

sash

VOLUME 31

NO 4

MARCH 1989



*Human
rights
now*

contents

EDITORIAL	Helen Zille	4
A FUTURE SOUTH AFRICA - DO HUMAN RIGHTS HAVE A CHANCE? <i>An optimistic and a pessimistic scenario</i>	David Welsh	5
MAKING RIGHTS RELEVANT TO LIBERATION <i>A great challenge in a complex context</i>	Hermann Giliomee	9
HUMAN RIGHTS AND SOUTH AFRICAN HISTORY <i>A century of erosion - and the promise of resurrection</i>	Colin Bundy	10
SALVAGING THE LAW <i>...and remembering Ernie Wentzel</i>	Justice J Didcott	14



Cover note:

Our cover design, adapted from a Unesco original by Sue Williamson, is currently in circulation on a T-shirt printed by the Civil Rights League to promote Amnesty International's worldwide 'Human Rights Now' campaign. For the past year, the Black Sash has also made a concentrated effort to promote the Universal Declaration of Human Rights, adopted by the United Nations 40 years ago. As our special campaign draws to a close, the Black Sash re-dedicates itself to continue its work for human rights in South Africa.

YEARS OF CHAMPIONING RIGHTS <i>The successes and failures of the Black Sash</i>	Di Bishop	17
SIX COMPELLING ARGUMENTS FOR ALTERNATIVE NATIONAL SERVICE	Peter Storey	23
CAN WAR BE STOPPED BY THOSE WHO ARE MEANT TO WAGE IT? <i>Examining the likelihood</i>	Mark Swilling	26
THE VERY LEAST I CAN DO <i>A conscientious objector's story</i>	Etienne Marais	28
LESSONS FROM LATIN AMERICA <i>Comparing militarisation on two continents</i>	David Fig	30
ANALYSING SOUTH AFRICA'S FUTURE <i>Part Two of Heather Hughes' interview with R.W. Johnson</i>		34
RE-KNOTTING THE NOOSE <i>The state finds new ways to curb foreign funding</i>	Sheena Duncan	38
THE SOFT OPTION <i>A proposal to create an anti-apartheid alliance</i>	Joyce Harris	40
DETENTION IN THE EASTERN CAPE <i>Keeping detention in focus</i>		41
LETTERS <i>...and light relief</i>		43

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 H Zille, 5 Long Street, Mowbray 7700.

The contents of this magazine are protected by copyright. People wishing to use material from this magazine may do so, provided it is quoted accurately and in context.

Published by the Black Sash, 5 Long Street, Mowbray 7700.

Printed by Blackshaws. Desktop Publishing by Roger Milligan.

SA ISSN 0030-4843

Subscriptions

5 Long Street, Mowbray 7700

Local subscriptions per year (postage included):

South Africa: R15,00

Botswana, Malawi, Zambia and Zimbabwe: R30,00

Overseas subscriptions per year (airmail postage):

UK and Europe: R37,00

United States and Canada: R45,00

Australia and New Zealand: R50,00

NB: If paying in foreign currency, please add R6,00 to cover bank charges.

Black Sash Offices

Headquarters:

5 Long Street, Mowbray 7700

Telephone: (021) 685-3513



EDITORIAL COMMITTEE

Editor

Helen Zille

Guest Editor

Joyce Harris

Sub-editing

Shona Bagley

Joyce Harris

Hilary Ivory

Jackie Kallaway

Candy Malherbe

Sarah-Anne Raynham

Birga Thomas

Andrea Weiss

Helen Zille

Typing and Wordprocessing

Candy Malherbe

Birga Thomas

Proofreading

Birga Thomas

Helen Zille

Design and Layout

Kate McCallum

Sarah-Anne Raynham

Production

Kate McCallum

Helen Zille

Distribution

Ann Moldan

Lou Shaw

Judy Woodward

Archive

Anne Rogers

Regional Representatives

Albany

Nova de Villiers

Border

Cindy Deutschmann

Cape Eastern

Isobel Douglas-Jones

Johannesburg

Joyce Harris

Natal Coastal

Christine Scott

Natal Midlands

Mary Kleinenberg

Pretoria

Carol Long

Southern Cape

Tessa Edwards

editorial

Our national conference in March marks the end of the Black Sash's year-long special focus on human rights. As part of a cumulative thrust by a number of organisations commemorating the 40th anniversary of the United Nations' adoption of the Universal Declaration of Human Rights, we have tried to put human rights high on the agenda of liberation. Several contributions to this issue of SASH focus on this theme, many drawn from a conference hosted by Port Elizabeth's Human Rights Trust in December. Di Bishop, national vice-president, was there and spoke on behalf of the Black Sash. We have published extracts from her paper, which provides a particularly useful assessment of what the Black Sash is, and where it is going. We would welcome contributions - and a debate - on this theme.

Integral to our human rights focus has been the call for alternative national service, which we raise again in this issue. A remarkably wide range of organisations and individuals have added their voices to this call and the Black Sash will continue to work for the right of young South African men to remain in their country, and serve it according to the dictates of their consciences.

While the Black Sash knows that the vast majority of human rights violations in South Africa's history have been perpetrated by successive administrations in pursuit of conquest and domination, we do not ignore allegations or confirmed reports of human rights abuses committed in the name of the anti-apartheid cause. We continue to assert that the values and methods used to transform our society will determine our chances of achieving a democratic order in which human rights are respected. That end, though still far off, remains our incentive and objective.

a future south africa: do human rights have a chance?

Questions about the prospects for human rights in South Africa are central to any discussion about the country's future.

David Welsh tackled the issue in his address to the Human Rights Conference, hosted by the Human Rights Trust in Port Elizabeth in December. He gives both an optimistic and a pessimistic prognosis.



It is unnecessary for me to spell out how apartheid has devastated human rights. Dramatic evidence of this is provided by reading the Universal Declaration of Human Rights and asking not which rights are abused but whether, in fact, any are upheld. The answer is a dismally short list. In its recent *World Human Rights Guide* (reviewed in SASH, vol. 30, no. 3) the *Economist* gives South Africa the extremely poor rating of 25% in its complex scale, which is derived from an objective weighting based upon the Universal Declaration and two later International Covenants.

This means that South Africa is grouped with states like Bulgaria, China, Cuba, Ethiopia, Iraq, North Korea, Libya, Mozambique, Romania, Saudi Arabia, Syria, the USSR and Vietnam. A range of other states could not be included in the weighting because of a lack of data.

Fundamental to traditional apartheid has been the assumption that ends justify means. People were not so much living, individual creations, but pieces on a chess board to be moved around in accordance with a Master Plan. Whatever misery and degradation it caused could be justified as unavoidable necessities in laying the foundation of the new order.

In some significant respects traditional apartheid is being abolished. I do not dismiss all of these changes as merely cosmetic. It is even possible that the process may go so far as to eliminate all discriminatory laws that are not functional to the maintenance of minority control; but the statutory matrix of the system is the Population Registration Act and there is not the slightest sign that it will be repealed. Yes, some significant apartheid laws have gone, but, as Colin Eglin put it in Parliament on 2 June 1988, 'as the screws of apartheid ... are loosened, so the screws of authoritarianism are tightened'.

Apartheid is one peculiarly abhorrent form of racism, which, unfortunately, has been a worldwide phenomenon. Analysis of apartheid's ravages solely in terms of the abuse of human rights is a devastating enough indictment, but I am inclined to believe that this does not go far enough to describe the injury to the human spirit that racism entails. I mean this: as a white person I do not believe that I can even begin to comprehend how the concentrated force of racism, expressed in laws, attitudes and social practices, must hit like hammer-blows on the psyches of its targets. Even to describe racism as a 'violation of human dignity' seems to me not to capture sufficiently the searing hurt and dehumanisation that it causes.

Fundamentally, human rights are protective barricades against the abuse of power by both public and private authorities. If apartheid is understood as a technique for preserving the

'Fundamentally, human rights are protective barricades against the abuse of power by both public and private authorities.'

power and privilege of a minority, its collision with human rights was inevitable. Human rights can be enforced only in political systems in which power is checked and curbed by the principle of constitutionalism; in which discrimination is outlawed; and in which there is substantial consensus among the citizenry that human rights must be respected. Moreover, they require for their protection institutionalised and entrenched mechanisms that cannot be dispensed with or evaded at the whim of a government.

In the light of these facts human rights stood no chance against apartheid, which has always been the antithesis of an open and democratic society. Apartheid, moreover, was bound to evoke protest from those against whom it was directed. Again, human rights suffered since authoritarian legislation had to be used against those who mobilised to demand rights. It is a myth that our massive battery of security legislation is there to maintain 'law and order': its real aim is to shore up domination.

