particular, felt themselves being ignored or even opposed and rejected by members of the Youth Brigade. They had argued for educative sentences, democratic decision-making, disciplined procedures, non-alienating sentences, accountability to the progressive movement and for refraining from adjudicating over matters related to adults. These arguments were rejected by the

Brigade members in favour of a more immediate, dramatic and militant style of running the court.

At that time it was extremely difficult for youth organisations such as CAYCO to intervene authoritatively for a variety of reasons. Under the Emergency many activists were either in detention or in hiding, and leadership skills were therefore spread very thinly throughout the townships. Secondly, CAYCO was still trying to persuade these unaffiliated youths to become part of their organisation and thereby subject to the discipline and educative programmes. Heavy-handed action would have made it more difficult to recruit new members through the court. Thirdly, the term 'comrade' was appropriated by members of the Youth Brigade in a very loose way. In the mood of the time, being a comrade signalled being on the 'right' side, and implied that one's actions were performed in the interests of the broader mass of people. Anyone who opposed a 'comrade' was being disloyal, unpatriotic, and could easily be subjected to 'disciplining'. Yet many of the Youth Brigade members, particularly the new recruits, had very little understanding of the behaviour which was required of a member of progressive organisations. They simply 'did their own thing' and claimed to have the blessing of progressive organisations.

Consequently, some of the CAYCO members, whose political positions were being compromised by developments they could not accept, withdrew from the Youth Brigade court. In fact, some of them expressed relief when the state finally intervened in the running of the court.

The state's intervention

What was surprising was that the state did not intervene for such a long time. The divisions that the court was creating within the community apparently coincided with the state's interests. It was only in November 1985, when the court punished members of the family and friends of a community councillor, that arrests were carried out. The state's intervention at the moment the People's Court meddled with quasi-state structures, or people close to those structures, was clearly an attempt to maintain the community council system which was eliciting so much hatred in the townships.

The manner in which the community councillor's family became involved in this particular case was indirect. One councillor's acquaintance was involved in a dispute with the complainant and the community councillor's family stood up for this friend during the course of the dispute. The complainant then reported members of the



The aim was to construct the lowest rung of a judicial hierarchy ...

Sogiba family to the Youth Brigade court for abusive and threatening behaviour. The family was summonsed to appear and after several unsuccessful attempts at settling the dispute, and after several warnings issued by the People's Court to the parties involved ordering them to desist from their slanderous behaviour, members of the Sogiba family were brought to court. They refused to acknowledge the court's jurisdiction over them, and were given 60 lashes for 'contempt of court'. The next day 32 members of the court were arrested and charged with assault.

During 1986, several (but not all) of the other courts that had sprung up in the townships and squatter areas were also broken up by the arrest of their members.

Looking back on People's Justice

This brief history suggests that People's Courts in the Western Cape can be described as a misguided and unsuccessful attempt at introducing People's Justice. Similar attempts in other regions seem to have been more successful before the state clamped down on them too.

In the Eastern Cape, parts of the Southern Cape (notably Bongoletu near Oudtshoorn) and in part of the Transvaal, People's Courts were run in a far more responsible manner than that described in this example. Being more closely linked to progressive organisations, accountable to them, run by adults in conjunction with a minority of youth members, lacking internal ideological rifts, practising a less punitive form of local justice, and free from a strong persecutory drift, they were more responsive to the needs of those particular communities than was the case in the Western Cape. Where youth organisations had their own disciplinary committees, they confined themselves to hearing cases involving breaches of the internal disciplinary codes. This did not meet with much criticism on the part of the communities in which they were based.

Examples of similar informal structures in the past were the Isolomzi and the Amavoluntiya of the 1960s and 1970s. They are only two of the many alternative 'courts' and 'police forces' that residents themselves have organised over the years. Isolomzi — 'the eye of the community' — was a group of responsible and respected residents of Cape townships. They were volunteers who represented the community in matters relating to housing, but their functions were later extended to settling disputes in a small informal court. The Amavoluntiya (volunteers) were a type of vigilante force whose focus was to patrol the township streets at night in order to deter robbers and petty criminals from molesting residents.

People's Courts built on these structures in new ways. They were an attempt to create structures of people's power that would carry South Africa through the transition from apartheid to a non-racial democratic unitary state. The aim was to construct the lowest rung of a judicial hierarchy in which popular local values and norms would be taken seriously. These courts, if they are run responsibly, could be very well suited to communities under pressure from a value system they reject. They enable these communities to express values and norms which are not acknowledged by the dominant groupings in the society. They have additional functions above those of the conventional courts to which we are accustomed. Ideally, there is a very strong educative component in People's Courts. The court is intended to serve a dual function: that of conducting court procedures as well as organising a community.

In terms of the vision which sees People's Courts as appropriate informal structures for settling disputes and controlling township crime, residents are encouraged to become members of the court so that decisions are arrived at by a democratic process, and as such enforced by the community as a whole, rather than by civil servants. Sentences are devised so as not to alienate but to serve the community.

People whose views and contact with courts have been influenced and shaped by a Western mindset would see several dangers inherent in People's Courts. The first is a lack of 'objectivity' and independence; the second is the danger of being accountable to a political movement. These fears are not without substance, but there are equally valid reservations that can be raised by the workings of conventional justice as practised in South African courts. Some of these have been referred to earlier.

South Africa has much to learn from situations of compromise found in countries that utilise the jury system, where a formal judge adjudicates in combination with the approved peers of the accused. These peers are held to be more in touch with the realities of one's own living circumstances than people who are removed from them. This is especially true of a society as acutely polarised as ours.

The progressive movements will no doubt have taken cognisance of the mistakes made in the establishment and running of people's courts (particularly in the Western Cape) during 1985-6. When the next opportunity presents itself to reintroduce them, their structure and procedure are likely to reflect these lessons. □



STREETLIFE

'A stroller is someone who don't sleep by his house - he sleeps in the street. He don't eat by his house - he eats by the bins. A stroller is someone who thinks he is free. Do what his mind says. It's a nice name for us.'

'Another Street'

The quality of life on the street shifts between extreme poles of experience. It is a place of refuge from intolerable circumstances back home and at school. A place which also holds the great allure of freedom and adventure in the midst of unending change and spectacle. However, another world intrudes. It brings with it pain and fear sometimes assuaged by inhalents and drugs bought with the earnings from odd jobs and prostitution.

It is believed there are 30 million street children world wide.

There may be 5,000 in South Africa. Most are young boys under 16 years. A far less visible part of this phenomena are the small proportion of young girls who adopt this lifestyle.

There are fascinating parallels between street children and the organised youth who see themselves as fighting the struggle for liberation. Like them, street children reject the guidance and control of adults and doggedly refuse to be moulded into their social patterns. Both groups seek and depend on the support of their peers and see themselves as threatened and besieged by conventional adults and the police. □

The opening quotation and photographs in this photo essay are drawn from the documentation 'Another Street' on the lives of Cape Town Strollers. They are by Jenny Altschuler, Kosta Christie and Pam Warne. All photographs were taken in 1984.

Thanks to Nettie Cockburn for other relevant information drawn from her research into street children.



Kosta Christie

*Top:
Schotsche Kloof*

*Left:
In Sea Point*

*Right:
Cape Town City Centre*



Jenny Altschule



Jenny Altschuler

*Left:
Strolling in Cape Town
centre*

*Right above:
Five young men ate and
slept in the back of this
newspaper van*

*Right below:
'When I first came to
Cape Town, some boys
brought me to the
dunsen'*



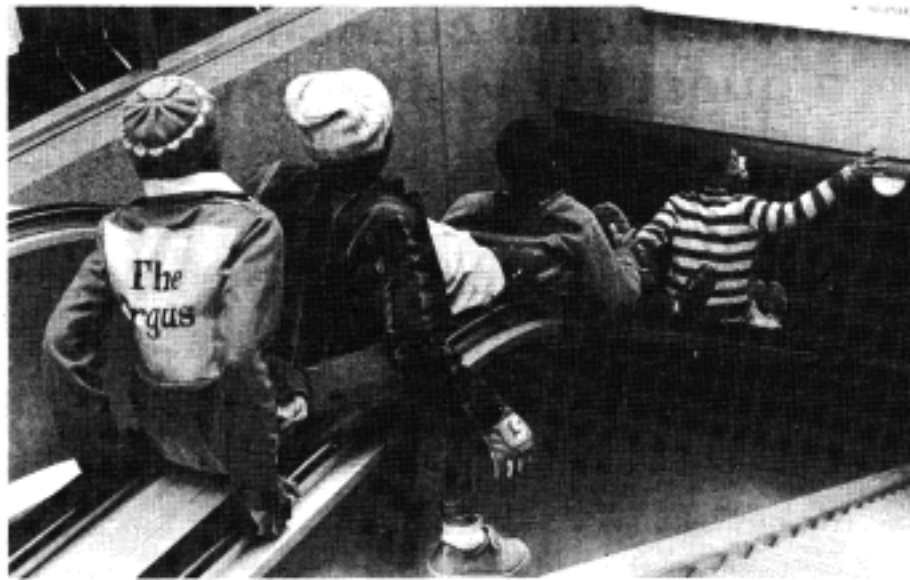
Pam Wainne



Jenny Altshuler



Kosta Christie



*Above left to right: In the city centre
Below: Sniffing*

*Below:
Taking up space in a CNA doorway*





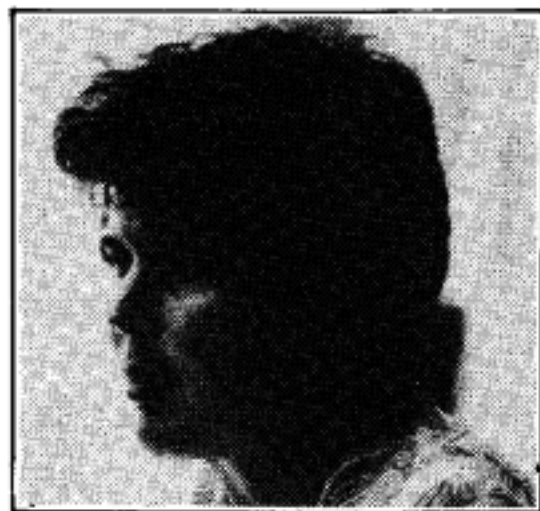
*Above left to right: In the city centre
Below: Sniffing*

*Below:
Taking up space in a CNA doorway*



the national council: a quest for legitimacy

mary burton



Nearly two years ago, in May 1986, the government announced proposals to form a statutory national council. This was clearly designed to counter widespread rejection of the 1983 constitution and the tri-cameral parliament in which black South Africans had no voice at all. The new proposals, however, were 'rebuffed by all sections of the black community, from the so-called moderate to the so-called radical', as Joyce Harris recounted in SASH August 1986.

She quoted a definition by Mark Swilling of revolution from above: a process of substantial social change that creates new patterns of legitimation and political authority without dismantling existing hierarchies of power, and argued that what is needed instead is a process of open and free negotiation. She concluded that the government would have to do a great deal to alter its image and establish its bona fides before such a council could succeed.

The National Party government, now in office for nearly 40 years, simply has to find some way to solve the problem of political participation for black citizens. The success of all its plans for national and regional government is dependent on the viability of a national council which will work on drafting another new constitution, and on the smooth functioning of the regional services councils, and particularly the black local authorities. Only by achieving all this will it be able to claim to the outside world that 'apartheid is dead' at last.

In September 1987, therefore, an amended National Council Bill was tabled in parliament. It was referred to the Standing Committee on Constitutional Affairs, and will probably be brought before

parliament again in 1988. We must presume that in the meantime government representatives are doing their utmost to canvass support for the council. It is in this light that we must regard the release of Mr Govan Mbeki, in spite of subsequent restrictions placed upon him, and also the possible release of further well-known political prisoners. The need to establish bona fides is also seen in the move to strengthen good relations with Inkatha by announcing that 'in principle' the government was not opposed to a joint non-racial legislature for Kwa-Natal. The participation of Chief Mangosuthu Buthelezi in the national council would be a triumph for the government.

Unpacking the Bill

Let us look at the provisions of the 1987 National Council Bill. Its stated aims are: 'to provide for participation by all South Africans in the planning and preparation of a new constitutional dispensation; the granting of black South African citizens of a voice in the process of government, in the interim period; and the furtherance of sound relations among, and the human dignity, right and freedoms of, all South African citizens. ...'

The council is to consist of:

- (i) the chief ministers (or their representatives) of each of the 'self-governing territories' (i.e. KwaZulu, Gazankulu, KaNgane, KwaNdebele, Lebowa and Qwaqwa);
- (ii) nine 'directly elected' members. (They themselves, and those who are entitled to vote for them, must be black persons 'of or over the age of 18 who are

South African citizens resident within the limits of the Republic excluding the self-governing territories'. This of course also excludes the 'independent national states' of Transkei, Bophuthatswana, Venda and Ciskei, whose subjects are no longer deemed to be South Africans.) An elected member may not at any time have been convicted of any offence for which a sentence was imposed of a 12-month or more imprisonment without the option of a fine — unless he or she has received a free pardon or amnesty, or unless the period of imprisonment expired at least five years before.

- (iii) the state president, the chairperson of the ministers' councils in the three-houses of parliament, the Minister of Constitutional Development and Planning; possibly other members of the cabinet will be appointed by the state president.
- (iv) 'not more than 10' other persons whom the state president may nominate.

This means that the council could be composed of 30 or even more members, of whom nine are to be 'directly elected' by some nine million 'entitled voters'. The nominated members will be chosen by the state president, and there is no provision for suggestions to be made by any opposition groupings. Even 'in the interim period' this is not a formula calculated to 'grant to black South African citizens a voice in the processes of government'.

Doomed to rejection

The proposals have been compared with the Natives Representative Council which was established 50 years ago but lasted for only a decade. The 1987 model is equally doomed to rejection and failure because:

- the Bill itself is not the result of a participatory drafting process in which all sections of society are represented; instead it is once again a proposal presented by those in power, to be discussed under conditions laid down by the ruling party.
- it is based on continued 'own affairs' or 'group' thinking, dividing the South African population into artificial and enforced ethnic groupings, thus preserving the widely rejected apartheid system.
- it fails to provide for universal franchise in a common society, and so it cannot fulfill its third stated aim of promoting sound relations, human dignity, rights and freedoms for all.
- it perpetuates the distinctions drawn between 'self-governing territories', 'independent national states' and 'the Republic of South Africa';
- in so doing, it denies basic civil rights to those more than eight million people who were deprived of their South African citizenship by the formation of the 'independent national states', and offers only limited representation via their chief ministers to residents of 'self-governing territories'.

The most essential requirement for the success of any governmental structure is the legitimacy which is afforded to it by the consent of the governed, and this vital element is clearly absent from the proposed national council.

The local authorities connection

Legitimacy and consent are equally necessary to the correct functioning of regional government structures. It is for this reason that local officials around the country are striving to ensure that the black local authorities are seen to be

operational. The black local authority system was seen by the government as one way in which to compensate for the absence of black representation from the tri-cameral parliament. By contrast, it was seen by the majority of the people as an extension of apartheid and as the state's attempt to co-opt further junior partners into its plan to retain the 'existing hierarchies of power'. Anger and resistance were directed at those who accepted the system. And in some areas the town councils were forced to close down.

It would seem that one of the objectives of the declaration of the State of Emergency was to break up this resistance, to detain community leaders and to reinstate local authorities where 'administrators' had had to be appointed to fulfill their functions.

Normalising administration?

At the beginning of 1986 only 18 of the 45 town councils in the Eastern Cape were functioning, but by October 1987 all but five were operating fully. This is what the government refers to as a return to normality and stability — but we should question how it is achieved:

- In a few local authority areas, the councils are still not operating and administrators have been appointed to carry out their tasks.
- In some other townships, administration is by township managers and staff, responsible directly to the regional provincial administration.
- In some townships elections have reportedly been held normally.
- In yet others, public meetings have been held at which proposals are made and the administrator then appoints the newly formed council. (But in one township, when a public meeting was called by the administrator to discuss projects and general matters', not one single resident attended.)

These are instances from the Eastern Cape, but there must surely be similar efforts to impose 'normality' on townships all over the country.

In some areas the introduction of municipal guards can be seen in

part as an endeavour to support the reinstatement of councillors and thereby to ensure credibility and legitimacy for the structures.

The reports we have received about the election processes give cause for concern over how the elections for the nine members of the national council can be expected to proceed.

The outcome of these efforts by the government to gain much-needed legitimacy for its plan is of critical importance. The building blocks are being put into place, and the authorities are clearly intent on erecting the structures. The government has the power to force them to work and is trying to woo wider acceptance and to attract participants who have credibility and support.

In the short term, this quest for legitimacy may bear fruit, but in the long run it will have a bitter taste. The drafting of a new constitution which will be held in high regard by the majority of the population, and thus be truly legitimised, requires the unhampered participation of representatives who have the clear support of nation-wide constituencies.

This cannot happen until the government comes to terms with the need to:

- guarantee common citizenship rights for all South Africans (including those who are presently designated as belonging to Transkei, Bophuthatswana, Venda and Ciskei);
- urban political organisations, allow the return of exiles and release political prisoners and detainees so that all may participate;
- lift the State of Emergency;
- protect the freedom of the press, freedom of speech and public assembly, and assure the safety of participants, so that ideas may be widely debated and the electorate be well informed;
- agree that negotiations about a new constitution will not be constrained by existing structures such as the tri-cameral houses of parliament or the regional services councils and black local authorities.

Only once this has been achieved will it be possible to claim legitimacy for any new dispensation. □

diary of a rural visit

beva runciman

The Black Sash has traditionally concentrated its work in the major urban centres, where its membership is greatest. Despite being thinly stretched, its urban resources and support networks look lavish when seen from the perspective of rural communities.

In hundreds of remote villages, fledgling organisations have been placed under siege during the States of Emergency. With no local support and few links to the outside world, the harshest repression can proceed unmonitored, unchecked and unchallenged.

The challenge of responding to human rights issues in rural areas is so vast that it has been impossible for the Black Sash, with its current resources, to cope in any systematic way. The most we have been able to do is respond, where possible, to specific requests from certain rural communities.

Di Bishop and Molly Blackburn did this for many years, visiting rural villages when their support was requested. As public representatives, they did much to expose what was going on in the small towns of the Cape 'platteland'. Di continues to do this work in her professional capacity.

The Black Sash's Transvaal Rural Action Committee (TRAC) was our first structural attempt to respond to problems in rural areas. The committee, based in Johannesburg, has been one of the Black Sash's most successful pioneering ventures in recent years.

The Black Sash does not have a similar rural response network in the Cape. Increasingly, we are becoming aware of the need to develop our capacity to become more effective in responding to rural issues.

This point was driven home again recently when I was

requested, at short notice, to join a team of legal experts and researchers travelling through the Karoo and the Eastern Cape to take affidavits from assault victims.

The trip was undertaken at the request of a Cape Town advocate who had been contacted by people in several rural townships. This is one of the few ways that isolated communities can bring their situation to the attention of urban-based organisations. Often the hope of the community rests on a single phone call that one of its members makes to an urban contact requesting support. Often this contact is a lawyer whose reputation has spread.

In order to follow up effectively on such contact, additional services are needed. Increasingly, the Black Sash is being called on to become part of this support infrastructure.

Our team had four members: an advocate (Graham Taylor), Wilfried Schärf and Rob Watson from the Legal Education Action Project (LEAP) based at the University of Cape Town's Institute of Criminology, and I. My job was to assist in taking statements.

Our itinerary included three points of call: De Aar, where we were to take statements on alleged cases of assault by the security police; Hofmeyr, to take statements on allegations of torture and harassment by the kitskonstabels; and Aberdeen, to take an affidavit from the sister of a clergyman who was killed by a kitskonstabel in June 1987.

De Aar

We were met by Ernest Mobeki and Nombulelo Hlithani. They both alleged that they had been assaulted and tortured by the security police.

Ernest still had fresh scars and complained of earache. I accompanied him to the district surgeon to have his wounds noted, while Graham, Rob and Wilfried called on the security police to inform them of what we were doing and to warn them that any future allegations of assault would elicit a similar response.

The district surgeon seemed reluctant to examine Ernest as he said he did not want to go to Cape Town for a court case. However, he eventually agreed and verified that the wounds were consistent with the allegations of assault. He also surmised that Ernest's car drum had burst and intimated that it might require surgery to repair it.

Later that afternoon Wilfried and Graham managed to lay a charge of criminal assault against two security policemen. The police failed to conceal their anger, but agreed to take statements from the complainants. We managed to obtain copies, which appeared to be satisfactory.

Hofmeyr

Our day in De Aar provided only a foretaste of what was to come in Hofmeyr, a tiny village north-east of Cradock. The local black township has a population of about 3 000, which is several times bigger than the white 'town'. It is a typical rural village, with most men and many able-bodied women working as migrant labourers in the major urban centres. Youth and old folk care for the children.

The day we spent there passed in a haze of heat and exhaustion as we took statement after statement, telling of random beatings, torture, harassment and the brutality of the kitskonstabels. Although we experienced none of this directly, it was harrowing merely to take the statements. It became apparent that the SAP in Hofmeyr were refusing to accept charges residents wished to lay against the kitskonstabels. Far from establishing law and order, it seemed that the kits-

konstabels were responsible for enforcing a reign of terror and official anarchy in the township. The people were frightened, but deeply grateful that we had come.

While we were there we had two visits from the SAP — the first to ask what we were doing and the second to take our names and addresses. As we were there with Graham Taylor, who had been instructed by a law firm, there was nothing they could do to stop us.

We left that afternoon and stopped at the police station to tell the police we would be returning. We were very keen to protect the people we had been consulting. We feared they might be exposed to retribution if we left without making it clear that we would be monitoring developments. Continuity is one of the most important aspects of rural work. A single fly-by-night visit can often leave a community more vulnerable than before.

The next day we went to Cradock, where we spent our time sorting out the statements and finding those most suitable for affidavits. Late that afternoon we drove back to Hofmeyr so that the affidavits could be signed and attested.

We arrived there that evening to be told that the kitskonstabels had opened fire on children and youth, between the ages of 12 and 24, the previous night. We saw two of the injured. Another five had been taken to hospital in Tarkastad — far enough away to be out of reach.

The two injured children who remained behind were 14 years old. We took photographs of their injuries, which are published here. The girl had about 110 pellet wounds. We counted them as accurately as we could. She had some open slashes on her face that were still oozing blood. She had been shot from behind. I took her hands. They were damp and hot. She was clearly ill. It is difficult to describe the sense of hopelessness and desolation I felt in that situation. Yet the people retained their resolve, getting on with the tasks at hand in an intrepid, disciplined way. I was moved and deeply impressed by the feeling of camaraderie we felt as we worked together by the light of the lamp.

It seemed clear that the assault

This 14-year-old Hofmeyr girl had about 110 pellet wounds after being fired on by kitskonstabels.

earlier that day was connected to our visit. While beating one of the children, a kitskonstabel had asked: 'Where are your protectors now?' This raised for us a very real question of whether such visits to these isolated communities are appropriate. After thinking through the issue, we were satisfied that the beatings and assaults would have continued unchecked had we not come. And the continuing assaults had established, beyond doubt, a case for an urgent interdict.

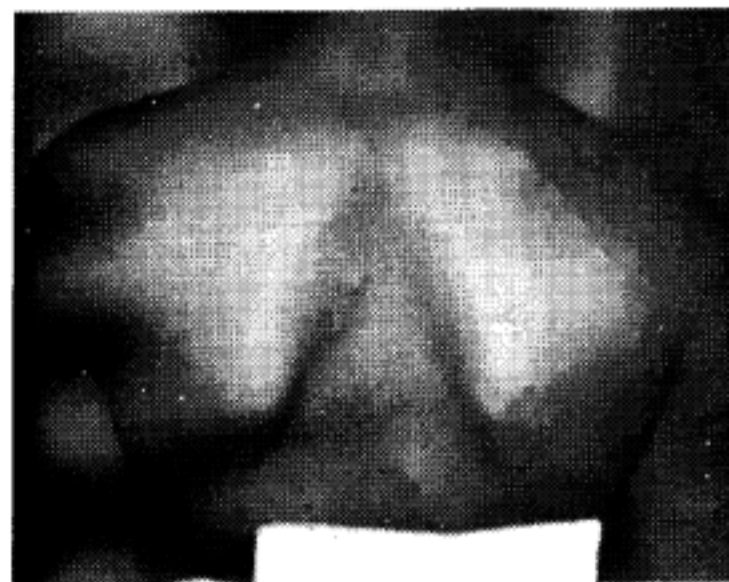
Late that night, feeling drained and emotionally battered, we left to drive to Aberdeen, where we had to take a statement from the sister of Rev. Boy Jantjies, who was shot dead there by the kitskonstabels in June.

Aberdeen

While we were there, people repeatedly told us that kitskonstabels were frequently drunk on duty — something that we were about to experience ourselves.

We were waiting in the van, I in the driver's seat, when a voice close-by attracted my attention. I turned to look out of the window and was hit by alcohol fumes. About five kitskonstabels had surrounded the van. They were armed, nervous and aggressive and two of them were very obviously drunk. Despite the tension, Rob, Wilfried and Graham asked them for their names. The kitskonstabels refused to respond. The situation was eventually defused when a man in plain clothes, who produced a South African Police identity card, asked the kitskonstabels to leave. Later we obtained the names of the drunk kitskonstabels from onlookers.

We decided to follow up this incident and, it being a Sunday, we tracked the Station Commander of the SAP in Aberdeen to the local church. He sent for the drunk kitskonstabels and we saw them having their guns removed before being locked up in a cell. The district surgeon established that they were indeed drunk.



The Station Commander, after checking with his superiors in Middelburg, preferred to deal with the matter internally instead of laying a charge. Graham and Will were reluctant to press for a charge as it would have meant either or both of them making several trips to Aberdeen to testify against the kitskonstabels.

We left Aberdeen and headed for home. It had been a distressing visit.

The following week Graham and Rob worked hard to prepare the court papers and Graham eventually flew to Grahamstown to petition the court for an urgent interdict to restrain the kitskonstabels from assaulting the residents of Hofmeyr. A temporary interdict was granted on behalf of the applicants (not the whole community). A further 14 days were granted for both sides to prepare further evidence. □



Paul Grendon/Alrapix

the battle for namaqualand

lala steyn

Dispossession comes in strange guises – here in the name of privatisation and 'economic' units in place of a centuries-old tradition of communal farming.

Residents of an area usually remembered only for the beauty of its flowers have launched an application for an order declaring that they were wrongfully deprived of their land. They order the Minister of Local Administration, Housing and Agriculture, Mr David Curry, to restore it to them.

Behind this legal action of 29 July 1987, brought by the residents of Leliefontein 'coloured rural area' in Namaqualand, lies a system of land

division that has caused widespread dissatisfaction and further impoverishment amongst people who rely on access to land for a livelihood and as a refuge from starvation when unemployed.

This system of land division is the latest step in the long history whereby indigenous people have been dispossessed of their land, beginning in 1654, when Khoi-Khoi tribes were forced to move northwards as the Dutch expanded

from the Cape, taking land that they desired. Some of these people, amongst them the Namas, settled in the semi-desert region which is today known as Namaqualand.

Today residents, who call themselves 'burgers' (citizens) in the reserves recognised in the 1880s, are still fighting to retain this land, which has been reduced over the years.

In Leliefontein, Steinkopf and Richtersveld this could be the last battle. For in these areas land that has been communally farmed for centuries has been divided into 'economic units' (called 'camps' by residents) and leased out to individuals. This has had the effect of pushing the majority of people who had communal sowing and grazing rights off most of the land. They are now forced to use those camps not leased out and the small commonage around the settlements.

Although this privatisation scheme has been implemented only in the 1980s its historical roots lie in the rural development scheme for the 'Coloured Reserves' first legislated in 1963, and the mooting of changes to the communal tenure system before this time. Act 24 of



Pic: Laurence Abajay

1963 made provision for settlement schemes whereby the reserves would be turned into residential and agricultural zones, with the effect that the majority of peasant farmers would be forced to live in residential areas and be denied access to land.