In my view it is not enough to lament the onslaught on human rights that apartheid has caused. Apartheid will not last, even if its final demise is not imminent. Apartheid society, however, is the incubator in which post-apartheid society's embryo is taking form. We have to assume that the political culture of that post-apartheid society will be shaped in large measure by the political experiences of people under apartheid itself. In short, what kind of a learning-school will apartheid prove to have been? If the question is put in this way there are two possible responses, one optimistic and the other pessimistic.

The optimistic response is as follows: The very ferocity of apartheid's negation of human rights has inculcated in its victims a recognition of their value, a recognition that will inoculate a post-apartheid, democratically elected government against any temptation to nullify human rights. Apartheid has demonstrated graphically the effects of rightlessness; it has shown how unbridled power corrupts those who wield it; but it has proved that oppressive government does not eliminate the people's desire for liberty. The fight for the abolition of apartheid has been a fight for human rights, and those hard-won rights will not be squandered in an alternative form of tyranny.

On the other hand, the pessimistic response will argue that apartheid's authoritarian virus has already established itself in the anti-apartheid forces, which will use essentially the same kind of machinery and even the same kind of rationalisations to curb opposition when they assume power. In support of this argument the pessimists can point to the widespread practice of post-colonial governments in Africa in resorting to the same authoritarian machinery that their colonial predecessors employed in their futile attempts to quell the anti-colonial revolt. They might well point to Zimbabwe, where, in spite of many admirable achievements not the least of which is racial reconciliation, the government still deems it necessary to keep renewing the State of Emergency imposed during the time of Ian Smith's Rhodesian Front government. There are also disquieting signs of growing restraint on freedom of expression, which is particularly apparent in the

government's tight control over the media. It is also clear that whatever independence Zimbabwe's trade unions may have won is in danger.

I am critical of these developments, but let me make it clear that even Zimbabwe's patchy human rights record is significantly better than that of its predecessor, the illegal UDI regime,

and of South Africa. In my view it is a dangerous argument to find extenuating circumstances for creeping authoritarianism. Most threats to democratic government can be neutralised by the democratic process itself; and if there are genuine emergency situations which require the assumption of extraordinary powers, these powers can be exercised under judicial supervision and within the Rule of Law.

In a speech in the House of Commons in 1783 William Pitt said, 'Necessity is the plea for every infringement of human freedom. It is the argument of tyrants; it is the creed of slaves.' By now, that quotation is hackneyed; even so its message remains true. Virtually all governments are power-hungry; and that is why no government should be allowed to define for itself the scope of its power.

There is probably no way of foretelling whether the optimistic or the pessimistic scenario will be realised. Much will depend on how the transition takes place: protracted



'... the future of human rights will also be shaped in large measure by the kind of political economy that a post-apartheid South Africa adopts.'

violence, accompanied by a massive economic collapse, will almost certainly make for a successor regime that is likely to be as disrespectful of human rights as the present one. Rather than speculate about the many variables that will determine the outcome let me reiterate how crucial it is to start the difficult process of building a consensus about human rights across the divisions that scar our society. Effective Bills of Rights have to rest upon such a broad consensus; otherwise they are not worth the paper on which they are written.

I believe it to be vitally necessary that even in the unpropitious circumstances of South Africa in the late 1980s organisations, institutions and movements which proclaim a commitment to human rights do all they can - and it may not be much - to respect human rights within their own bailiwicks. I realise that the government is the major violator of rights, but there remain areas, perhaps only marginal and circumscribed ones, in which a measure of autonomy prevails. The example I have in mind is universities, where freedom of speech has been a critical issue. I do not follow the argument which says that because the government has so ruthlessly abridged freedom of speech what remains of it is either irrelevant or counter-productive to the struggle. I do not accept the democratic credentials of those who advance that kind of argument, nor of those who break up the meetings of speakers to whom they object. That brand of intolerance makes me fear that the pessimists' scenario will ultimately be realised.

There is another critical area over which communities, associations and individuals have some control and that is the question of women's rights. I am aware of the statutory limitations, but they do not account for the whole story of the oppression of women. Deeply patriarchal attitudes are widespread among men of all our communities, and it does not necessarily require changes in the law to begin combatting them. Women make up over 50% of the human race, and their status and rights in any society invariably give you the quickest guide to the state of human rights generally in that society.

In assessing the future of human rights in South Africa much depends on the conception of democracy that is being developed in opposi-

tion ranks and the kind of political culture that is being created among the masses in their townships and associations. This is too large a subject to discuss here, but I would note as general indicators the overwhelming support among blacks, revealed by repeated surveys, for a negotiated accommodation, as opposed to violent confrontation. This is significant, since predispositions to negotiate and to compromise are intrinsic elements of any properly democratic political culture. Also, the concept of *ubuntu* (it is not easily translatable, but means a humane concern for others) retains a remarkably widespread vigour in black communities. One can only hope that white South Africa will not squander this potentially vital asset of a common heritage.

In the final analysis the future of human rights will also be shaped in large measure by the kind of political economy that a post-apartheid South Africa adopts. In a real sense

apartheid South Africa has had the worst of both the socialist and capitalist worlds: a huge, inefficient and sprawling bureaucracy and para-statal sector, as well as an element of heavy-handed central planning, combined with the worst elements of what I call 'captive capitalism', i.e. capitalism that has been required to operate within the

ideological parameters laid down by the state; and a working class whose rightlessness historically gave it little protection against exploitation.

One can understand the widespread black disillusionment with capitalism, since they have seen only the 'ugly face' of its captive variety. On the other hand, in line with the principle that my enemy's enemy is my friend, many see virtues in socialism. The grotesque economic inequalities of South Africa lend weight to these perceptions. My response to this issue is that it largely depends what is meant by 'socialism': if it means what is called 'actually existing socialism' as exemplified in contemporary Marxist-Leninist states, I believe that it ought to be summarily rejected as an undemocratic and inefficient system. The massive concentration of political and economic power in a single site that is the traditional feature of these states is completely inimical to the diffusion of power which is the essential underpin-



EVOLUTION DE L'HOMME



et de la femme.



*Women's
'... status and
rights in any
society invariably
give you
the quickest
guide to the
state of human
rights generally
in that society.'*

ning of any effective protection of human rights.

If, however, 'socialism' in fact refers more to Scandinavian-style social democracies, one is then dealing with a quite different type of system. I happen to believe that it is something of a misnomer to refer to Sweden as 'socialist'. Only eight per cent of its industry is publicly owned and it is fundamentally a market system whose cutting edges are softened by extensive welfare provisions. [See SASH vol. 31 No3. for a comprehensive article on alternative economic systems.]

I have raised a large issue which will become increasingly central to any debate about the future of human rights. Of the approximately 170 states of the modern world, only 39 rank as democracies, in so far as their political leaderships are accountable, government can be changed by the ballot box, and rights are secure. To my knowledge each of the 39 is a preponderantly market system, with an extensive private sector.

Time does not allow a more extensive debate

of this vital issue: if there is a high correlation between respect for human rights and particular broad groupings of political economy, we need to trace out in detail whether there is cause-and-effect at work, or whether other historically contingent, or even coincidental factors are at work. That agenda, in my view, is open. □

The Human Rights Trust has launched a new journal, *Monitor*, which contains in-depth accounts and analyses of social, political and economic developments in South Africa with a particular focus on issues that affect human rights. Annual subscriptions are R40 - **for which you will be entitled to a free transcript of the full Human Rights Conference proceedings**, approximately 120 pages. Write to *Monitor* Publications, P.O. Box 13197, Humewood, 6013 Port Elizabeth. Telephone (041) 25979/29536.

making rights relevant to liberation

After a century of the erosion of human rights, there are few South Africans who have personally experienced the day-to-day advantages of entrenched civil liberties. Indeed, their value is often dismissed as irrelevant in the struggle against a government that has long since dispensed with these yardsticks.

The Conor Cruise O'Brien incident of 1986 epitomised this. O'Brien's lectures at the University of Cape Town were initially disrupted by a group of 200 students and then cancelled by the university authorities for fear of escalating violence.

Those who argued that free speech and academic freedom were at stake got short shrift from those who maintained that choosing the side of liberation implied supporting the academic boycott - and enforcing it. Any other choice meant siding with the state. They rejected as hollow claims to 'the right of free speech', arguing that there was nothing sacrosanct about the freedom of academics to express their views in their ivory towers while blacks continued to have no meaningful political rights or freedoms. And many dismissed condemnation of forceful disruptions, arguing that the state used extreme violence to maintain the status quo.

Hermann Giliomee, Professor of Political Science at UCT, published an article in the *Cape Times* stating that these arguments could not simply be dismissed or refuted by standing on the traditional academic freedoms enjoyed by 'Western' universities. In South Africa the right

to free speech and academic freedom would have to be won in an African context, and seen, in practical terms, to be relevant - rather than counter-productive - to liberation. In his article, he proposed 'a case for academic freedom and freedom of speech in the context of contemporary South Africa.'