Residents travelled to Cape Town in August last year to tell their story.

'We have farmed communally for the past centuries. We have always farmed with goats, sheep, cattle and wheat. We had garden plots where we grew vegetables. We had a summer-grazing and winter-grazing area. In summer we moved to our summer fields and in winter to our winter fields.

'From the time that the system of economic units was forced on us without our consent, we have been forbidden to move to where there is grazing for our animals. We are forced to sit and watch as our animals die of hunger.

'Our animals are our life and without them we are starving. The camp system causes overgrazing because the majority of "burgers" now have to eke out an existence on a small patch of ground while the few who hire camps are privileged.

'Our stock is arbitrarily impounded if they are found on a camp. The impounding fees are high and impounding is not done according to the regulations. Many residents cannot afford to buy their stock back and it is then sold by the Management Board.'

There are 47 camps in Lelieton-tein, of which 30 were leased to individuals in 1984. To qualify for a camp you had to have 250 head of stock or R3 000 in assets. Of the 30 camps leased out, 18 are said to be hired by people with other sources of income such as shop owners, Management Board members, teachers and pensioners. The remaining camps are commonage and are used by all.

There are 43 camps in Steinkopf, 27 of which are hired by individuals. Eleven of these 27 individuals have other sources of income. The Labour Party MP, Ml Balie, who lives in Steinkopf, hires one of the biggest camps. The remaining 16 are worked jointly and are called 'vennootskapplase' (partnership farms). The 640 farmers who work this land have only 98 000 hectares while the 27 farmers have about 200 000 hectares!

Oom Joseph Dammaron of Kuboes stands next to a 'halfmensboom' (half-person tree) in the Helsberge in the Northern Richtersveld.

His wife (opposite), who has her home in Dryfsand in the Richtersveld, helps her husband in the Helsberge during the lambing season.

The implementation of the 'economic units' in the southern part of Richtersveld was the last straw for those residents living in the north. They rejected the system and split off to form the Northern Richtersveld where all residents have refused to apply for camps.

But here they have another problem. Although details are not known, approximately 80 000 hectares of the reserve have been set aside for a nature reserve. The area includes the *Helsberge*, which is a mountainous desert area which contains valuable emergency grazing. It borders on the Orange River and many residents feel that for the government the nature reserve has more to do with creating a security buffer than with the protection of plants that their goats don't even graze upon.

Resistance

Residents have tried various ways of opposing the camp system. They have continually expressed their rejection of it to the local Management Boards by addressing petitions to them and voting against the system at annual general meetings. They have personally gone to see Mr David Curry, the Minister of the Department of Local Administration, Housing and Agriculture.

In December 1984 Curry visited Karakhams where a crowd who wanted to discuss the land issue with him was waiting. But people say they were chased away 'like dogs'. He was prepared to talk only to the Management Board and a small group of dissatisfied residents.

In September 1986, after requests from residents a Committee of Inquiry was appointed by Curry to investigate the land issue in Leliefontein. Many residents gave evidence to the Committee where they presented their grievances as they had done before to local, regional and central government. When the Committee's report eventually became public late this year residents were shocked by its findings and blatant racism.

The report recommends that the land not be returned to the people. It states: 'The division of land into farming units is an inalienable right

of all those residents who are concerned about the development of the area ...' It does not deny that many 'burgers' reject the system but explains this away by labelling them backward and traditional. Their inability to accept this system is because of their 'inherently weak character ... including their laziness and alcoholic tendencies.'

The Committee states that the communal system has led to overgrazing and will lead to continued poverty. Although there are definite signs of overgrazing, UCT botanist, Tim Huffman, states that it has never been properly researched or proven scientifically that this was caused by the communal system of grazing. He states that 'it may well be shown in fact that the trek system *per se* is not the cause of veld degradation in the region, and with reduced stock numbers veld improvement may well be superior under this system.'

The Committee report has been rejected for a number of reasons by Leliefontein residents. One of these is that the most important objections of the 'burgers' have been omitted. For example, they object that 'the camps are illegal because the "burgers" didn't give their permission. They were not consulted in the matter.'

After all the official channels had been closed residents of Leliefontein launched an application in July 1987 for an order declaring that they were wrongfully deprived of their land and ordering Minister Curry to restore it to them. The case will be heard in March 1988.

Early in 1987 residents organised themselves into committees to

fight for their land. Since the camp system was instituted, residents have refused to accept this system and some have continued to sow their wheat on their sowing plot for which they have letters of allocation even though it falls inside a camp. Others have continued to allow their stock to graze in land now leased by an individual. Many of them have had their animals impounded or have been visited by the police. But they have refused to move off land which they have always considered to be theirs.

Threatened removal

For residents in the Leliefontein reserve a further threat hangs over their heads. In 1977 residents in the seven small settlements which are known as 'buitestaties' were told to move within the year to the two recognised towns of Karakhams and Leliefontein. For the 'burgers' this would mean the end of their livelihood. In the towns there would not possibly be enough space for everyone's goats, sheep and donkeys and their sowing plots would be too far away.

Unemployment is high in Namaqualand where 64 per cent of the population is dependent on the income generated by the remaining 36 percent. For many people who work on the diamond or copper mines, roads or white farms their land is a safeguard against total impoverishment during periods of unemployment. A few goats and sheep are kept to subsidise their income. A forced move of this nature could only lead to one thing — a rural slum.

Residents ignored the 1977 notice and have refused to move although they have constantly been told to. The water supply in the 'buitestaties' is extremely poor and all houses are built 'at own risk'. The report of the Committee of Inquiry makes it clear that the idea to move residents has not been dropped. Residents realise that if they lose their battle to regain access to their land which is denied by the 'economic units' the next step will be a forced removal of all the 'buitestaties'. Against these odds they refuse to move because '... our livelihood is from the land and not in a town. We don't want to become squatters.' □

Children from Nouvier in the Leliefontein Reserve go to collect water from the nearest tap, which opens after 7.00 p.m.



Paul Grendon/Afrapix

'Ek hou hom so want ek wil daar geskiet word'

'I'm keeping my land because I want to be shot there.'



Paul Grenlon - Afrapix

Oom Andries Nero, of Tweerivier in the Leliefontein Reserve, stands in his wheat-field, which he refuses to give up even though it now falls in a 'kamp' bired by someone else.

OOM ANDRIES and Tannie Magrieta Nero live in Tweerivier with their ten children. Although Oom Andries was born in Tweerivier, he worked as a young man in Kamieskroon saving money until he had enough to come and live off the land in Tweerivier in 1972. He then took over his father's sowing rights at Kerkbosplaat. From this time he lived off the land with stock and dry-land wheat farming.

In October 1985 Mr Albertus Smit, a school teacher in Karakhams, hired a camp. Oom Andries's sowing plot and the kraal he had built for his stock lie inside this camp. So do the sowing plots of eight other families. Because he saw this land as his, he continued to use it. When he ploughed and sowed Albertus Smit laid a charge of trespass against him. This charge was withdrawn in court.

Smit then twice took Oom Andries's five donkeys, which he kept in a kraal on 'his' land, to the pound in Kharkhams. Both times, Oom Andries managed to get them back, although the second time they were impounded they stayed in the pound for a month. While in the pound they 'ate a lot of fodder' for which he had to pay. Smit

took his donkeys a third time, but he was not allowed to get to the pound. A group from Tweerivier chased after him and took the donkeys back. Although Smit apparently reported this to the police they did not react.

During the night of 1 June 1986 all of Oom Andries's 35 stock including two valuable rams were impounded. They were taken out of his kraal, part of which was driven over by a bakkie. Although this kraal was in the land recently allocated to Smit, Oom Andries claims that he still has a right to the land and saw the taking of his stock as theft.

He thus laid a charge of theft at the police station in Karakhams. When they had not reacted after eight days he went to Springbok police station to complain. The police came to investigate the matter in Tweerivier the next day. His position was that the stock were his and in his kraal and thus Smit had no right to impound them. Smit on the other hand said that the stock were illegally on his land.

Oom Andries and some of his friends then went to the pound to get the stock. The pound master refused to release them and

called the police in Springbok. After the police, the pound master and a member of the Raad had discussed the matter in private they told Oom Andries that he could not get his stock. On visiting the police in Springbok Oom Andries was told to sell his remaining stock. All his impounded stock was then sold by the pound master.

Although he lost all his stock he did not give up. It was time to prepare the land for sowing wheat. Although his donkeys were still in the pound at this time other residents helped him and they ploughed his sowing plot in Smit's camp. Part of his cart was stolen but returned by the police after an attorney. Mr Burger, who was acting for the Leliefontein residents during this time, phoned the police to complain.

Still today they continue sowing, but keep the donkeys nearer to home these days to keep an eye on them to make sure they are not 'stolen' another time. □

*Lala Steyn
Surplus People
Project*

more tributes to the pioneers



The Sunday Times, 12 February 1956.

DEFEND THE CONSTITUTION

This 1956 cartoon by Winner marks the occasion when the Black Sash (then the Women's Defence of the Constitution League) staged a stand which encircled the Houses of Parliament.

Several articles in our November 1987 issue served to salute the pioneers of the Transvaal, Natal and Eastern Cape. We complete the series by paying tribute to those pioneers who began working the political ground south of the Hottentots Holland mountains. The Black Sash, and the Cape Western Region especially, is heavily indebted to them all.

the time of the insignia

freda margaret bate



There is a cairn in the main street of Simon's Town erected by our branch of the Black Sash as a reminder to others of an infamous act — the forced removal of 'coloured' people from Simon's

Town on 6 September 1967. Exactly 20 years later at 9 a.m. on a Sunday morning our chairlady and six other members of the False Bay branch laid a wreath at this cairn, reaffirmed our dedication and

stood for a minute in silence.

One can think back and relive a great deal in a minute's silence, and my mind went back 35 years to our beginning, through the varied experiences I've been part of - many glad and proud, but the greater part of them humiliating, horrible and degrading, experiences inflicted upon a section of our fellow countrymen for reasons it is impossible to understand.

It was in defence of these people and the dignity of human beings that the Black Sash, then the Women's Defence of the Constitution League, began its mission with a march of protest. There were about 2 000 - 3 000 of us in that march to the City Hall led by a small woman beating a slow march on a drum. We had started! There were branches in many suburbs and towns; we signed thousands of petitions, and our leaders, followed by about 800 of us, presented them to the government. What a hot, long walk that was up the incline to the Union Buildings.

During this time we had no insignia - and at the meeting to discuss this there was hilarity at the suggestion we all wore black - dress, shoes, the lot. Another idea was for us to wear black gowns - but it was felt that would cause even more confusion if we had to protest outside universities. It was facetiously suggested (by me in fact!) that we 'use something like an Order of the Garter - this was claimed to be "JUST what we are looking for!" It turned out to be my own private little claim to fame! We spent two of the coldest nights I have ever experienced sleeping outside the Union Buildings - and did our vigils at hourly intervals.

The following recollections are just flashes brought to mind standing in front of the Cairn of Remembrance:

The biggest and most impressive offensive we launched was our descent upon parliament! We left Johannesburg in a cavalcade of cars and in every town and village collected more. On the first night in Bloemfontein we staged an impressive stand round the four sides of the public gardens. Through the long brown Karoo the drivers, shunters and passengers of the steam trains snaking their way

past us waved and cheered and whistled! Then on to Cape Town, where we were given a very warm reception from crowds cheering and throwing flowers into our cars, which reached down the full length of Adderley Street. Our idea was to surround the Houses of Parliament - and we did it! The pictures of the event prove it, and the cartoon of the day, shown opposite, represents it so well.

The long quiet hours of the night gave us time to think and pray that what we were doing was not in vain. Silence had always been one of the most important features of our symbolic movements, as we all know. So there was only the occasional whispering of some request, or soft footsteps of



Evelyn West

changing places. We had been threatened with an onslaught of hat-pins from inside the railings, but I was luckily not one of the victims.

My thoughts turn to the future. I am adamant about one thing - we can never give up. We have a vision - a challenge and a mission more difficult now than in those far off days before the advent of forced removals, bull-doing, teargassing, shambokking, Casspirs and informers in our midst. But in spite of these, we *must* keep the vision bright. Alan Paton once said, "Believers in democracy may be silenced but their ideas are imperishable." The Black Sash was born out of the need for democracy - we dare not allow ourselves to be silenced. □

western cape trail blazers

philippa taylor

The pioneers who recall their experiences below were invited to do so on the grounds of having joined the Black Sash in 1955. Using this as a cut-off point has allowed many remarkable pioneers to escape our net. Not only those who joined later, but others who either regard their working years as unnewsworthy or have declined to feature here for personal reasons. We regret if we didn't prod hard enough.

Our readers would have benefitted from hearing more about **Mavis Orpen**, quiet inspiration to her co-workers; **Norah Henshilwood**, (pictured on page 43 at 86 years) facilitator in successive Advice Offices; **Moiria Henderson**, juggler of multiple commitments besides Dependants' Conference; and **Molly Peterson**, moving spirit of the past, who recently returned to Greyton after years in England.

There are others, better or lesser known and not mentioned here, who have given all they could in their personal circumstances. We honour *all* pioneers for establishing the base on which we build.

Many of the pioneers who responded have recalled the days of 'haunting'. To understand the significance of this form of protest in the context of the 1950s, it must be remembered that women who openly and publicly expressed their political opinions were socially frowned upon. It took a special kind of courage and conviction to stand at stations, airports, and along roadsides in order to make their political protest felt.

For those of us who have found the experience of taking the

position of branch chair after one year of membership daunting, it's a salutary reminder to hear of the situation in which one early pioneer found herself.

Evelyn West has been a powerful but low-key presence in the formation of the False Bay branch where she unexpectedly found herself taking on a position of responsibility.

'I ATTENDED my first Black Sash meeting in Fish Hoek, by invitation, in 1955, and was elected branch chair! I remember Molly Petersen's startled, controlled reaction. It wasn't advisable, but the gap had to be filled. I was an experienced committee woman, a founder member of the Liberal Party, and I learned quickly — as we all did.