Such a case, he suggested, might look something like this:

'It [would] firstly rest on the

In the second place... in the process of transformation, it will be vitally important that institutions such as the churches, the universities and the newspapers retain their autonomy, integrity and credibility. It is here that the crucial fact-finding and the open debates will increasingly have to take place.

Blacks seem to welcome the presence of foreign journalists. Visiting academics can play an equally valuable role in reporting on and analysing the grim struggle now occurring in South Africa.

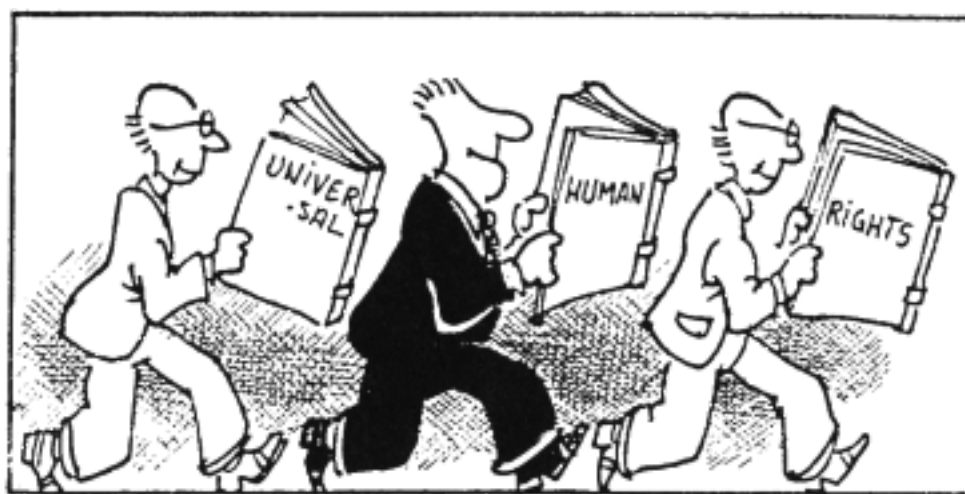
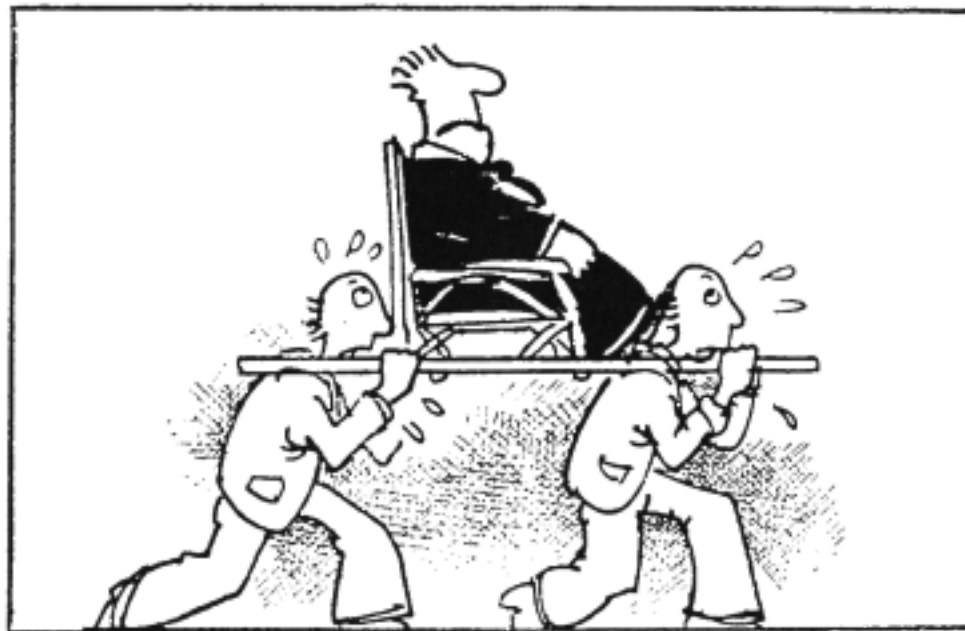
Thirdly and most importantly, the means by which all South Africans struggle for freedom are all important in deciding the final outcome.

If freedom is won by gradually extending the area of freedom the final outcome will almost certainly be a freer country. Put simply, democracy in South Africa will have to be won in the course of the struggle.

However, if the struggle for freedom is waged by curtailing freedoms and rights (for instance, by making freedom of speech on campuses impossible) the final outcome will be an even less free South Africa than the one we presently have.

The University of Cape Town authorities have acted wisely by refraining from a heavy-handed authoritarian response.

As a result an intensive and open debate is taking place among students of all colours and classes. This is a heartening development. For unless general acceptance is won through debate for rights and freedoms, they have no future... □



First appeared in *Pauvre chéri*, Paris, Éditions du Centurion.

PLONK

claim that there is no freedom in our country more important than free speech. How can whites and blacks ever reach peaceful accommodation if the political, economic and social alternatives to apartheid are not fully discussed with opportunities given to those wishing to air unpopular views.

To abandon free speech is to resign oneself to a violent resolution of the South African conflict.

human rights and south african history

*Although 'history has not been kind to human rights in South Africa', hope lies in the early assertion and recent reaffirmation of a commitment to human rights in black oppositional politics, historian **Colin Bundy** told the Conference on Human Rights. This is an abbreviated version of his speech.*

When one thinks of human rights in South African history it is clear that two quite different histories can be described.

Firstly, there is a chronicle of legal and constitutional history: of how those in power have defined, and altered, and curtailed human rights. For the last hundred years or so this is a shabby, rather sordid history; it is littered with broken promises, legislative sleight of hand, racism, intolerance and authoritarianism. History has not been kind to human rights in South Africa.

The saga starts buoyantly enough: the principles of equality before the law and freedom of the press were established 150 years ago; the Cape constitution of 1854 was genuinely colour-blind, with a qualified franchise that enabled the participation of thousands of black voters in electoral politics. In a number of eastern Cape constituencies, 'coloured' and African voters were decisive; men like Dr Rubusana and Dr Abdurahman were elected to the provincial and Cape Town municipal councils.

But in the late 1880s and early 1890s, the first racially discriminatory inroads were made to this franchise. After the South African War, there took place a massive betrayal of hopes and expectations, when the liberal promises of

British politicians were simply jettisoned as the price for white unity in the 1909 Act of Union. The next twenty years saw a wholesale denial of equal legal rights as segregation was entrenched at work, in urban areas, in the toweringly unjust Land Act of 1913, in administrative procedures and so on. In 1936 and in 1956 the fragile legacy of the Cape constitution was demolished when first Africans and then coloureds were removed from the common role.

Rights of political belief and association were pruned periodically in the Riotous Assemblies Act of 1913, in the so-called 'hostility clause' of the 1927 Native Administration Act, in the Suppression of Communism Act of 1950, and the security laws of 1953.

But if this was pruning, what followed in the 1960s and 1970s was a savage uprooting, a massive departure from a rule of law based upon Roman Dutch and British common law principles. By 1962, the Prime Minister, the Minister of Justice and the head of the police force were men who during the Second World War had been Nazi sympathisers. Habeus corpus, the presumption of innocence, the notion of due process and the right to legal counsel were scrapped. Organisations and individuals were banned, without



recourse to the courts. Freehold property rights, security of tenure, the freedom of speech, university autonomy, marriage vows, the choice of employment – all were denied.

Absolutely basic civic and political rights established in the 17th and 18th centuries in the English, French and American revolutions have been called 'first generation' human rights: they include that men (not yet women) are equal in law; that government rests upon the consent of the governed; and that political participation and representation is available to all. Then there are what have been dubbed a 'second generation' of rights, established in the mid-20th century: social and economic rights like housing, employment, medical care and welfare. And in the last couple of decades people have asserted a 'third generation' of rights: rights to development, peace, a clean environment, and rights of workers and women and minorities. (I am borrowing the notion of 'generations' of rights from a stimulating article by Albie Sachs.)

The South African record, unmistakably and depressingly, is of a retreat and retrogression on all three fronts. First generation rights (where these existed) have been overturned; second generation rights have been extended to a minority but denied to



II



V



III



VI



IV



VII

'Everyone has the right to freedom of movement and residence within the borders of each state.'

Article 13(1) of the Universal Declaration of Human Rights

*Bongiwe Dhlomo's series **Removals I - VII** deals with black people's history of forced removals in this country: the fear of the future, as communities venture into an uncertain urban life. (I: 'The Past ... The Future'), is compounded by a legislation forcing disparate people to live within alien communities (II: 'Bulldoze the Black Spot'; IV: 'Aftermath'). Her series narrates a social history, with people moved into interim 'resettlement' camps (III: 'Resettlement'), moved against their will (IV: 'Against Our Will') and finally into impersonal, inadequate housing facilities, where people try to make the most of their surroundings in the process of day-to-day living (VII: 'People are Living There'). (Reproduced with permission from ADA magazine.)*

the majority of our people; third generation rights are contemptuously withheld from all of us.

That is the bad news. But, as I indicated, there is another aspect to the history of human rights in South Africa. It is very different; it is perhaps less familiar and it is certainly every bit as important. It is the history of the pursuit of human rights, of how those rights have been defined and defended and sought for by those from whom they have been removed and by those who have never enjoyed them. It is a saga of stubborn resilience, a chronicle of commitment, a history of hope.

How have black oppositional politics in South Africa identified and struggled for human rights? What changes have taken place over time? And what continuities have there been? At the risk of oversimplifying, let me suggest that there have been four basic phases in this history: (i) discovery and assertion; (ii) defence under pressure; (iii) redefinition; and (iv) reaffirmation and refocussing.

Discovery and assertion: the late 19th century

My account begins in the late 19th century in the 1870s and 1880s when the first organised black political responses to colonial rule emerged, and when the first claims were explicitly couched in terms of existing legal and human rights. Then emerged the first 'modern' political, religious and cultural associations of black South Africans, the first black newspapers, and the first formulations of black aspirations and ambitions. These were representative of a minority, basically literate Africans with mission education. They seized what was available to them: the Christian doctrine of equality before God; Victorian notions of progress and improvement; and the basic tenets of 19th century liberalism: equality before the law, non-discriminatory legislation, and representative institutions of government.

Typically, then, these early organisations claimed the rights of subjects in the British empire. They sought access to political participation for those qualified (exemplified in the slogan 'Equal rights for all

civilised men'). From the Cape, Natal, Transvaal and Orange Free State similar calls went up from a range of new organisations: they wanted 'full and equal rights and privileges, subject only to the conditions and limitations established by law and applicable alike to all citizens without distinctions of class, colour or creed'.

Defence under pressure: 1910-1939

Between 1902 and 1910, black South Africans were alarmed at what they accurately saw as the denial to them of civil, legal and political rights in a unified South Africa. This setback also helped to precipitate, in response, the formation in 1912 of a single political vehicle for Africans throughout South Africa, the African National Congress.

Over the next three decades, the ANC maintained an essentially defensive stance deploring, protesting, appealing against a tide of segregationist statutes. The ANC had hardly been brought into existence when it was confronted with the Land Act of 1913; in the 1920s the system of influx laws and the Urban Areas Act imposed new restrictions and privations on Africans; and in the 1930s the 'Hertzog Bills' culminated in the 1936 removal of qualified African voters in the Cape Province from the common electoral roll.

The ANC also took up a series of social and economic issues: taxation, education, unemployment and the pass laws. The bedrock position - the call for non-racial citizenship and for suitably qualified Africans to participate in the institutions of government - began, rather hesitantly, to include 'second generation' rights. At the same time, especially until the 1936 legislation, the ANC leadership (especially in the Cape) trod somewhat cautiously. Its language was self-consciously restrained and polite; the hope lingered that if only the educated leadership could *demonstrate* its respectability and moderation, the doors of equal opportunity might gradually be opened.

Redefinition: 1940-1960

But during the 1940s and the 1950s, black South Africans mounted a dif-

ferent, more assertive, and more far-reaching demand for human rights. The shift was most clearly seen within the senior organisation, the ANC. Between 1942 and 1952, the ANC underwent important changes in its membership, leadership, programme and tactics. It became more militant and less cautious. Under the prodding of the Youth League it committed itself to non-violent civil disobedience; during the 1952 Defiance Campaign it not only massively increased its membership but also inspired huge numbers. From having been an elitist pressure group with middle class membership and leadership, it became a mass-based political organisation.

During this period, two important documents emerged, which redefined the call for rights. The first of these was entitled *African Claims*, drafted by a high-level grouping of ANC intellectuals. It took as its starting point the *Atlantic Charter*, signed by Churchill and Roosevelt in December 1941. The ANC warmly welcomed the principles of the Charter: self-determination, the right of people to choose their form of government, international peace and co-operation, and the eradication of fascism, but also applied these principles to South Africa.

The ANC no longer asked for 'equal rights for all civilised men' but demanded instead 'full citizenship rights and direct participation' for all adults. In addition to this unambiguous championing of 'first generation' rights, *African Claims* also defined a series of 'second generation' rights more clearly than the ANC had ever done before. Access to land, rights of urban residence, free and compulsory education, a minimum wage, recognition of black trade unions, International Labour Organisation standards to apply to workplace conditions, and a public health service.

The second central document of this phase was of course the *Freedom Charter*, adopted in June 1955. Part of the reason for the importance attached to the *Freedom Charter* today is the manner of its construction, which comprised an ambitious exercise in collecting and collating grassroots demands and adopting

these at a gathering as broadly representative as possible. From a historical perspective on human rights, the *Freedom Charter* is equally important. In several respects, it is a product of the mid-1950s. In its starting point of democratic government based on the general will (popular consent), in its emphasis on basic or natural human rights, and in its vision of an international order of peace and friendship, it is reminiscent of the United Nations Declaration of Human Rights. In its calls for the abolition of racism, equality of opportunity and national sovereignty it is very similar to other nationalist and anti-colonial charters in a decade of decolonisation. And its vision of a redistribution of wealth, of provision by the state of guaranteed levels of social welfare, health and education, was a vision shared by politicians and public in much of the post-1945 world.

In South African terms, the *Freedom Charter* constituted a ringing affirmation of the ideal of non-racialism 'South Africa belongs to all who live in it, black and white' linked to first and second generation human rights. Universal suffrage, equality before the law, and the freedoms of speech, association, worship and movement are all addressed; so are the right to form trade unions, 'free, compulsory, universal and equal' education, a national health system, a national housing programme, and state provision for the elderly, orphans and disabled. The *Freedom Charter* was not a party manifesto nor a political programme of action; it was essentially a statement of values or principles, around which a variety of groups and classes could coalesce. Its language is universal and timeless, and it belongs to the same category of historic documents as the Declaration of the Rights of Man, the American Declaration of Independence, and the UN Declaration.

Reaffirmation and refocussing: 1960-1988

It is always more difficult to think historically about the recent past, and it is less easy to sketch the broad outlines of my fourth phase. But two aspects do stand out. Firstly, there

was in the early 1980s a dramatic re-entry in oppositional politics of human rights issues. After the doldrums of the 1960s when black political opposition was illegalised and temporarily immobilised, the currents began to flow again in the 1970s. But human rights were not very prominent either in Black Consciousness political discourse, nor in the burgeoning youth-based organisations, nor in the new independent trade unions. It was really in the early 1980s, with the re-emergence of mass-based extra-parliamentary politics, that stress came to be placed again upon broad statements of human rights. Without question, the most striking manifestation of this was the virtual rediscovery and reaffirmation of the *Freedom Charter*. The Congress of South African Students was one of the first of many organisations to adopt the Charter.

Secondly, there has been a process of refocussing. Probably at no previous time in South African history has there been such intense and far-ranging discussion of political positions, projections and principles. In trade unions, civics, youth organisations, women's groups and elsewhere there has been a massive ferment of creativity and criticism. Briefly glimpsed experiences of 'people's power' sharpened popular perceptions of political realities and possibilities. The growth of trade unions and shop steward leadership, during a decade when South African capitalism began to emit odours of decay, injected notions of worker control and socialist planning into everyday politics. The international women's movement and the local dynamism of youth politics generated interest in a *Women's Charter* and an *Education Charter*. The *Freedom Charter* was challenged by the explicitly socialist *Azanian Manifesto*. The 'third generation' of human rights have begun to win attention in South Africa.