'Apart from committee meetings in my home, we held open meetings in a Fish Hoek hotel. One of our first guest speakers was Thomas Ngwanya, who introduced himself as an ex-Cape Town skolly! He moved all of us. For most of the people present this was the first contact with a black man who was not an employee. About eight years ago when I organised visits to Crossroads through a local church (following a Merge meeting), for most people this was still their first social contact with blacks.

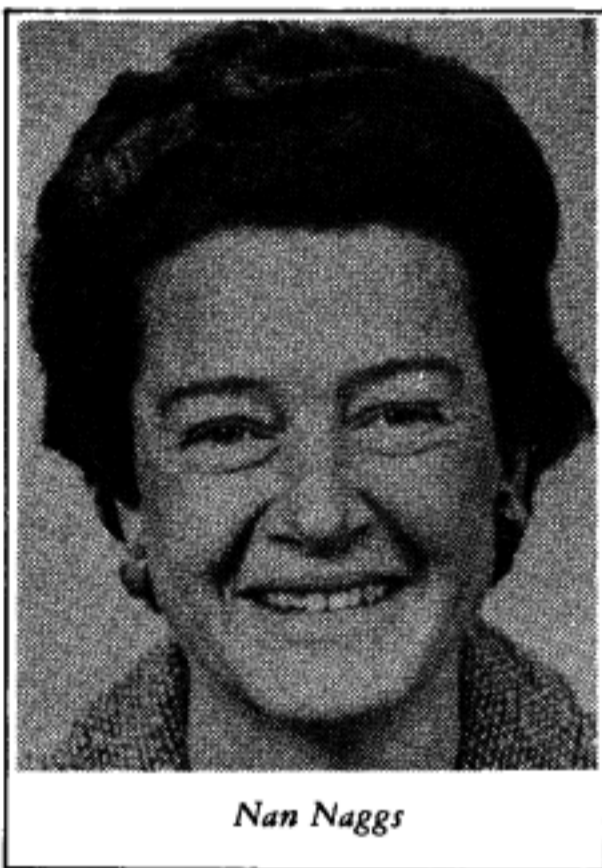
'Three more random memories: a meeting in Noel Robb's home, where an address by Chief Albert Luthuli was followed by an informal discussion — unforgettable. In 1957, following Archbishop Geoffrey Clayton's death, after the writing of his historic letter regarding the 'church clause' in the Native Laws Amendment Bill, Black Sash members were demonstrating in Cape Town. A man approached us and said, "Your leader lies there, where you will shortly join him, and we will be trampled into the mud *before we give the black man an inch.*"

'And then the lighter side. A police car screeched to a halt at the foot of Government Avenue, where a lone Sash member stood in protest. Several of us were in the wings to show support and to share in the stand. The police officer took out his walkie-talkie. (I think — even

Sashers have lapses of memory.) What I remember clearly is Desirée Berman sauntering over to him saying, "Are you calling up reinforcements?"'

Nan Naggs has been described as a caring and outgoing person who can be relied upon to respond positively to any request made upon her time or energy. She has continually declined to take a high profile role but has made her presence felt during her many years of membership.

'MOST PROMINENT in my memories is the outstanding leadership we have had. I would like to pay tribute to those dedicated, able women who have enabled us 'ordinaries' to



Nan Naggs

keep at it over the years. My association with the Black Sash has given me an added dimension and awareness which I value greatly.

'I joined in Elgin as a founder member and remember well the monthly journey into town for Regional meetings at the Cecil Hotel.

'I was a member of False Bay after that for a short while, then Claremont and finally Rosebank since the 1960s. What an awesome bunch the 'pink' Rosebank members were! Three ex-National Council of Women, the National Chair amongst them and all those academics — very good for a little country bumpkin.

'I can remember battling against giggles at S'bosch on a 'haunt' (a protest stand to embarrass cabinet

ministers) when we were wrapped in yards of toilet paper by jeering (but polite) students.

'Another memory, riding by bike to Athlone bridge where the original Advice Office was. The sand over the Common was so thick in summer I'd have to walk and push.

'Many years of "book-stall" too — our diningroom lined with cartons of fascinating finds. Those were the days of first edition. Furious activity as November approached — bags, aprons and cushions being churned out for the morning market.

'I feel privileged to have been associated with such a wonderful group of women.'

Eulalie Stott was once described as being 'to the left of everyone else'. A founder member of the Liberal Party, she joined the Black Sash in 1955, where she met 'the nicest bunch of women I've ever known'.

'What is morally wrong cannot be politically right,' said Molly Petersen, who taught her so much as did Peggy Roberts, who had much political experience. Two people to whom these early 'trail blazers' were able to turn for advice and help were Donald Molteno, QC, and Prof. Ben Beinart.

One of Eulalie's innovations was a monthly dinner to which various political figures from the black and coloured community were invited. The objective was to foster contact. The Black Sash was earning a reputation which was making it unwise to meet in public.

She was also active in fighting early forced removals under the Group Areas Act. With guidance from Donald Molteno, she used to visit an area under threat, offer support and organise resistance where it was requested. This took her to Somerset West, Arniston and Simon's Town.

Eulalie recounted how the advice office came into being.

'Amy Richtown phoned me one Friday afternoon to say that there were 18 African women who had been in Langa Court on pass law offences. A further 28 women members of the ANC had come to support them and were also arrested. Many of them had tiny babies with them and needed

nappies, baby food and milk. I suggested that we get bail for them. The bail was ten pounds each. In those days, that was a lot of money. So, at the Black Sash meeting on the Monday morning, I asked that we start the bail fund. It was finally agreed upon, and the advice office in Athlone was started to administer the fund. I have never worked in the advice office for the reason that for the last 30 years I've had my own advice office at my front door, sometimes seeing as many as 100 people per week. Mrs Trewartha, who recently turned 90, used to help as my interpreter.'

In 1961, while she was national president, Eulalie became a town councillor and had little free time to continue her active participation in the organisation. She does still however, host the Claremont branch annual general meeting, to keep in touch.

She has done much to shape the policy and direction of the Black Sash in the Cape, and while describing herself as a traveller and no longer a participant, she still succeeds in making her presence felt.

Dorothy Hacking, veteran of demonstrations, campaigns and dogged hard work in both Johannesburg and Cape Town, has written about what the Black Sash has meant to her.

'FOR MYSELF, 77 years old and 32 years a Black Sash member, I know that I am deeply grateful for the influence that the Black Sash has had on my life. It has kept me aware of what was happening in our country, battered my conscience, furthered my education in things political, social and civic and put unfamiliar, sometimes alarming jobs on my plate which I simply had to learn as I went along doing them. I have found companionship and a continuity of purpose which was all the more valuable when so much else in the country was disintegrating. As a result of Sash nudging I have branched into other activities, indeed, I have yet to meet a Sash member who worked only within the Black Sash!

'When I look back to 1955 when the Black Sash was launched and when I consider events in South Africa during the intervening years,

it seems to me a near miracle that the organisation is alive and well today. By all the laws of probability it should have been long forgotten or remembered only as a nine days' wonder of the late fifties; a short-lived, gallant attempt to keep the 'Coloureds' on the voters' roll that ended in failure. But the Black Sash survived that failure and many others — thanks to the hard core in a shrinking membership who defied suggestions that it was time to pack up.

'The Black Sash has managed to put down deep roots, weather the storms and grow into the organisation that we know now. As Jean Sinclair pointed out then, if our aim was to oppose apartheid we had better stay together for "we



Dorothy Hacking

had a long row to hoe". We never imagined that we should be hoeing the same row 30 years later or that a new generation of Black Sash women would be rallying to the task in ever more menacing political circumstances to see that the row was howed to the very end.'

Molly Forsyth, still going strong in Somerset West, responds.

'MY MEMORIES of the early days of the Black Sash are really of the various 'stands' and not the meetings, which out here at Somerset West were mainly organised by the late valuable Mrs Cornish-Bowden — she also organised our 'stands'. I remember standing on the islands of our main street and trying to look severe when greeted

cheerily by acquaintances passing by in cars. There was one memorable stand before the Houses of Parliament with all the notables of the day passing the line of brave and dedicated women standing against the railings and down Adderley Street, when much to my shock the organiser suddenly said "You are tall, you can carry the display boards".

'But these times were fun too, and we all shared a keen determination. Most of us are old women now and many have passed on, but the good work goes on and tough standing days are over. I still feel proud to belong and bless you all and the work you are so faithfully doing.'

Lily Herbstein is known to many of us for her untiring efforts in fundraising. She has run the 'connoisseur's corner' at the morning market for many years and was chair of False Bay branch until failing health forced her to resign from that position.

'I JOINED the Black Sash in its early days and started working in the advice office in 1961.

'To me the stands and the advice office were the most important aspects of this organisation. I remember a male friend saying in sheer admiration, "The Black Sash will be remembered in the RSA for ever!" Needless to say, that is how I and countless others feel today! In the days when the Sash was not as restricted in holding outdoor meetings and stands as it is at present, we stood and had meetings in public. Naturally, we were not always admired. It was a sad day for me when I had to stop my weekly day at the office and I always shall remember our two wonderful interpreters, Lettie Malindi and David Viti. David had a remarkable memory and he and Mrs Malindi too, were always most helpful regarding the background of many of the people who came to us for advice.

'Four of us from the False Bay branch worked at the office every Tuesday for many years (Peggy Grant, Vera Kirkwood, Mavis Thorne and myself). My great regret is that had I known that I was going to work there for over 20 years (with breaks) I would have

certainly tried to learn the Xhosa language.'

Adele Keen remembers the Rosebank branch in its early days. She joined the Black Sash in 1955.

'ONE DAY, soon after the birth of my third baby, I had a telephone call from Nancy Day — she told me about the idea of a 'women's defence of the constitution league'. This was when the Nationalist government was packing the senate in order to force the coloured people off the voters' roll. I said to myself "it's obvious that I will have to join this"; although I have never been a great one for committees and so forth.

'I went to the first meeting, and they made me a treasurer! Mrs Willis at Simon's Town used to come and vet our books regularly. Many of my fellow members were highly articulate, interesting and well informed people. Rosebank was regarded as an 'intellectual' branch. At that time it was thought that if we were all voters, we would carry more clout, so the membership was restricted to those eligible to vote. That meant in effect that it was all white. This idea was debated for many years in the Black Sash, and eventually the doors were opened to all. But by that time very few black or coloured women were interested, and they formed their own protest groups. The vagaries of our history meant a missed opportunity of being non-racial.

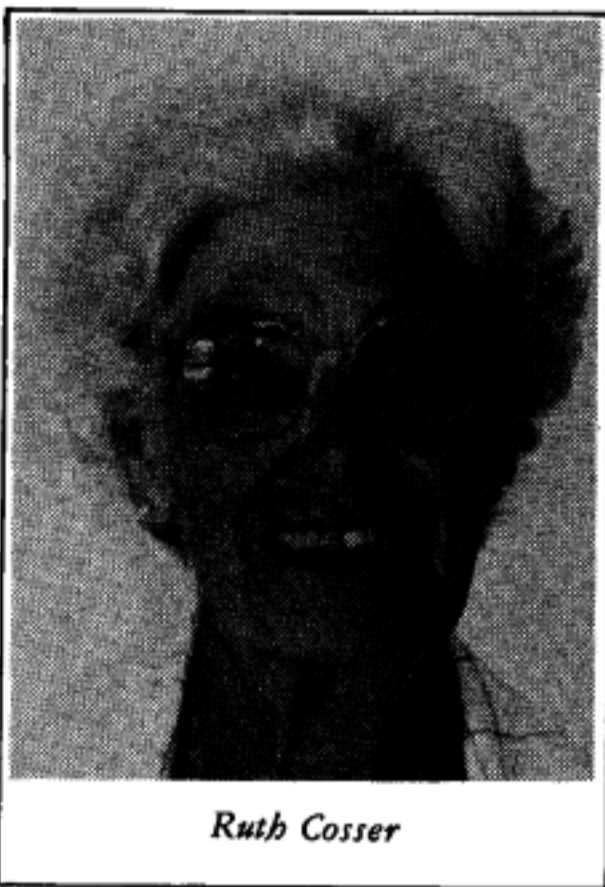
'In 1959 we had to go to live in Durban and I joined the Black Sash there. We got back in 1974 and I went to Rosebank branch again. Nan Knaggs (who had moved from Elgin) was now chair. I became secretary. I always hated having to expose myself to publicity, but I never missed a stand. In the early days we did not all have posters, and I always campaigned to have these, so that people would know what we were standing for. I thought this was much more sensible than just 'haunting' the ministers with our black sashes.

'Later Rosebank membership dwindled and we were almost taken over by Rondebosch. However, a great influx took place last year and now there is competition for who is going to stand!

'Many interested groups have been formed and advice offices established in country districts. The Black Sash has changed, but in ways that are good.'

Ruth Cosser is currently an active member of the False Bay branch. She shares some of her recollections.

'IT SEEMS a lifetime since I was phoned by a friend one morning in Pinelands to come to a meeting and join in a women's protest against the rape of the constitution. We heard of Ruth Foley's and Jean Sinclair's plans in Johannesburg, and from that morning meeting, the Pinelands branch of the Black Sash was formed. Membership grew



Ruth Cosser

rapidly, especially with the publicity given to the marches and stands throughout South Africa. The stands in Johannesburg, Durban and Stellenbosch were sabotaged by disruptive people letting off crackers to distract the 'standers'. Our most successful march was up Adderley Street carrying the Black Sash-draped 'Constitution Book'.

'We stood in large numbers in those days, mainly outside the Houses of Parliament and at the airport and railway station. We gave members of the Nationalist government a very cool welcome to Cape Town, leaving them in no doubt as to what the women of the Black Sash thought of their attempts to get the coloured people off the common roll.

'We had an all-night stand outside the House, against the railings, while the debate was nearing its climax, and taking part in this stand was a large convoy of members from all over the country. Despite the dedication and seriousness of the event there were some amusing incidents. A number of youths draped in toilet paper paraded up and down the road in front of us. We were terrified of being poked in the behind with hatpins (do our younger members know what hatpins are?). Although we heard giggling and movement in the gardens behind the railings, those in our vicinity came out unscathed.

'Our membership consisted mainly of ordinary housewives, indignant and heartsore at what was happening to our country. In my opinion, our bravest and most enterprising venture was to invade the senate in pairs, ask for interviews with the newly-appointed senators who had been put there to get the act passed, and ask them to vote against it. We did manage to see a few senators and, speaking for myself and my co-worker, we were received courteously and had interesting discussions but, of course, got nowhere.

'I left South Africa temporarily in 1961, but now I'm back and most impressed with the growth of the Black Sash and the quality of the members, many of whom are young professional women, who are doing an excellent job despite their commitments in their homes.'

Madelaine Parfitt's recollections of the Black Sash in the early days at Somerset West are ones of total dedication and enthusiasm.

'THOSE WERE exciting days as we took part in numerous stands and 'haunts' and went out to several country towns, trying to get them interested in the movement and encouraging them to start a branch of their own. One town in particular stands out in my memory and that was Bredasdorp, where after holding a meeting, standing for half an hour, getting no response whatsoever except a few hostile looks, we went to a hotel for lunch. There, to our amazement and delight, we were shown to a table decorated with beautiful floral arrangements

and a large placard in the centre with the words "Welcome Black Sash" — very heartening and encouraging!

'Another vivid recollection is of the huge convoy of members from all four provinces heading for Cape Town to protest against the Senate Act and spending the weekend at Stellenbosch to have a rest after their long arduous journeys. Our branch was asked to provide accommodation for, I think, 50 people. This proved a problem to begin with, as the Black Sash was not well-known in those days and people, husbands in particular, were loathe to give up a weekend to entertain strange, 'crazy' women. However, they very soon opened their hearts and homes and their hospitality was absolutely wonderful. A very happy and interesting two days was spent hearing about their trek down and also meeting up with old friends from all over the country.

'I will never forget the thrill of leading our branch in convoy with all the others through cheering crowds lining the streets of Cape Town on that memorable Monday morning in February 1956.

'Yes, those were good old days and I am delighted to know that the Somerset West branch has been revived and I wish it every success.'

Cecile Newberry proudly gives her age as 87, the same as the Queen Mother, celebrating her birthday in the same month.

'WHEN MACMILLAN was in South Africa, and passed through Fish Hoek to Simon's Town, I stood on the Main Road near the station — wearing my sash of course!

'We were a small community and most of the ladies I knew are no longer alive. I still belong to the Black Sash, but due to age and deafness, I no longer attend meetings. But I do enjoy the magazines.'

'People convinced against their will, live to think the same way still.'

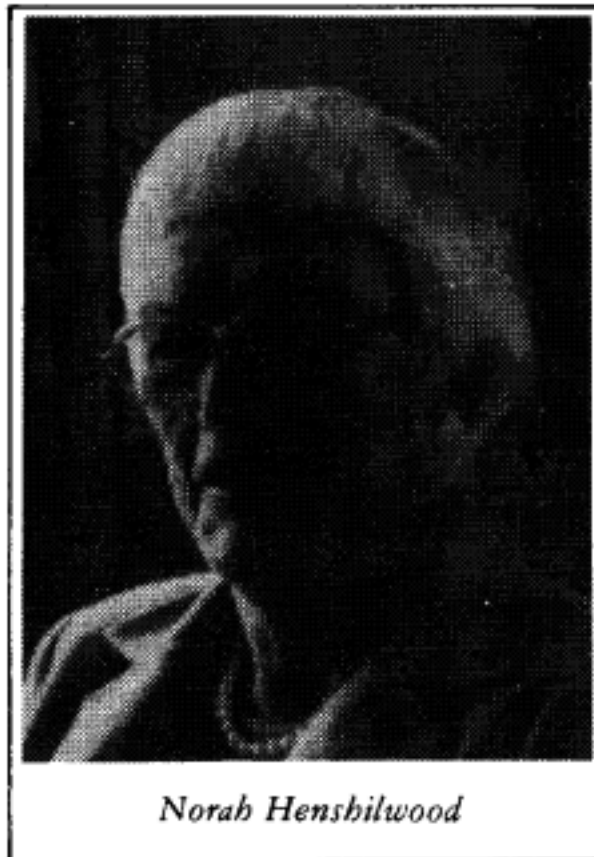
This quotation, used by **Noel Robb**, in some ways characterises her attitude of persuasion as opposed to confrontation. She is described as indomitable — she gets

up and acts and never gives up.

When travelling through Khayelitsha in recent troubled times, Noel was heard to say yet again, "I'm sure we'll be fine if we go just a little further". She is always willing to go just a little further.

A very special quality attributed to Noel is her ability to adapt to change. Her many years of experience in the Black Sash have not made her inflexible or intolerant of the opinions of younger, less experienced members.

'AS A WHITE woman I had always thought that pass laws were sort of tidy until one day I heard a black woman speaking at a meeting. She had brought her baby with her and explained that black women always



Norah Henshilwood

took their babies with them in case they were arrested and thus unable to feed the child if it was left at home. I realised there was another side to the pass laws.

'I always said "no one is going to make me stand in the road like a sandwich man" so the first time I stood was memorable. I remember standing outside the Houses of Parliament and being greeted by Luthuli. A woman, clearly right-wing, asked, "Who is that kaffir?" When told it is Chief Luthuli she turned to us and said, "You're standing in the rain for blacks, they'll never do that for you!" I said, "You're quite right — they won't!"

Noel's hearty laughter at this point underscored her deep understanding of human motivation. She can also be seriously reflective.

'I've always found stands somehow cathartic — not haunts, they were rather catty — but standing quietly and having time to think, that was very satisfying.'

Noel recalls an amusing stand that took place at the opening of D F Malan Airport. Many members had been invited, as the wives of their husbands, to attend the ceremony.

'We arrived, with sashes tucked into our handbags and took our seats on the concourse. As the plane carrying Minister Schoeman, who was opening the airport, touched down, we put our sashes on.

'This took more courage than anything I'd ever done before, as here we were, standing in front of our social friends who must have thought we were sandwich men.

'One of the wonderful things to me about the Black Sash is that although there have been terrific personality clashes people up to now have always swallowed their differences for the good of the Black Sash. People are not trying to get higher positions, money or power in the Black Sash. They are all in a certain amount of danger and have no ulterior motives. This makes it so much better to work in than a political party which has to win votes.'

Noel has two daughters who are members of the Black Sash. Her entire Cape Town-based family observe a tradition of spending Sunday lunch teach week with them at the Robb home in Kenilworth.

Barbara Versveld has made an enormous contribution to Black Sash, Cape Western. She ran the advice office for many years and her moving and evocative advice office reports are remembered with deep appreciation and respect.

'THE WOMEN'S DEFENCE of the Constitution League is going to be called the Black Sash now and it is coming to Cape Town very soon. Want to join?' said Nancy Sharples to my startled self one midday in 1955 as we waited for our young to emerge from their kindergarten. I was a bit stand-offish. Thought I had some mission toward Afrikanerdom, imagining that I had contacts I could develop to help

that 'population group' retain or recover certain vestiges of sanity. They didn't need me, my contacts and many others stayed pretty sane without any help from me. But along came Group Areas legislation and my fantasies dissolved as I saw neighbours threatened and the awful looming spectre of homogenised whites. Back to Nancy. I became part of the Rosebank branch and I'm still there. Looking back I can see myself going round with my first petition in my slightly trembling hand, discovering how few people in my own street agreed with me.

'I'm proud to belong to my organisation: it can move without getting carried away and no one could call us static although we are stickers.

'There have been some rotten tomatoes, insults and advice to return to our kitchens, and things were never tame. Today's issues are incomparably heavier but they are the logical outcome of what we were protesting then, and we are still seen as a Big Threat needing the Big Stick. A force to be reckoned with, not just spanked?

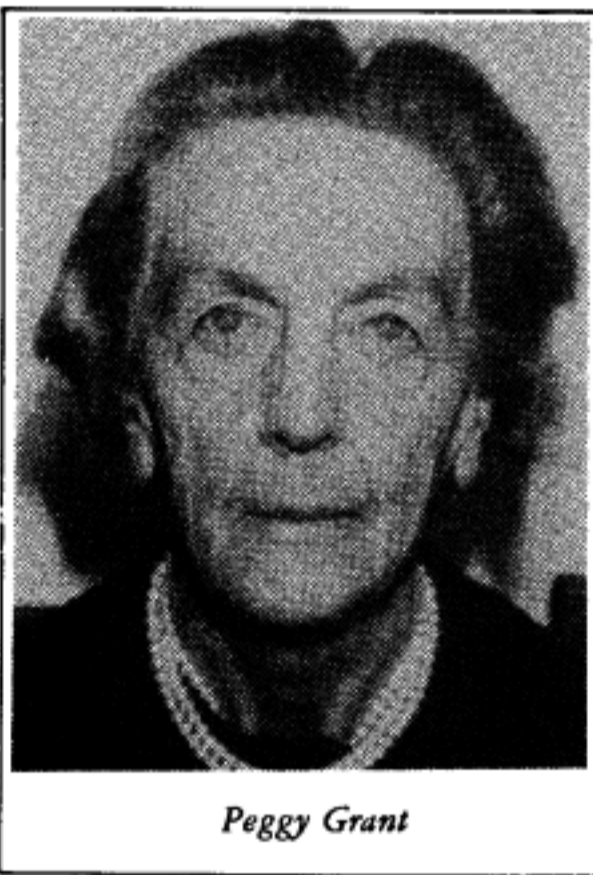
'Among ourselves, are we less formidable at leadership level? Not brain-power-wise, but yes, I think we are more accessible now. We are more practised, I notice, in human skills beyond the academic. We have learnt more about how people tick. And we are still a funny bunch of people (a bigger bunch, *nogal*) and we still enjoy laughing at ourselves.'

Many of us remember **Mary Schurr** for her steadfast efforts in keeping the more remote Black Sash branches going when their geographical isolation put extra strain on their small memberships.

'I ALSO REMEMBER attending a few sessions in parliament, one of which was about people being arrested for not carrying passes. We wore black roses on these occasions and I still have mine. I also remember going to the airport to stand before the prime minister at his departure from the airport. After standing for some time we were told the prime minister had boarded the plane specially early to avoid us! Strange affect our stands had then!

'I lived in Bellville when I first joined the Black Sash but as there was no branch in Bellville, I joined the Durbanville branch. After several years this closed down. I joined the Milnerton branch followed by the Pinelands and Somerset West branches after that. This involved quite a bit of travelling to general meetings!

Peggy Grant occupies a very special place in the hearts of many Cape Western Black Sash members. She began her association with the Black Sash by working in the advice office. After many years of voluntary assistance, Peggy was requested to collect and paste up all *Cape Times* cuttings



Peggy Grant

relevant to our work. Each Thursday, Peggy travels from her home in St James to Mowbray to continue this work. On 6 December she celebrated her 90th birthday. We salute Peggy and we are proud that she has been described as one of us. She recalls:

'MY IMPRESSION is that we were more domesticated in the office.

'I remember many mothers and babies with much feeding and nappy changes.

'My most vivid memory is the way those babies looked up into their mothers' faces as if Heaven shone out of them. Many times it has lighted my spirit in our work.'

'flower power'

joan pare

I had taken no interest in politics at all and had never even voted until the Black Sash started. When Jean Sinclair, Betty Barker and Dora Hill came down to Cape Town to talk and organise, I went to hear them at a house meeting where it was decided to hold a public meeting in the city hall, Cape Town to launch the Black Sash. My return home afterwards marked the end of my innocence.

In the midst of my husband's birthday dinner Noel Robb rang and asked if I would chair the meeting the next day. I had never taken a meeting in my life — nor had I spoken in public and I told her she was out of her mind — then my conscience pricked me and I thought how courageous the other women had been. Noel did offer to take what was left of me to hospital!

It sounds ridiculous now to say that I was terrified — but I was. It was a cold day but it wasn't that that caused my knees to shake.

I took the meeting in the morning and that afternoon my telephone was tapped — which perhaps showed the significance of the meeting. In those days tapping was not as sophisticated as it is now — we could hear them cutting in and would say 'Hallo — what would you like to hear now?'

The press were wonderful, particularly the large fat photographer from The London Times who was a great ally.

Five days later when we had formed our first committee an Argus reporter phoned to say that Minister Eric Louw was leaving by train that evening. He asked if we were going to "sash" him. I said "sure" and then had to phone Eulalie Stott to buy material for our sashes (we were very unprepared).

We forgot that my phone was tapped and that the information would have been relayed to Eric Louw. When we got to the station we were told that he had boarded

the train very early to escape us. However, we decided to stand outside his compartment and he unknowingly gave us a wonderful start by coming outside, waving a gin at me and shouting "Look at the ladies all in mourning — how about a gin!"

Once the Black Sash became active, cabinet ministers refused to give any information regarding official movements to the press. They travelled under assumed names and used the back entrances to airports and other public places. It clearly affected them.

In order to monitor their official movements we established a code which operated from a florist shop in Johannesburg called 'Flower Design' and my shop 'Forget-me-nots' in Constantia. We kept it going for a year.

Each cabinet minister was given the name of a flower and our telegrams between shops would read something like this: "Have despatched carnations by 11 a.m. train - Kindly return empties" — which meant that Eric Louw was leaving on the 11 a.m. train and would those at the other end please let us know when he was returning.

I once had a new assistant and had forgotten to warn her of this. She remarked "What a crazy florist — they've just sent a box of static by air — it could easily have come by train". I said "That's not static — it's Paul Sauer" and rushed out to the airport.

It did however lead to some confusion sometimes. As when we had a telegram saying "Orchid arriving 2 p.m. by air" and as we were expecting a consignment of orchids ourselves we were not sure whether it was real orchids or Mr Strydom!

When 60 new senators were due to arrive to discuss the common roll bill in parliament they were all very careful not to give away their movements. In desperation I phoned the flower shop knowing I was being tapped and said "We are having a very big funeral on Monday and are finding it very difficult to get flowers - can you help me?"

Answer "We are in the same position here but suggest you try the wholesalers in Beaufort West they may have supplies" and they did too!