Most recently, the ANC has unveiled a detailed blueprint for a unitary democratic constitution. These 'guidelines' are not intended to replace the *Freedom Charter*, but to translate its broad, universalist principles into explicit constitutional

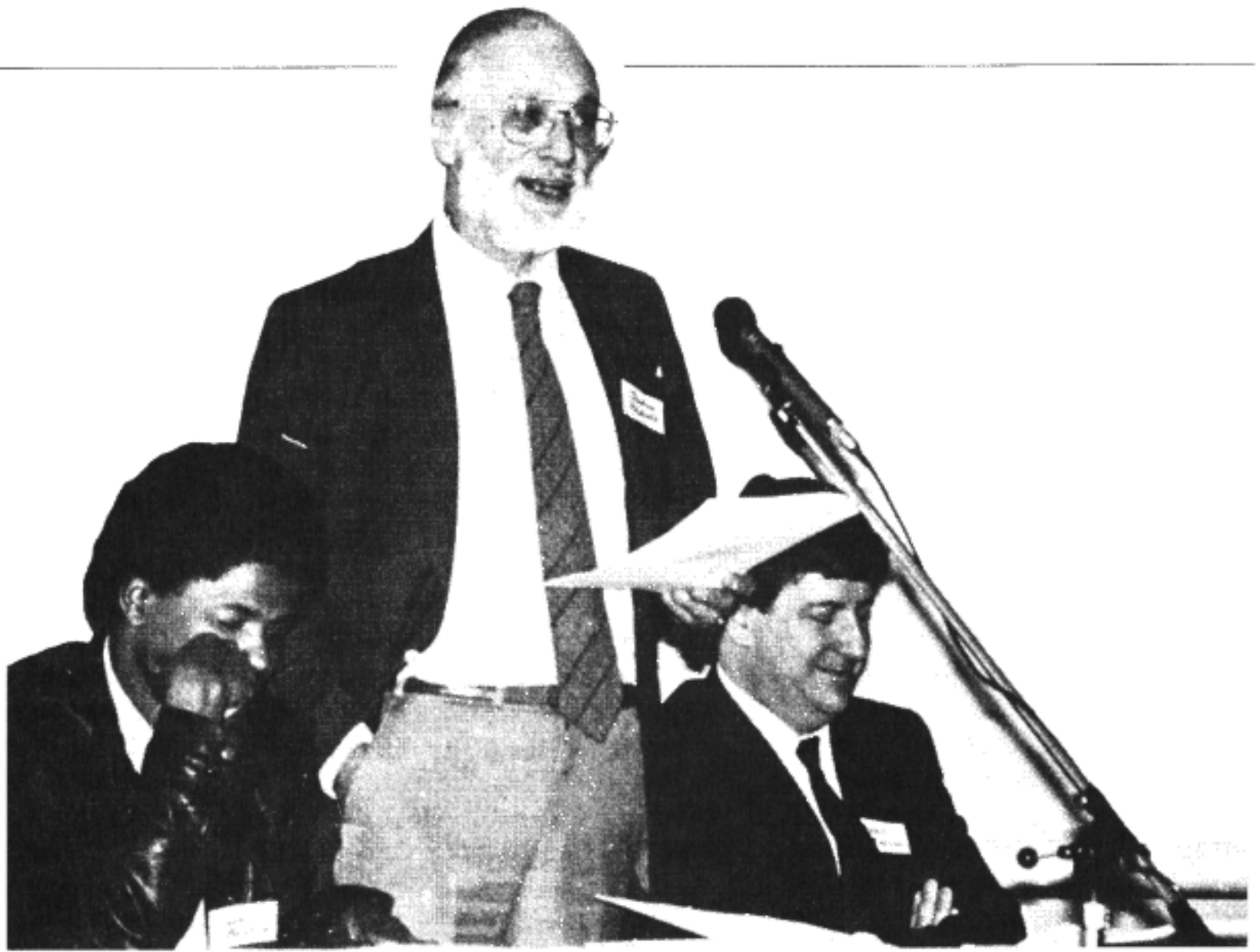
provisions. Politically, the guidelines go further than the Charter in their emphasis on popular participation and a more accountable legal system. Economically, the guidelines are, if anything, less radical than the *Freedom Charter*: They do not repeat the commitment to nationalise mines, banks and monopoly industry. Above all, perhaps, the guidelines represent (as Tom Lodge puts it) 'an impressive effort to recapture the tradition of South African radical liberalism', reflecting 'sustained research, analysis and debate'.

I suggested at the outset that there were two histories of human rights available to us: first, the history of intolerance, exclusion and violence towards human rights. Where has this history culminated? Today, we are not confronted by the old style white supremacy of the Malan/Verwoerd/Vorster variety. Instead, we have the new-style Botha regime - a regime dominated by the securocrats, trying to ram through selected and limited changes from above in order to prevent changes from below.

And human rights? Today we have the hamfisted midwifery of Chris Heunis delivering the still-born deformities of tricameralism. Then, from the thinking Right (as opposed to the unthinking Right, doggedly urging Boksburg into the 1950s) there is a new-found - nay, reborn - enthusiasm for a Bill of Rights that embraces 'group rights': that is, a mechanism for protecting minority privileges. This is a vision that seeks to limit democracy; a true Bill of Rights must extend democracy. And then we have the dramatic breakthrough in democratic theory unveiled last October: full voting rights for Squirrels, and an election open to all parties - except those that would win in a popular vote.

But there is also the other history that I have outlined. *This* history has culminated in a wide-ranging debate about the structure and values of a reconstructed South Africa.

It is this tendency which holds out any hope for a decent society above all, a society in which we have 'the right to be a people, to be South Africans in the full sense of the word, to constitute a nation,' as Albie Sachs has said. □



salvaging the law

Delivering the second Ernie Wentzel memorial lecture in October, Mr Justice J. Didcott examined the many ways in which escalating 'lawlessness' is disfiguring South African society. This is an extract from his address, reproduced with permission from the Centre for Applied Legal Studies.

The current state of the nation lends itself to all sorts of grim descriptions. But the word that must occur to many lawyers, the disfigurement that must give them special cause for alarm, is surely its lawlessness.

An obvious manifestation of this lawlessness is the violence in our midst, which has reached proportions that make it seem endemic. I speak only in passing of our horrific crime rate, of the appalling incidence of crimes that are such under our common law, as well as the ordinary law of any land which comes to mind. Some responsibility for these mounting violations of the law has to be borne in our case by the law itself. For bad socio-economic conditions, it is trite but true to say, have a lot to do with the causation of crime. And, to the extent that the legislation of this country produces, aggravates, fosters or fails to alleviate those conditions, it must ultimately take a fair share of the blame

for the consequences. But important though that topic happens unquestionably to be, it is not the one I will address. The violence I have in mind rather is political violence, violence committed with a conscious political motive and object.

The first category I shall discuss consists of violence committed by those with political grievances who perpetrate it in order to express or gain redress for them. And the particular sort on which I wish to dwell for a moment, while the bombs that have grown familiar explode around us, is violence that amounts to terrorism. Not terrorism in the artificially wide sense attributed to it by our Internal Security Act, but terrorism as it is properly understood. I refer accordingly not to guerilla operations, which raise different questions, but to violence that is deliberately designed to destroy public morale by terrorising society as a whole in the hope that this will cause it to collapse. Such

'...we witness power exercised under the authority of duly enacted legislation, but in many directions beyond the reach of the law and, in that sense, lawlessly.'

*Opposite:
Mr Justice Didcott chairs a session on the law and the right to speak at a conference on 'The Right to Speak'*

violence therefore is (and in the light of its aim must be) deliberately directed at ordinary folk going about their ordinary business, hitting them indiscriminately, unexpectedly and inescapably.

It is not unusual for some who embrace the case of freedom, to say that they understand these acts of terror, yet then to say no more, as if understanding what drove people to desperate lengths absolved one from the responsibility for taking a stand on the means used to attain the ends. Is this not an evasion of the issue, one just as pusillanimous as the failure to take a stand on the systematic infringements of human rights that have bred the desperation? Is it not, when one comes to think of it, an instance of the selfsame failure? Or do human rights no longer encompass the right of ordinary folk not to be blown to bits? ... It does no disservice to the cause of freedom, to the cause of a society at peace in which all are free and equal, to suggest that terrorism offers scant prospect of advancing it and confronts it with every likelihood of defeat.

Nor does political violence stem from one side alone. Persons prominent in the liberation movement have been assassinated [see SASH, vol. 30, no. 3, December 1987 for a detailed article on this theme]. Others in it have had their property sabotaged. So have organisations associated with it. Scarcely any of the perpetrators have ever been brought to book. One does not know why ... Who can then call it fanciful to conclude, as many do, that we have in our midst a group or groups of unknown right-wing vigilantes? And, when their crimes have not been solved by security policemen with proved skill and efficiency in investigating the political underground, is it unreasonable for many to suspect, as they do, either that the criminals are yet more skilful and efficient, and thus a formidable threat to security, or that tracking them down is not, for some reason or other, a priority as high as hunting left-wingers?

Then we have the undoubted wars between the factions about which there is little mystery. People are shot, blown, burnt and hacked to death because they happen to think differently from others, not differently about anything fundamental to society, though even that would hardly excuse the atrocities, but simply about the most effective means of changing it at a time when the success of no single method can be guaranteed and one man's strategy may well turn out to be as sound as another's.

The fourth and last item in my dark catalogue of violence is that committed by members of the police force, not the violence committed in action so to speak, the violence of those with dangerous work to perform that may be justified by the circumstances, but the

violence that is definitely not, the violence done to unarmed people, to people in their homes, in the streets, in custody ... Even if one accepts that far from all the accusations levelled at policemen are true, as I do because from experience I know it to be so, even if one accepts that very many policemen perform their duties with patience, forbearance and restraint, as I do because my experience tells me that such is also the case, even if one accepts that unlawful violence on the part of policemen is by no means the rule but an aberration, which we expect to find and I take for granted, the scale of it remains a matter for deep concern about which something should surely be done.