The large book symbolising the constitution which we used in the protest march up Adderley Street was made by my husband and had to be kept in my lounge it was so large. There are so many other memories which, along with the feeling of comradeship amongst us all, made light of uphill work in defence of the constitution and against political manipulation:

I remember making 2 000 black crinkly paper roses to wear. I remember Betty Waterson's dress — made specially with a black line across it to wear in the House when we had been told to remove our sashes.

I remember Barbara Willis placing her hands in black gloves to look like a sash.



Joan Pare

I remember being told to wear our sashes whenever we could and going on to the SS Corona to do the flowers with my five staff wearing black sashes and the passengers too nervous to come ashore in case we were heralding a mini revolution.

I remember visiting the shops I used to patronise and wearing my sash. If I didn't get a good reception I didn't go back.

I remember the feeling of gratitude at being given the opportunity to fight for what I believed to be right — for as the late Morris Broughton, the editor of the *Argus* and a great supporter, said "For evil to flourish it is sufficient for good men to do nothing". □

What does Mommy look like, Daddy?



SHE'S THE LADY who puts on that black sash and holds a placard to protest — the one who works in the advice office sometimes.

At night — when she's not going to meetings — she tells you bed-time stories, all about people's problems with evictions and municipal police.

Don't you remember? She's the one with the stack of old newspapers, trying to sort out her clippings.

You sometimes see her in between field trips. Or when she's not at workshops. Or counting detentions.

Sometimes she bakes — for cake sales. And she goes on orientation trips to rural areas. She has to talk to foreign visitors and take them to the soup kitchen.

When she washes up the dishes — which isn't often — she sings *Siyavuka!* And she teaches you the toyi-toyi. And she goes to lectures.

You've only forgotten her now because she's away at a conference. But she'll soon be back — and you'll be able to have an interview with her. □

Bobby Melunsky

From small beginnings, not so long ago, Cape Western Region's initiatives in the sphere of rural work have pointed the way to increasing involvement in this area of pressing need. The advice office, for example, recently co-operated with related organisations to hold an extensive workshop, where its skills and experience were shared with advice office workers from rural townships (see opposite page). The Rural Interest Group (RIG) has taken a new name — Plaaswerkers Inligtingsgroep (PIG) — to signify its focus on the working and living conditions of labourers on the farms. Advice office files, updated by a researcher, provided the basis for a booklet about Paarl. Opportunities for further booklets about towns or regions will arise as fieldwork is extended and details of other 'hidden stories' are filled in.

The publications listed on this page are available from The Black Sash, 5 Long Street, Mowbray 7700.

New appointment

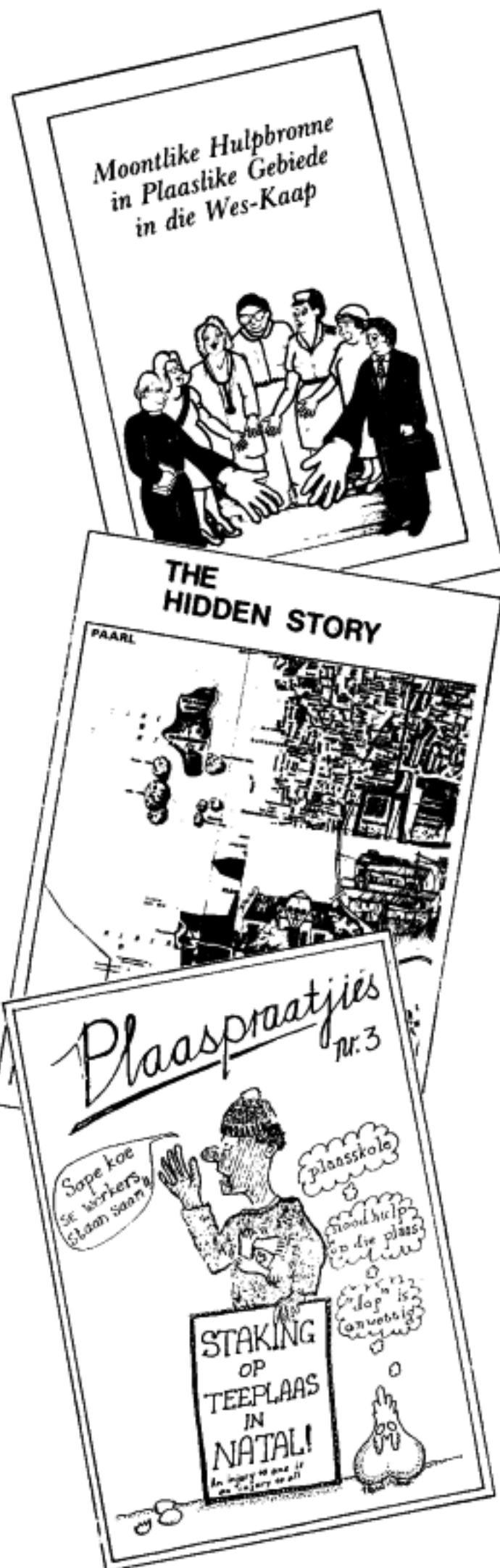
In January Annemarie Hendrikz took up an appointment as Black Sash fieldworker with the responsibility of focussing on rural issues and carrying forward Philip van Ryneveld's work. Annemarie has for some time been a member of the Black Sash.

Funding is now being sought for a rural fieldworker in the Southern Cape. This Black Sash branch presently operates as part of the Cape Western Region.



rural round-up down south

candy malherbe



Plaaspraatjies. The usefulness of this little booklet, which combines practical advice (e.g. 'Noodhulp op die Plaas') with legal information (e.g. 'Die Dop is Onwettig') and short items of labour news, has been proved by the demand: the current edition is Number 3 (8 pp. prepared by PIG).

Moontlike Hulpbronne in Plaaslike Gebiede in the Wes-Kaap. Other regions (if they have not already done so!) may wish to compile and disseminate the kind of information contained in this booklet, which includes sources of help related to health, unemployment, alcoholism, education, disablement, legal problems and much more. (20pp, by PIG).

Paarl — the Hidden Story. This book was brought out to coincide with the Paarl 300 Festival — the tercentenary, that is, of white settlement in the Berg River Valley.

1988 is notable in that this year will see celebrations of: the Dias voyage (500 years); the arrival of the Huguenots (300 years); the Great Trek (150 years) and the National Party victory (40 years). (64 pp, prepared by the Paarl Project).

Farmworkers and the Law. This publication — Books I and II, with a third planned for a later stage — is a paralegal handbook. It addresses the legal needs of people on farms and in rural communities. In 1984 a National Manpower Commission completed its report on the working conditions of farm and domestic workers. After waiting in vain for these findings to be published and for a start to be made with the necessary revision of the relevant acts, it was decided to proceed on the basis of existing law. The handbook explains the legal system and goes on to provide examples of the workings of the law by means of typical cases arising from housing, citizenship, accident, employment, pension and other problems faced by these categories of workers. (Prepared by Annemarie Hendrikz, an editorial committee and numerous other contributors, with backing from the Black Sash and the Rural Legal Services Trust.) □

In June last year, the Cape Western Region of the Black Sash convened a meeting for interested people to discuss the development of a comprehensive Advice Office Training Programme for rural communities. This meeting was called in response to numerous appeals for training from rural communities throughout the Cape. A steering committee was formed, planning began and outside funding was secured. Participant organisations on the committee were the Black Sash, the Advice Office Forum, Transport and General Workers Union Aid Service, Legal Resources Centre, Legal Education Action Project (UCT) and Organisation of Appropriate Social Services in S.A. The group met regularly once a week to develop a three-week programme offering training in basic advice office skills. Keeping in mind the fact that 'offices' are highly vulnerable in the rural areas, it was decided to call the project 'The Advice Worker Training Programme'. Thirty-three people attended from 16 towns in the Cape Province. Facilitators from each of the planning organisations led courses starting with interviewing and basic record-keeping skills and continuing through paralegal work to media and organisational skills.

The Black Sash co-ordinated the programme as a whole as well as offering three courses. The first and introductory course on trainee's expectations was led by Di Bishop. In the second week, Sue Joynt did a workshop on identity documents and social grants. During the third week, Di Bishop introduced the question of funding, fundraising and finance in general. In the evenings more informal sessions were held and speakers from organisations such as COSATU, UDF and the Democratic Lawyers Organisation were invited. The trainees attended a play, a public meeting, a rock concert and a jazz club for entertainment. Relaxation exercises and games were also provided, and needed!

The course was very well received. Participants were enthusiastic, capable and very receptive. Perhaps the most rewarding aspect was the relationships that have developed as a result

breaking ground in training rural advice workers

sue van der merwe

Workshopping was never like this before. A marathon three-week advice worker training programme was held in Cape Town at the end of September last year. It was a 'happening' co-ordinated by Sue van der Merwe.



Trainees relaxing after a heavy input session.

of this intensive working together. Black Sash participants have developed firm and meaningful bonds with other participating organisations which in turn have led to further joint projects. Trainees were taken to the offices of other organisations to meet staff and to widen their networks as a way of building up their own resources.

All of the trainees have maintained contact either with us or with other people they met through the programme. Since their return to their communities, we have been alerted to alarming incidents of

assault and other police action against the trainees themselves and activists in the rural areas in general. Appropriate responses are taking place.

As a result of the evaluation of the programme the steering committee decided to continue operating in its present form for the immediate future and to run a second course early in 1988. In addition, a 'refresher course' for the first group is being discussed. The necessity for such training was clearly underlined and the success of this programme was encouraging for future efforts. □

Judy Chalmers provides the background by introducing Mrs Mbunye.

Mrs Pauline Nomboyiso Mbunye first visited the Port Elizabeth Advice Office in September 1985 — brought in by Mr Molifi, who often brings clients in to us, and who attempted to look after her well-being.

Mrs Mbunye's problem was a financial one. She was 72 years old and had no means of support. Because of her beliefs she had refused to get a pass book, having burnt hers in the 'fifties, and she still refused to give in. Up to now she had survived by selling vegetables but her health was failing and she could no longer do this. She felt the end was near (of the government, not herself) and did not want to give up her principles now.

She had never been able to get domestic work as each time she had to produce her pass book and this she could not do. Once she was arrested for not having a pass. Her family went to pay the fine but she said no, she wanted to serve the sentence and she did for three weeks.

Eventually we managed to get her a small monthly pension from a sympathetic woman overseas and this enabled her to survive. She also refused to get the new Identity Book, saying, 'I don't want a book from Botha. I am waiting for our people to rule'.

Mrs Mbunye was to be seen at most of the political trials, dressed in white or green, black and gold, always barefoot.

The Black Sash attended her funeral, and she would have approved, I think. Her coffin rested next to those of two young activists, all draped in the green, black and gold flag. The songs she loved were sung and perhaps it was not inappropriate for the church to be surrounded by security forces, who hovered about as her coffin was lowered into its grave.

Like her good friend Mrs Tshaka, we, the Black Sash, miss her a lot.

'she was so keen and brave and bright'



Hilda Tshaka's testimony to her friendship with the late Pauline Mbunye (pictured on the right) appears here in the form in which we received it. Its unique viewpoint reveals the commitment and strategies on which organisational gains are built.

She is, as her spirit, still alive. Her words are still ringing in my ears. Words of comfort and encouragement.

She was an optimist full of magnificent, eloquent sense.

For her it was a stimulus indeed to be with people, presenting views and ideas.

She was so strong and fearless, fond of sharing responsibility and responding in discussion and dialogue.

Comrade Mbunye joined the African National Congress in 1952 — 26th of June. Being a member, she always told people that everyone is born free and to be free, let

She said it was her chance to walk hard and fearless on the surface of the earth . . .'

everyone demand his rights even though they are denied.

Whenever she visited a friend, she would walk in and kneel and shake hands and say these words:

'Qamata ke tayi sibone usivelele kobobugxwayiba usibeke esifubeni sakho ukuze siyibone inkukhululeka emband ezelweni.' (God bring us through the repression and take us to your breast so that we can see the liberation coming out of oppression.)

■ In 1953 she took part in encouraging the community to defy laws of discrimination. These laws prevented a black person from being a shop assistant. The shops were owned by whites and at the same time most customers were black.

Being an organiser of the community, she ordered all adults to go to town with their children and enter all illegal places for blacks.

For she was so keen and brave and bright, she knew very well what she was doing. It was her responsibility to check door to door to see who was arrested. If parents in a household were arrested she looked after that family by providing food and other things like medical aid where it was needed.

The above-mentioned shop boycott was the first attempt.

The second attempt was a boycott of potatoes at the time the Pass was being forced on men. The potato boycott was caused by the government forcing every man carrying a Pass to work at their jobs and those who were jobless were to be taken to Barberton to work on potato fields. There was no job security there because they were cheap labourers. Most of them never came back and those who did told us about unfair treatment and asked us to launch a boycott over potatoes which was done — well-organised and thorough.

Oranges were also boycotted because of low payments to those who were working on the orchards and were also being ill treated.

Later there was a School Boycott arising from Dr Verwoerd's Bill on Bantu Education. Women protested and asked all parents to take their children out from schools and instead to open up their own schools in the Cultural Clubs. When all schools remained empty policemen went to the Cultural Clubs and harassed children. Women then realised that the best thing to do was to break down walls in their houses to make more space, and to continue teaching their children there. Comrade Mbunye was active in this.

Between 1957 and 1959 workers launched a stayaway but a minority went to work saying they were here to come to work for their families. Most of them were the people from homelands. Mrs Mbunye reacted to the problem and plans were made. An effective one was her suggestion that all women must come together to sleep together. Women were

to wear mens overalls and must also carry sticks to attack those stubborn men.

Women slept where the General Tyres factory is today. At dawn men were seen coming. Women lay down flat and waited. When the men were about ten metres away from them women stood up and charged to them. The men were so shocked and disbelieving. Others ran away. Those who were standing amazed were beaten up. The women made sure they would not be recognised as women. They changed their voices to baritone tones.

As the leader, Mrs Mbunye said 'Tshisa Tshisa' meaning beat — beat. Because men were so afraid of her not even one even stood facing her. She was so powerful.

She respected her leaders like Mrs Matomela, Mrs Baard and the Black Sash. She had friends like Mrs Pirie and the late Mrs Peggy Levy. Mrs Pirie was given a Xhosa name Nokhaya.

At the time Sheena Duncan was leading women to Cape Town people were waving handkerchiefs. Mrs Mbunye said people must pray instead. In her prayers she never forgot to mention other leaders like Lilian Ngoyi, Helen Joseph, Ameena Cachalia, Lilly Diedericks and Sophie Williams.

Even now she feels like my best friend. Her spirit is still burning inside my heart and her words are still ringing in my ears.

The fact that she wore no shoes was not accidental but a spiritual commitment to the peoples struggle.

The day Mr Nelson Rholihlahlo Mandela and his comrades were sentenced was the last day she wore shoes on her feet. She said it was her chance to walk hard and fearless on the surface of the earth as shoes would make a noise.

Before my friend's last day she came to my house every day for two weeks to have conversations with me about the struggle and her last day to come. She asked me to take her to a dressmaker who could make an ANC patterned outfit.

She asked for a green blouse and gown and a green, black and gold doek. She said she was going with the Black Sash to a place overseas where Mr Savage was going to build a very beautiful spacious house for her.

She said long ago she will never die by bullet as she would never be arrested. Also, she would never carry a pass. When I understood her condition I began to realise what she was saying about her uniform and the beautiful house.

On her burial day, it was a matter of importance that her coffin should be covered in ANC colours as she wished. In her last words to me she asked if I knew Sheena Duncan, I said, 'No, but I know her work' then she said 'Thanks'.

I, Mrs Tshaka, I miss her a lot. □

WORKING AT THE OUTPOSTS

a personal view from the midlands

pat merrett

Press reports on the UDF/Inkatha violence conceal a dramatic and complex reality which puts special demands on the membership of the Natal Midlands Region.

There are certain characteristics which make Pietermaritzburg (which is in effect the Natal Midlands Region) somewhat of an aberration compared to other regions. Does any other region have a magistrate who permits the Black Sash to hold regular stands during the State of Emergency, on controversial issues such as recent SADF action in Angola, press censorship and Namibia? The level of state repression here is much milder than in Grahamstown or the larger centres: detentions are fewer, torture less common, and the only action taken against the Black Sash stands is the recording of names and addresses. The divisions on the left which seem extremely contentious in larger centres, *are* evident here but cause irritation rather than ostracisation. In the Black Sash, for instance, we have barely begun to address such crucial issues as the socialist-capitalist or workerist-populist debates, and we have participated in the organising of public meetings with quite disparate political groupings in the last two years.

Some of the political features of this region can be attributed to two allied political forces: Inkatha and the Indaba. Inkatha is the political party that rules Kwazulu and claims majority black support in the region. It has operated freely during the State of Emergency, unlike extra-parliamentary political groups like the UDF and trade unionists within COSATU who have suffered severe state repression and detentions.

Inkatha was one of the major parties involved in the Indaba, which began as a series of talks between various Natal-based organisations and political parties and culminated in a set of constitutional proposals for the region that its proponents believe could, if implemented, bring peace and stability to Natal.

Organisations like the UDF and COSATU declined to participate in the Indaba because they considered it to be an exercise designed to maintain and protect the vested political and economic interest of its major participants — Inkatha and powerful business and industrial groups.

That parties of the Right, including the National Party, also declined to participate, leaving the Indaba with a limited 'centre' support base. Throughout 1987 the Indaba has been trying to broaden that base by promoting its proposals through a concentrated advertising campaign.

At the same time, the Pietermaritzburg area has been engulfed in the most horrific civil war that claimed the lives of about 154 people between September and December — 50 of them in October alone. The killings have continued unabated this year — indeed they have intensified during the second half of January.

The complexities of the violence cannot yet be unravelled because of State of Emergency censorship and state repression of political movements that promote a national, non-racial democracy in South



Africa. However, the origins of the violence have been traced back to the early 1980s and analysed by local historians. It began at a time when Inkatha was attempting to increase its membership — and experiencing a threat to its hegemony due, in part, to growing support for the UDF and COSATU.

This set the context for the rise of Inkatha-supporting warlords — who have spearheaded a vicious vigilante campaign against UDF and COSATU activists. The latter retaliated and the entire region has been caught up in this violence.

One of the most marked and disturbing features of the situation has been repeated statements, by people involved in attempts to resolve the conflict, that another destabilising force (whose actions cannot be publicised or criticised under a grant of immunity by the State of Emergency) has been actively involved in supporting and protecting one side to the conflict.

A complicating factor seems to have been the movement of hardened criminals and thugs into the space created by the political violence, some of whom are uneducated, unemployed youths who may not be affiliated to any political faction, but who are bitterly alienated from their social and economic environment and are taking out their frustrations on their own communities. (In an unemployment survey conducted by the Development Studies Research Group, University of Natal PMB, in 1986, it was

discovered that amongst an African population of over 250 000 in the greater Pietermaritzburg district, 33,4% were unemployed, of which 81,5% were under the age of 35 years.)

In October the SADF and SAP were deployed in the townships and hundreds of summary random arrests and detentions have been made. After long negotiations, peace talks between UDF-COSATU and Inkatha/UWUSA (the trade union arm of Inkatha) were initiated under the auspices of the Chambers of Commerce and Industry. The latter have clearly perceived the grave threat to the long-term economic and financial stability of the entire region as a result of the township anarchy. The detention of over 30 UDF and COSATU activists and leaders between 13 and 19 November completely disrupted the peace talks. Two of the UDF secretaries were finally released after what appears to have been intense pressure exerted by the business community and the talks were resumed. Permission was even granted to the UDF to hold a public rally. Unfortunately the killings continued.

Given all these factors, who can say what the real dynamics of the situation are or claim with any authority who all the participants are and what motivates them? How therefore can any genuine efforts be planned or made to resolve what is clearly a deep-seated socio-political and economic crisis, and one which is intimately linked to the whole country? The situation needs full-time research.

What all this violence has achieved is to show that the Indaba process has been unable to address the roots of conflict in this region. It also reveals the spurious nature of Inkatha's claims to be the voice of 'the people' and its determination to resist any challenge to its hegemony.

These developments have also had important implications for the Black Sash. Not all our members are equally convinced that the Indaba process, and its constitutional proposals are unable to bring our country closer to the non-racial



This graffiti in Edendale, outside Pietermaritzburg reflects the attitude of some local residents to being engulfed in civil war.

democracy we seek. The Black Sash executive in the Midlands region believes its most useful role would be to educate our members and the wider public on the complex issues involved. The two general meetings we organised recently on the Indaba and Inkatha evoked more interest and attendance than any other meeting in the last few years. But to be really effective we need to be able to mount regular research and publicity.

Another activity that deserves more attention is the Pietermaritzburg advice office, which is run in the mornings by voluntary workers and in the afternoon by a paid caseworker. In 1986, 5 843 interviews were conducted, most of the problems relating to work and pay problems, pension refunds and UIF, all of which reflect poor labour relations in the capital, and the effects of the recession. There are only two other advice offices for blacks locally: COSATU (which assists only union members) and the Legal Aid Clinic (which closes during all university vacations), and consequently the burden on our advice office is considerable. Employing a caseworker has enabled us to cope with the volume of clients, but has not made possible wider initiatives such as research, education, and advice to potential self-help groups (many of which fall foul of Inkatha). Ideally our voluntary workers and/or the caseworker should attempt these ventures, but the sheer volume of clients makes this impossible.

Thus the potential in Pietermaritzburg for the Black Sash to do active research, documentation, publicity and education, on issues ranging from local political violence, Inkatha, the Indaba, labour law, and how to cope with destitution, is

virtually unlimited, but the nature of our membership I believe militates against such activity being done on a voluntary basis. In the last seven years the worsening of political and socio-economic crisis have both increased our membership to 91 (plus 8 associate members), and altered the structure of that membership. Of the 33 full members who joined since September 1985, 15 are fully employed, and 11 are part-timers. Eight out of ten executive members are in full-time employment. Thus the demands of career, family and the Black Sash have to be finely balanced, and we no longer have women who have the aptitude and the freedom to devote most of their time and energy to political activism.

The voluntary nature of the Black Sash is a hallowed tradition, and is not likely to die out, for there is an increasing number of politicised women in Pietermaritzburg and elsewhere who wish to be active in progressive women's organisations. But changing circumstances, and a more dynamic local executive, point towards the desirability of the Black Sash employing research staff in this region. Although there are a large number of progressive organisations locally (in fact a disproportionate number relative to the size of the city, the white population of which is about one third smaller than Durban), few of them employ full-time researchers, and the PMB campus of the university lacks the high number of research posts enjoyed by the Durban campus. Such a move would mean the difference between the Black Sash maintaining a low profile in this region, and making a genuine contribution to the struggle for a more just society. □

REVIEWS

The Strollers

by Lesley Beake
(Maskew Miller Longman
1987)

This book was written for a youthful audience. Our book reviewer is ten years old:

Johnny Kashan leaves home because the way he is treated is not fair but life on the streets is not fair either.

He joins a gang who roam the streets of Cape Town mostly sleeping in derelict factories and warehouses.

They earn their money by begging and spend it on food, cigarettes and lighter refills to sniff.

Johnny soon becomes leader of the gang of four. The others are Abel the film fanatic, who is Johnny's close friend, Finkie a good natured boy with a bad cough and Mesana who is about eight and is the youngest in the group.

There are good times and bad times for the gang.

When there is money things go well but when they are cold and hungry things are very difficult.

The book is very interesting because it describes the Strollers' way of life very well. It also describes some of the fascinating characters that Johnny meets including Abraham of the Spider Men, who wears the most extraordinary clothes.

These boys and girls end up in this type of situation because there are too few teachers and too many pupils and because they cannot learn properly this causes trouble at home and so they eventually run away and join a group of strollers.

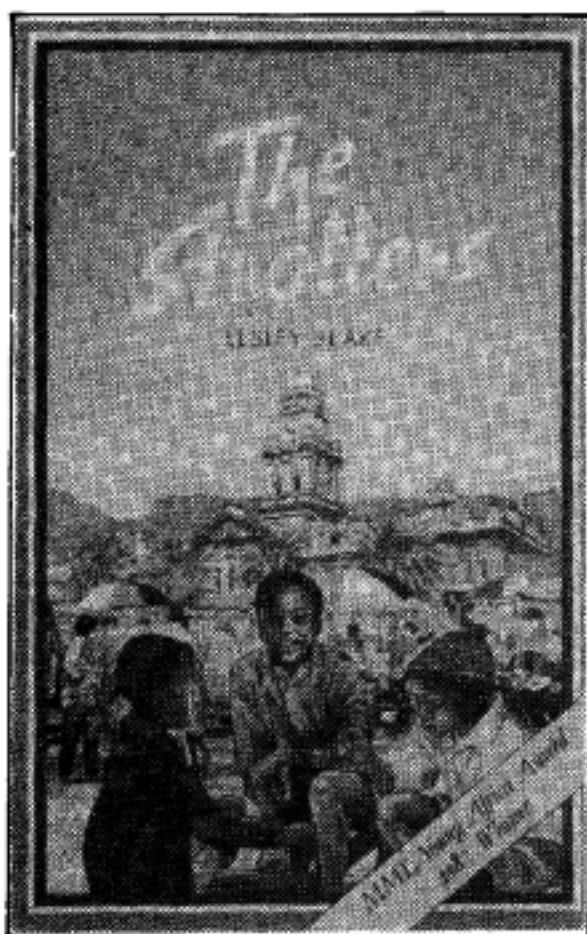
Strollers say they are free but they really have no freedom.

They cannot free themselves from drugs and the need to beg.

They are not free to choose another life-style.

The Strollers is an interesting and touchingly realistic book. □

Thomas Woodward

**South Africa Under Apartheid**

Jacqueline A. Kalley.
Occasional Paper 31. Shuter
and Shooter, with the
Institute of Social and
Economic Research, Rhodes
University. 1987.
Paperback R39,00

This large paperback, with its powerfully grim-looking cover in mainly black and yellow, looks just right for lying on the coffee table to impress liberal visitors. No Black Sash member would stoop to such a ploy, of course, but if they did, disappointment would soon set in. This is not a riveting cover-to-cover read. It is 'a select and annotated bibliography' compiled by an expert, and it's very much a working volume.

It consists of 1 123 numbered items — publications listed in alphabetical order of authors, and each with a short summary of contents. There are two indexes, one of authors and the other, very useful, of subjects. Researchers in political, social and economic fields have, no doubt, been using the book for

JACQUELINE A. KALLEY

South Africa Under APARTHEID

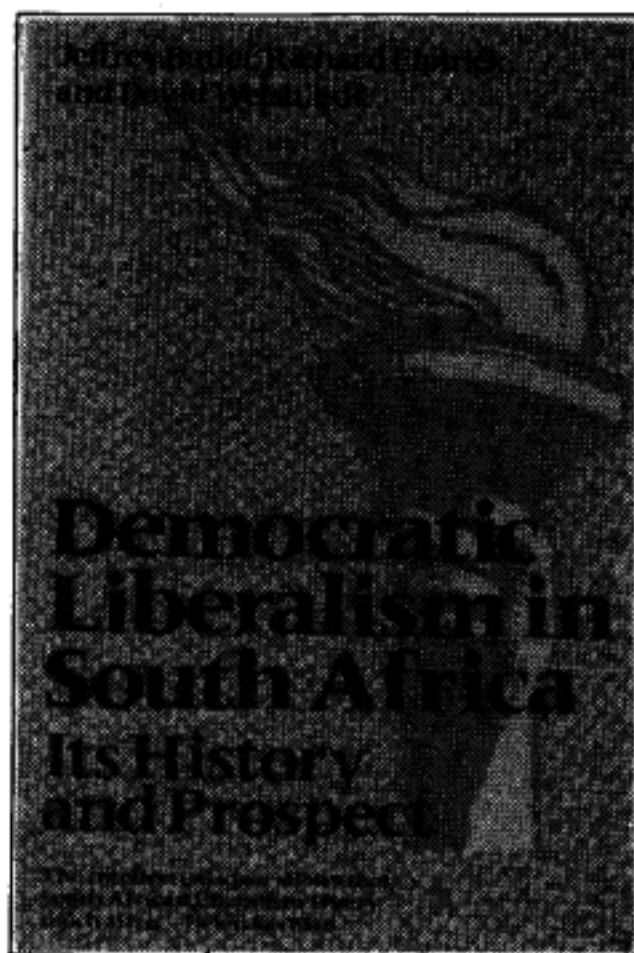
some months and will certainly have found it clear, accurate and comprehensive.