I have not exhausted all the forms and sources of violence generated by the political conflict in this country. But I have said enough about it to describe a major part of the lawlessness that is rampant.

Our society is highly lawless in another and more profound sense, in the sense in which Geoff Budlender used the word in the latest issue of the *South African Journal on Human Rights* when he drew a distinction between unlawfulness and lawlessness, when he pointed out that what was legal or lawful might well be lawless all the same. He wrote: 'The essence of law is the regulation and control of the exercise of power. Law determines when and how power may be exercised, and when it may not.' Without the law's restraint, the exercise of power was arbitrary. And arbitrary power, he declared 'may be legal, but it is fundamentally lawless'. He cited the example of Hitler's Germany, where full legislative authority was conferred by statute on the executive. Much of what ensued, he reminded us, was therefore 'authorised by duly enacted legislation'. He maintained however, and few would disagree, that 'in a more fundamental sense it was lawless; the exercise of state power was unconstrained by any limits or by any control by an independent system of judicial power'.

Comparisons between South Africa and Nazi Germany are, on innumerable important counts, farfetched and false. Were this not so we would scarcely, apart from all else that matters more, be gathered here this afternoon. In our country too, however, we witness power exercised under the authority of duly enacted legislation, but in many directions beyond the reach of the law and, in that sense, lawlessly. This is what we mean by saying that, though we are ruled by laws, we lack in those areas the rule of law. And what Nazi Germany shows us is that, once such areas include the various fields of personal liberty, as they certainly do in our case, the lawlessness of which I talk may pave the road to tyranny.

How this lawlessness has come about in the



Ernie Wentzel
... human rights
lawyer

areas that concern us is too wellknown to need elaboration and may be stated briefly. The legislature, not a democratic one in the first place since it does not represent or speak for the large majority of South Africans, has statutorily delegated to the executive the power to make laws by regulation and decree. This the executive has done voraciously, intensifying the evil of imprisonment without trial, restricting wholesale our freedom of speech, assembly, movement and association and the freedom of the press, and often entrusting to its mere underlings decisions with the same consequences. Judicial endeavours have been made to keep the process under some sort of control by the law and to harmonise its workings with the law's requirements, as far as that could be managed. And this has been attempted by no wild unorthodoxy, by no splurge of adventurism, but by invoking and applying tried and trusted rules of administrative law common to our legal system and others, rules developed with the very object of safeguarding the rule of law in such a situation. Sad to say, these efforts have proved to be largely in vain, the Appellate Division in its wisdom having decided in case after case during the past couple of years that the capacity of the courts to assert and protect the rule of law in that situation is so attenuated as to be, for all practical purposes, insignificant. The cause of all the trouble has been the enabling legislation passed in the first place which, according to the construction authoritatively placed on it by the Appellate Division, ousts the jurisdiction of the courts from most of these matters and gives the executive virtual *carte blanche*.

The result is a society where, throughout the areas under discussion, what matters is no longer the law, but sheer unbridled power. And the outcome must inevitably be abuses of it. Power that is unchecked corrupts not only the readily corruptible. It also corrupts those who honestly believe that they are exercising it in the public interest. Its exercise tends soon to become a habit. And, once that happens, to conceive of the possibility that one may be wrong is difficult. The burdens and preoccupations of one's own responsibilities, the sense of priority they give one, will add to the difficulty. It is fanciful, for instance, to suppose that policemen anywhere in the world will have human rights high on their list of priorities. They are not in the business of promoting or protecting those. Their job is a tougher one. And, if they are to do it successfully, if they are to deliver the goods expected of them, their methods will often have to be tough. It is for the law in any well-ordered society to tell your policeman that, necessary though his methods may be for the swift and effective achievement

of the particular public purpose he is employed to serve, they are too dangerous to other public interests which are not his immediate concern for him to be allowed to use them. It is for the law, in short, to do the balancing between society's competing interests. Crises in society make it all the more imperative for the law to do that. For then the conflicts between society's various interests are at their starkest and most clamorous, and the need for a balance that is impartial at its greatest.

That the politicians should have wanted to grab so much power for themselves and their subordinates, that they should have wished to usurp so much of the judiciary's power, is not really surprising. Politics has to do with power, after all, and most politicians are inordinately fond of it. What is astonishing, however, is their blindness to the consequences.

They have done untold damage to our South African version of Roman-Dutch law, a law of which we lawyers rightly are, and they profess to be, most proud. Drawing on its own historical traditions and those borrowed from the English common law, it once set great store by human rights and personal freedom. No other common law in the world had a better score there. It was much admired internationally. It probably enjoyed the confidence of the mass of our people. I said that it was once such a law. It still is, in spirit. But the body has been crippled by legislation and can move only haltingly, if at all, on many of the occasions when it is summoned to do so. It still supplies, to be sure, a sophisticated service to those who have commercial problems, trouble over wills or difficulties with their property. Some seem to think that a sufficient reason for continuing to blow its trumpet and to take for granted its permanent place in our sun. They have apparently overlooked the frequency with which the survival of Roman-Dutch law crops up these days on the agendas of conferences and the like that are busy looking closely into the future.

Nor do our politicians appear to have learnt the lesson of history that, just as liberty is indivisible, so is the protection of the law. Weaken it today when it protects others against you and it will be weak tomorrow when you may require and want it to protect you against them. I would have thought that recent experience elsewhere, some of it not far from our borders, had driven the point home, even to the least perceptive and imaginative mind. But I would, it seems, have been wrong. That the politicians fail to see the peril is no reason, however, why we should feel indifferent to their protection against it. A change in victims makes oppression no less obnoxious to anyone who believes sincerely in human rights. □



Women and the Law

Port Elizabeth's Human Rights Trust hosted a conference in December to commemorate the 40th anniversary of the United Nations' adoption of the Universal Declaration of Human Rights. Black Sash's national vice-president, Di Bishop, was there and spoke on

years of championing rights - the successes and failures of the black sash

In 1956 the first book about the Black Sash was published. It was sub-titled *South Africa's Fight for Democracy*.

In the preface, the organisation's first president, Ruth Foley, says

Our way is hard. We have an Everest to climb and we are still in the foothills; but in the knowledge that human achievement is limited only by human endeavour we will go on ...

Almost 34 years later, the Black Sash is still in the foothills of the Everest climb to democracy in our country. It is about this climb - which is so integral to the quest for human rights - that the Black Sash has been asked to talk at this conference.

The Black Sash has always been committed to providing its membership with a home within which it fosters and provides an experience of human rights for the individual whilst corporately seeking democracy in order to achieve human rights for all South Africans. It is in its striving for a democratic future for our country that the Black Sash has become known as a human rights organisation and has participated in the fight against the manifold human rights contraventions which litter the pages of our history.

The organisation grew out of an afternoon tea gathering of six housewives in a comfortable suburb of Johannesburg on 19 May 1955. By the end of that afternoon the six had rallied the support of friends and acquaintances and planned a public meeting and a mass march in opposition to the Senate Bill devised by the government to remove the 'coloured' voters of the Cape from the common voters' roll. Within ten days they had gathered 100 000 signatures from women voters all over South Africa and birth was given to the *Women's Defence of the Constitution League*. The organisation was soon nicknamed the Black Sash by the press, a name derived from the black sashes its members draped over their right shoulders during protest demonstrations to symbolise mourning for the murdered constitution. The name stuck and although the protest campaign failed to stop the Senate Act, a vibrant and resilient organisation had



Women at work

been born. Its first major decision, this time taken in a house in Stellenbosch, was not to disband but to accept that the failure to stop the Senate Act signalled a need to move from a single protest into years of struggle and sustained protest.

The most tangible embodiment of this resolve was the opening of the first advice office in 1958. The funding and administration of the advice office and the interface it provided between Black Sash membership and the people most affected by the atrocities committed in the name of apartheid, translated the efforts of the Black Sash from protest into hard slog.

This introspective look at the Black Sash's 30-year history of struggle for human rights presented an opportunity for internal evaluation. This cannot be done by one member of the organisation nor should it be, so this paper is based on the opinions of several members from different parts of the country. We are conscious that an outside evaluation would be different.

An evaluation should be done in terms of goals. Our constitution states that the organisation is non-party political and interdenomina-

tional and by non-violent and peaceful means seeks

- to promote justice and the principles of parliamentary democracy in South Africa;
- to seek constitutional recognition and protection by law of human rights and liberties for all;
- to further the political education and enlightenment of South African citizens and others;
- to undertake whatever other activities may further the objectives of the organisation.

The Successes

- The Black Sash has survived for nearly 34 years as a human rights organisation in a political climate inimical to human rights and dissent. In this time we have kept alive the values in which we believe and influenced attitudes by our visibility and persistence. This has enabled individuals to stand up and be counted and not give the government the silence of consent. We regard this as a major success for human rights.

- Joining the Black Sash has meant a quantum leap for many. I recall my own feelings of inadequacy on deciding whether to join this awe-inspiring organisation and I identify closely with the charming article by Patricia Wolstenholme on the Black Sash published in 1956 and reprinted in Mirabel Rogers book on the organisation: 'I joined the movement after a certain amount of heart-burning and with some misgivings about my ability to make the grade. My admiration for the women, and the cause they stood for, was never in doubt, but like many others I simply could not see myself in the role. There is something forceful, direct and uncompromising about the thing that at first strikes terror into the hearts of timid souls like myself, who prefer to walk on the far side of the street and lose themselves, modestly and effectively in the crowd. I joined the Black Sash because my reason told me that modesty and self-effacement would never win the battle against ... dictatorship ...'.

- The success for human rights in this story is that the organisation provides a home and a support-base for those who recognise that working for human rights is a demonstration of our responsibility for the future. It has succeeded in stimulating the ordinary woman in the street to think, to act and to feel consequential. We believe that the influx of members during the mid-1980s has been particularly due to the success of the organisation in attracting those who feel desperate and need to 'do something'.

- For some who have participated in the struggle for many years, their Black Sash involvement is something they would not relinquish because of the friendship it provides, despite feeling tired. One such respected member said recently: 'I am suffering from a sheer psychological weariness over the whole South African scene and often feel I'd like to spend the rest of my life reading Jane Austen and playing bridge.'

But she doesn't; like so many she continues to give of herself and to receive the warmth so prevalent in the Black Sash. A support base in human rights work is absolutely essential.

- Despite the middle-aged and bourgeois image of the Black Sash, the growing youthfulness of new members is a demonstration that people have judged our principles right and our activities meaningful. The success is really that both younger and older women feel equally at home in the Black Sash. We nevertheless remain a small voluntary organisation and are often amused at the amount of attention paid to us by those opposed to human rights, most notably the government. (Our present membership is approximately 2 000.)
- The Black Sash has, through bringing together concerned and committed people, nurtured perceptiveness, alertness and vigilance. It has raised public awareness despite the anaesthetising, pacifying and ossifying climate so carefully orchestrated by those who would have us see nothing, hear nothing and speak nothing!
- Of our more visible work and the few achievements in 'getting things changed' we are mindful that these are not our successes, but that we have contributed to the cumulative push for them. Take the abolition of the pass laws in their old form; this was mostly achieved by the resistance of those against whom the system was directed. It was as a result of our exposure to their suffering, especially in the advice offices, that we documented the effects and attempted to expose the bitter hardship endured by so many. We believe this may have partially assisted to accomplish the 'dompas' being 'hamba'd'. In the struggle to achieve this, the Black Sash brought the case of Mehlolo Tom Rikhoto to the Supreme Court which affirmed the right of an estimated 60 000 annual contract

workers to 'permanent urban residence'.

In our very early days we worked vigorously with other organisations against the Farm Labour Scheme with particular reference to the Bethal farmers who were ill-treating their workers, many of whom were prisoners. This system was stopped.

We continue to work with other organisations in support of communities resisting removal. Some limited success has been achieved. The people of Driefontein, kwaNgema, Huhudi, are still where they were, as are some small townships, although with what degree of permanency one can never be sure.

We are working vigorously for the abolition of capital punishment and have taken an active part in the growing movement of support for this work throughout the country. Although five more persons were hanged on the same day as a reprieve was granted to the Sharpeville Six and others, this was a limited success.

Concerted campaigns and demonstrations against race discrimination have been the task of all human rights organisations and there have been some successes. The Black Sash was a moving force behind the desegregation of the Nico Malan Theatre in Cape Town, for example.

We feel that our advice office work and the rural extension work is a major success. In some cases the continued existence of an advice office is a success in itself. Take Port Elizabeth. The office has been terribly harrassed - even burned down - and yet it still exists. It may have moved, more than once, but it is still there. Over a long period of time these offices have been the place where communication between people has been cherished and nurtured; where bridges have been built; where information about peoples'

rights has been transferred; where bureaucratic muddles have sometimes been successfully resolved; where trust between people has been gradually built and where ordinary South Africans of different colours have had opportunities to get to know one another.

These offices are the places where the victories for human rights are often invisible. But they do have an impact. One of our members once saw a black man pick up a booklet about the Black Sash at the back of a church. She approached and asked him whether he knew about the organisation. Came the reply: 'Oh yes, the Black Sash changed my whole life.'

Our knowledge of human rights contraventions has contributed to our political understanding. Our exposure to 'the grassroots' has galvanised us in our recognition of the universality of freedom, in all its aspects, for and through human potential.

We have continued to assert the rights we do have, e.g. in our street demonstrations (which we feel reach the public like nothing else does) and in using our human, material and voluntary resources in doing so.

We know how far short we fall of what should be done, but feel that we have succeeded in a minuscule positive way to take a stand against repression and to fulfil our mandate of informing ourselves, raising debates within our ranks and informing the public.

We recognise that resistance rather than submission to the denial of human rights has led to grossly increased violations. This has in turn involved us in new fields of endeavour to fulfil our ideals and our obligations.

The Failures

We have also looked at our failures and wish to be honest about them. Their recognition helps to situate us and move us to plan appropriately.

- Although we have always protested, we have never managed to stop the passage of legislation

destructive to human rights. We can count an impressive list of failures. Apartheid stands.

- The process of furthering our political education and the enlightenment of others is terribly slow. Many of us feel that we have failed to reach whites and we question how much impact our work actually has on the average (especially white) person in the street. The climate ranges from outright hostility to ignorance and indifference. We have not made an effort to reach out to Afrikaans-speaking women. We have never tried to get inside the fear that seems to be the main-spring of white racism. Our work has even made us less tolerant of the 'average white South African' and we have not worked to understand that the problems of the average white are not frivolous.

- The Black Sash is a small organisation. This is an indictment of our society as well as of ourselves. Our base is urban and our membership is white. The whiteness has historical roots. The organisation was initiated by and specifically drew support from voters. The thinking was that the voice of white voters would carry more weight with a white government committed to white supremacy. This resulted in the Black Sash not opening its membership to women of other races until some years after it started to function as an organisation. The image of the organisation was therefore one of exclusivity.

The urban base is possibly to be expected. But a glance at the regions and branches of the Black Sash recorded in Mirabel Rogers' book makes one realise that the organisation has failed dismally to sustain the founding vigour that existed in the Black Sash. Let me share the names of some of the Eastern Cape and Midlands towns - Aberdeen, Aliwal North, Bedford, Daggasboersnek, Despatch, Fort Beaufort, Mortimer, Somerset East, Redhouse, Cradock, Graaff-Reinet, Middelburg and Richmond. I think I am correct in

saying we have one member in the Orange Free State today whereas there used to be branches in Bloemfontein, Harrismith, Welkom, Wepener and Westminster!

Somehow the Black Sash manages to turn some of its failures into victories. I think of the women who are not free to participate in our more public campaigns given family constraints. There are dedicated Sash members whose efforts are therefore entirely internal to the organisation - like working all year round for our annual major fundraising event, the morning market. This year the Cape Western region raised R38 500 - R10 500 more than last year. We could not run our organisation and pay for the work in which we believe if it were not for this kind of effort.

Where to from here?

Our strategies are confined to fighting for human rights under the present government. We trust that our efforts towards creating a 'rights culture' now will be of value in the future.

The Black Sash will continue with its non-violent protest and work by challenging violations of human rights more loudly, more unequivocally and more clearly, but it will also continue to move beyond protest, actively to influence change wherever it can.

We will continue to work hard to influence especially white opinion at all levels. It is important not to despair in the process because, as one member points out, despite a lifetime of 'victories' the National Party is really defeated.

To influence white opinion we shall have to continue the detailed monitoring of homelessness, removals, pension problems, degrading treatment, executions, detentions, etc. This information will continue to be well-documented in order to serve as the factual base for our outreach work.

We will continue to convey to others what their rights are - through our advice offices and field work and through equipping our membership

with knowledge to act and to speak, wherever they find themselves every day. (In the Western Cape we used to have a 'dinner party sub-group' who met regularly to discuss the current type of questions, discussion and small talk they found at social functions in order to examine skilful, yet gracious ways of answering the questions and putting the facts). We shall continue to assert the right to protest, including in single-woman stands on the street and through the publication of information in appropriate forms.

We shall continue to use the space we still have as an organisation to work alongside other organisations using non-violent strategies in their work for a better society. Where the work of others is curtailed, we shall seek ways of using our own resources to fulfil needs.

We shall continue to provide experiences of face to face encounters in our advice offices and advice extension work and we shall seek to create opportunities for our voluntary membership to continue to make a substantial contribution in this and other spheres of our work.

We shall continue to campaign for the principles of justice, human rights and the Rule of Law so that they may become an essential element under any kind of government.