The ordinary reader hoping to bone up on some aspect of apartheid legislation, say, or history, will have less joy. The subject index will direct the reader to particular books or articles, but after that one is on one's own. This is, after all, a bibliography, a list, and a bibliographer must scrupulously refrain from commenting, or evaluating the material in any way. The reader will be left to weigh up, from the summaries, whether publications will be worth buying or borrowing.

Interested readers should, without too much difficulty, be able to use this meticulous catalogue to help pinpoint areas of work needing attention. Many will be struck, as I was, by the sheer bulk of the literature apartheid has generated (spawned might be a better work in some cases) over the years. Many will also be asking gloomily where all this print and paper have got us. Not far, perhaps, but as this book shows, many fine minds have bent themselves to consideration of the problems and it is good to know that a work of this kind helps us gain access to what may be inspiring thinking. □

Stephanie Alexander

REVIEWS



Democratic Liberalism in South Africa

Its History and Prospect

Jeffrey Butler, Richard Elphick, and David Welsh (eds) (Wesleyan University Press & David Philip (Pty) Ltd)

During the past two decades our understanding of southern Africa's past has been enormously enriched. The records have yielded vivid recreations of the experiences of dispossessed groups and new explanations have been found for prevailing patterns of oppression and dominance.

In this context *Democratic Liberalism in South Africa* explores the past, present and future of liberal action and thought. The three editors and twenty or so other contributors have produced a well-integrated work — surprisingly so since the contributions came out of a conference (June/July 1986) of scholars representing quite diverse *foci* of analysis and research.

Six chapters (Davenport, Du Toit, Elphick, Butler, Lewsen, Irvine) make up Part I, The Liberal

Tradition in South African History. In 'The Liberal Party, 1953-1968', past and present merge eerily at several points. Two authors (Elphick, Lewsen) hark back to Alfred Hoernlé's between-the-wars lament that liberals had stopped short of defining what a liberal South African society ought to be like. Elphick remarks, in words which apply equally to 1988: 'To be hopeful in such a time was possibly a virtue, but it was no substitute for rigorous thought'.

Part II, Liberal Interpretations of South African History (Saunders, Butler & Schreuder, Elphick), may sound like an in-house affair for historians but this is not the case. The liberal-radical debate around interpretations of our country's past is an important part of the Great Debate out of which its future will take shape. 'It is to be hoped', Elphick notes, 'that liberal historians will find the courage ... to set forth a sophisticated view of history that will make an open society first imaginable, then real'.

Under the heading, Towards a Liberal Analysis of Contemporary South Africa (Part III), the focus shifts to capitalism in relation to phenomena such as racism (Welsh) and underdevelopment (Bromberger & Hughes). Yudelman's 'State and Capital in Contemporary South Africa' is, perhaps, more difficult for non-economists but, among other merits, it illustrates a strength of this volume: the careful definition of key terms (see also, e.g., Degenaar's 'Nationalism, Liberalism, and Pluralism' and, in Part IV, Mathews on the rule of law).

Readers who wish better to understand economic factors and to feel more at home with economic theories will be aided by these and other chapters — which, of course, may be compared with treatments of the same themes by scholars to the left and right.

To enter one area of dispute within the liberal camp, consider the policy of 'affirmative action' to compensate groups which have been discriminated against (Simkins). Is this a route which

democratic liberals, in their search for economic justice, wish to take?

Traditional Black Sash concerns — press freedom (Shaw), education (Hofmeyr) and, most particularly, the law (Dugard, Mathew) — form the subjects of Part IV. 'Liberals and the Education Crisis' is strong and encouraging: after exhorting liberals to reject any 'notion of a middle-ground positioning ... and to delineate their terrain positively', Hofmeyr offers constructive ideas — not just for educationists.

Echoing Hoernlé's complaint a half century ago, Dugard urges liberals to take up the challenge of constitutional model-building. In spite of claims made for it, he argues, the Freedom Charter of 1955 provides no such blueprint: it is 'a statement of principles to which a democratic South Africa should aspire and does not purport to be a constitutional instrument'.

In his 'Economic Means and Political Ends in the Freedom Charter', Archer provides an economist's analysis of the economic clauses of this central document. This section (Part V), titled Democratic Liberalism in the Current Crisis, is essential reading which the passage of time (already almost two years) has not made less relevant. If *SASH* readers see little reference to the knowledge of life experience which Black Sash work brings out, they will find this knowledge useful when assessing these six analyses (besides Archer, by Adam, Natrass, Schlemmer, Slabbert and Giliomee).

This volume is far more than a resource of first-rate scholarship around the theme of liberalism. It is a clarion call, buttressed by feasible goals and performable tasks, to those who wish for 'a democratic liberal outcome in South Africa'. If hope seems almost extinguished on an unblinkered contemplation of the facts, it survives nonetheless in the perception of 'the open and creative possibilities of human history' which the authors hold out. □

Candy Malherbe

LETTERS

The Systems Debate

I was shocked at a recent General Meeting to hear an 'old' member say, that we in the Black Sash "have tackled *every* issue except the one about Free Enterprise vs Socialism: and we should not touch it because the Sash would probably be divided in the middle".

If we are genuinely striving for a just society in South Africa, wanting to 'further the political education and enlightenment of South African citizens and others' (see our Aims and Objectives), how can we rightfully exclude the very important aspect of material interest and the structuring of economic life from our agenda now and in a future South Africa? The 'Systems Debate' is concerned with an integral part of daily political life and it does not befit the Black Sash, in my opinion, to adopt an

ostrich-like attitude evading these topics.

I would like to encourage regions, branches and individual members to participate in this debate. We do not have to 'split in the middle', nor do we have to fight each other: it is rather a question of information and exchange of perspectives.

Birga Thomas
Cape Western Region

Let's hear it for the men

We would like to commend the magazine committee on a very worthwhile August edition of SASH.

As with the other issues this year, the layout was good and the cover design made a powerful impact. The magazine offered a thoroughly 'good read' from cover to cover and

left us with the satisfying feeling of having gained valuable information while also being challenged by new and, sometimes, contentious ideas. The large number of photographs, illustrations and cartoons contributed to making it look inviting and lively.

Since the various aspects of the position of women in South Africa were so admirably presented, we would like to suggest that an interesting focus for a future issue would be the role and status of men in the Black Sash.

Julia Denny, Nova de Villiers,
Jill Joubert, Sue Ross and Sue
Stewart (Albany Black Sash Press
Group).

Is there a debate developing here? We would welcome contributions that argue for changes away from the present role and status of men in the Black Sash or which elaborate on unfulfilled potential within the 'present order'. Ed.

NEWS-STRIP

Albany campaign for Human Rights Day

december 10

15 days
to
christmas



do you have children (perhaps grandchildren) are you afraid for their future in south africa?

will they have the privileges you would want for them — a fine education a good job?

perhaps they will. but in a changing world it is not their *privileges* that you worry about the most — will they have the *rights* they are entitled to?

food and shelter, education, work, the freedom to choose their lifestyle the assurance that they'll be protected by fair laws?

these are basic human rights that you would want your children to be assured of

your employees no doubt have children too.

the south african government should be urged to negotiate **NOW**, with the leaders who count, for the human rights of all our children.

december 10 is human rights day. give it a thought.

A campaign by the Albany Region to mark Human Rights Day on December 10 included the opposite text folded into a Christmas card format and distributed throughout Grahamstown. This was organised by the region's 'White Outreach' group — recently established to try to increase awareness amongst whites in Grahamstown of the situation in the city and in South Africa generally.

Together with the 'Lawyers for Human Rights' organisation, the group also placed a prominent notice in the local *Grocott's Mail* newspaper. It laid out the fundamental rights which were adopted and proclaimed by the United Nations on 10 December 1948. These included the right to participate in government, freedom of movement and residence, protection against arbitrary arrest, detention and exile, and the right to know!

Nova de Villiers

NEWS-STRIP



New chair in Human rights at Stellenbosch

One of the broad objectives of the Black Sash is to seek constitutional recognition and protection by law of human rights and liberties for all.

That great unsung champion of human rights in South Africa, the late Donald Molteno, QC, once thanked 'the ladies of the Black Sash' for being 'so large an advent on to the side of the angels'. We believe he would have been as interested as we are to note another advent, in the institution of a new chair in human rights law at the University of Stellenbosch.

In resigning from the Supreme Court to take up this professorship, Mr Justice LWH Ackerman said 'the effective protection of human rights in this country is the most important legal issue facing lawyers in the short, medium and long term'.

Problems for today's proponents of human rights are accusations of tokenism, of a new-found concern for property rights in a time of imminent change, and the damage that protection of group privilege in the guise of group rights will do to majority acceptance of a Bill of Rights.

1987 has been the year when the influential Nederduitse Gereformeerde Kerk admitted its fault in having proclaimed that Apartheid was the will of God. We look forward to further manifestations of the new dynamic in Stellenbosch towards achieving a democratic non-racial South Africa. □

Dot Cleminshaw

Julia Denney moves to Johannesburg

Julia Denney has belonged to the Albany Branch of Black Sash since the beginning of 1985, but will soon be moving to Johannesburg. She spoke to Sue Ross.

'Being a member of the Black Sash has helped me cope with being a white, middle-class, privileged lady,' states Julia.

'It has helped me to feel that I'm doing what I can. It's not only what Sash does, but its function in educating and keeping people informed, which is an ongoing thing.'

'1985 was a traumatic year. Matthew Goniwe's funeral was a landmark experience. There we were — a handful of white women frequently greeted with cries of "Viva Black Sash"!'

Julia sees the work done by the Black Sash as being always politics tempered with humanity. 'I feel uncomfortable working with people whose motives are intellectual and political and *not* tempered with humanity. Part of this means not losing sight of the fact that the government or those who are in authority, are also humans. It is hard, especially for people in the townships, to regard men in uniform as also human. It's a tremendous challenge.'

'People in Grahamstown probably live on a higher level of stress than almost anywhere else in the country, a psychologist has suggested,' Julia says, 'because there is so much political stress. In a close-knit community this results in forcing one into awareness of apartheid and its consequences. I am expecting the Black Sash experience of Johannesburg to be further removed.'

'However, I'm glad to see in the *Sash* magazine that I won't be joining a vast impersonal group. With the new decentralisation, I'm looking forward to belonging to the Melville-Westdene branch and getting involved there.' □

Sue Ross



Slide programmes on Brazilian farm workers

'Farm Workers in Brazil' is a slide programme with relevance for South Africa. The 64-slide package depicts the process by which Brazilian peasants have been occupying vacant land and trying to gain title to it. The peasants explain how they came to be landless, for example, due to drought, to mechanisation, or to being driven off the land by vigilantes. Their stories are contained in a script: the distributors recommend that, for dramatic effect (until the proposed tape has been prepared), voices should be chosen to read the various parts in tandem with the slides. The script is available in English and Afrikaans and may be translated into other languages on request. The slide package is available from International Labour Research and Information Group (ILRIG), Box 213, Salt River, 7925. Phones: (021) 650-3504 (University of Cape Town), or 47-6375 (Community House). Mounted slides, ready to project, can be purchased at approx. R130 per set. □

Candy Malherbe



THE 1988 NATIONAL CONFERENCE

Johannesburg

10 to 13 March

PROGRAMME OUTLINE

Public Meeting

Great Hall
Wits University

Thursday 10

8 p.m.

Working Sessions

Wednesday 9 1 to 5 p.m.
(Closed session: Advice and field-workers meeting.)

'Koinonia'
Judith's Paarl
Johannesburg

Thursday 10

12 to 5 p.m.

Friday 11

9 to 5 p.m.

Saturday 12

9 to 5 p.m.

Sunday 13

9 to 1 p.m.

Observers

Observers will be welcome at the open sessions. For further infor-

mation please call (021) 685 3513 (mornings) or (011) 337 2345.

BACKGROUND

THIS YEAR'S Conference, to be held in Johannesburg, will once again bring together delegates from all seven Regions of the Black Sash. 1988 will mark, on 10 December, the 40th anniversary of the signing of the Universal Declaration of Human Rights, and we propose to keep the issue of human rights alive throughout the conference and in all aspects of our work during the year.

We shall be particularly honoured to welcome as our guest speakers at the public meeting to open the conference Ms Nora Chase of the World Council of Churches in Geneva, and the Rev. Frank Chikane, General Secretary of the South African Council of Churches.

Nora Chase is known as a determined and courageous defender of human rights in her native Namibia and during her term of office with the Commission of Inter-Church Aid, Refugee and World Service, of the World Council of Churches. She reminds us of the fact that 1988 is also the tenth anniversary of the United Nations Security Council Resolution 435, and her topic will be 'Human Rights in Namibia 10 years after Resolution 435'.

The Black Sash has undertaken to be alive to the needs and struggles of our neighbouring countries, and this emphasis on Namibia will help us to do so.

The Rev. Frank Chikane is a



Above: Nora Chase
Below: Frank Chikane



familiar friend to many of our Transvaal members. We look forward to welcoming him amongst us, and to paying tribute to his courage and leadership. It will be our first opportunity to do

so publicly since his accession to the general secretaryship of the SACC. He has endured a great deal in his demonstration of his commitment to bringing about a better, more just and more truly Christian society in South Africa.

Resolutions and items for discussion on the agenda of the working sessions will include:

- capital punishment (to which the Black Sash has already expressed its opposition)
- new conditions for state subsidy to universities
- the Federation of South African women
- poverty, unemployment and homelessness (taking up these issues of grave concern raised at the 1987 Conference)
- detention under security legislation, and the treatment of detainees.

In addition, attention will be paid to matters arising from the reports of the different Regions and departments, not least the administrative necessities of finance, definition of responsibilities and elections of office bearers.

The national conference is always an occasion to renew bonds, to make new friendships, to draw strength from the exchange of information and the stimulus of debate, and to re-dedicate ourselves to the long struggle for justice.

Mary Burton