We shall continue to demonstrate our commitment to universal franchise and non-racialism by our participation in events organised by grassroots-based organisations and by our presence in response to calls from townships and rural areas.

There are always debates raging in the Black Sash. To mention but one - 'the great affiliation debate'. It is not a new debate - it dates back to early times when the question of whether to affiliate to other organisations was as relevant as it is today. Thus far our strategy has been one of non-affiliation based on the belief that opposition constituencies should cooperate with and be tolerant of each other. We have found working together with others on specific issues and campaigns extremely effective and many believe that we should maintain our independence and bring to that work the strengths of our contribution. This is the argument that has won the day thus far and



Women: More than just a Man's Spare Rib

non-alignment remains current strategy.

Conclusion

The words of two valued members come to mind. Those of you who know founder member Noël Robb will be able to hear her saying: 'We keep banging our head against a brick wall and hoping for a miracle.' Mary Livingstone's response is 'Miracles don't happen. But the wall is crumbling and those ensconced behind it have lost faith in its protection. We have to find ways of picking out a bit of mortar here and removing a brick there.'

When the Black Sash realised thirty years ago that we were in for a long haul in the fight for human rights, we took on the slow and painstaking work of chipping away at the brick wall. That is what we will continue to do.

We believe that being an organisation of women is one of our greatest strengths. The question of

full Black Sash membership for men does arise from time to time, but no-one ever really strongly supports this and I believe it is unlikely.

As a contribution to this 40th anniversary year of the U.N. Declaration, we have printed the Declaration using the feminine rather than the masculine for generic terms.

I am not sure how many of our members would feel as strongly as Patricia Wolstenholme when she wrote the following in 1956, but her words continue to inspire me:

We must battle on the home front and reach out, somehow, to those thousands of other women who are content to leave the political decisions to their menfolk and get on with the baking of the cakes. We, too, have cakes to bake and socks to darn.... 'First things first' - but is not the freedom of our country, and the future of our children, the first of all first things?

Will the menfolk follow our lead...? I believe that they will. No man, of course, will ever be-

come a Black Sasher. They are not brave enough for that. They will die gallantly in battle, or scale Mount Everest, but they will not stand on street corners or line up for Cabinet Ministers. These things are best left to the women, who after all tackle all the hardest jobs.... The men, with their less dramatic instinct, will find something more suited to themselves, but let them not delay the process too long. The hour is late.

Having said that, I am sure that all Black Sash members would want me to pay tribute to the husbands, friends and lovers who support and encourage us in our stand and in our commitment to our country. □

With special acknowledgement to Dot Clemenshaw, Ann Colvin, Sandy Stewart, Mary Livingstone, Rosemary van Wyk Smith, Joan Grover, Lu Harding and Joyce Harris.

Peter Storey, past president of the Methodist Church of Southern Africa, spoke at a Black Sash seminar on conscription recently and presented

six compelling arguments for alternative national service

We have to ask ourselves why there is on-going work for an alternative to compulsory military service, and why this call becomes stronger all the time, despite massive militaristic propaganda on the SABC, increasing threats by politicians and generals and the now admitted 'dirty tricks' and secret smear campaigns against organisations like the End Conscription Campaign. I shall try to offer some answers.

1 The world's most urgent need today is an alternative to war

Never before have the nations of the world been more heavily armed than they are today and never before have they had less confidence in their arms. The weapons of security have in themselves become a threat to the security of the world and there is a growing awareness that alternatives to war must be found if our planet is to survive.

This is not only because the ghastly capacity of nuclear weapons makes war increasingly unthinkable, but because the cost of maintaining them is making the economics of security unbearable. The contrasts between the cost of armaments and the needs of the world population are now obscene: every 60 seconds today, 30 children will die of starvation and in those same 60 seconds \$1,3 million will be spent on armaments. Right now 500 000 of the most brilliant scientists who could be using their skills in combating disease and starvation, are designing new ways to kill people. The latest trident submarine whose missile payload can destroy 70 cities, cost the equivalent of the combined education budgets of 23 countries with 150 million children to educate.

When people of conscience seek to rally support for a different way to resolve human conflict anywhere in the world so that these resources can be released for life rather than death, their search for alternatives is the sign of a new maturity.

2 The most precious asset in any community is the human conscience

In the Judaeo-Christian heritage the conscience is seen as something planted in us by God - without conscience we abdicate the responsibility of choice. The shape of our conscience will depend on the values which have influenced us - religious, social, ethical, political - and some will see certain issues differently from others, but every civilized society takes deep cognizance of the right to follow that conscience and every civilized society puts the highest possible premium on the value of the human life.

Conscience is not the monopoly of religious people. While as a theologian I would argue that all ethical and moral scruples have their roots in God who gives us the capacity of conscience, it would be arrogant to suggest that only religious persons therefore have a genuine right to the respect of their conscience.

When there is a clash between the state's perceived right to call on its youth to defend its security and the demands of conscience that we do not take human life, which has priority?

Some of us in conscience find an irreconcilable contradiction in a state that sentences some people to death for killing a fellow human being and sentences some others to six years imprisonment for refusing to do so. Some of us want no part of a system that issues indemnity certificates to some killers because they acted in 'good faith and in the national interest', while at the same time, assassinating the characters of those who refuse to take up arms in the name of national security.

3 The South African context confronts us all with issues of conscience

In South Africa, hundreds of thousands of whites live in a daily struggle with their consciences - with every part of our lives infected by participation in the apartheid system.

*Opposite:
MANFRED ZYLLA
Boys from the
border, series 1985
Pencil on paper
(Reproduced with
permission from
ADA)*



An alternative service project in Eldorado Park organised several years ago by the ECC.

Many of us have lived to see our warnings sounded over decades come tragically true. 'Pursue this policy of depriving, of oppressing, of hurting, of degrading, of banning, of exiling, of detaining, of dispossessing - pursue this violence against human dignity and you will reap the violence of enraged resistance.' There is no joy in seeing these prophecies come true. But there is outrage at being told by a government which, deaf to conscience and blind to consequence, now dares to tell us what our duty is and demands that we defend them so that they can show us how to put right their mess. Those who have brought us to the edge of ruin, now presume to lecture us on the duties of citizenship. It really is quite incredibly impudent.

There is a reason why 143 young men recently made the stand they did, refusing to serve in the SADF. It is no accident that in that group we find the very kind of people who make a society rich in resource and character: six doctors, six medical students, ten teachers, three journalists, one nuclear physicist, lawyers, five clergy, research officers. When some of them spoke at the University of Cape Town recently, 17 more young men stood up afterward to join them.

When I listened to André Zaaiman, born in Kroonstad, an Afrikaner, a captain in the SADF say that he would 'not fight or die for apartheid or the National Party ...' and that though he is not a pacifist he 'would not fight his own

people', I knew that the day has arrived when our rulers have tapped too deep into the realm of conscience and have finally come up against that place where decency, morality and principle can no longer be violated or compromised.

Some white South Africans at least - and the number is growing daily - are deeply convinced to the point of being willing to go to prison, that participation in the military in the present circumstances is not so much a contribution to security as its opposite. Look again at that list. Try if you will to brand them as cowards or *verraaiers*. It simply doesn't work. When a David Bruce goes to prison because he sees too many parallels between the South African present and a German past that treated his own mother as subhuman, who is the more moral: the prisoner or those who imprison him? I think I know and I salute him.

4 The SADF is already practising forms of alternative service

The government and SADF have already conceded the principle in two important ways:

The Board for Religious Objection has heard many cases and placed many young men with the Department of Manpower. The practical workings are clumsy and remain in many cases childishly punitive. When I hear of one of my colleagues in the ministry who has a B.Sc. (Chemical Engineering), a B.A. and M.A. in Theology painting white lines on the streets of a country town because he refused to serve in the commandos, I am sickened by the waste of such valuable resources, but the principle is conceded and merely needs to be extended to embrace a more mature definition of objection.

There is however, a second far more significant recognition that national service need not be military service: we know that thousands of young men drafted into the SADF are not on military duty at all. Many are teaching in rural black schools, others are doctors in hospitals, while a whole task force of national servicemen trained in accounting are busy working in the Revenue Department chasing up tax dodgers.

If the SADF can use its available manpower in this way, how can it justify imprisoning people who would be very happy to serve their time in alternative service? If there is manpower to spare from war, why the charge that objectors are sabotaging the security of the state? If refusal to do military service is a blot on a man's character, what character test does the SADF apply to those it allocates to non-military duties?

Alternative service is already happening and is clearly seen as a necessary contribution to the well-being of the nation. All that has to happen is that it be taken out of military hands.

'Our true security lies not in military power but in development, justice and peace.'

5 Democracies are increasingly recognising alternative service

In the United States there is provision for people who have 'personal scruples against war' not only on the grounds of religious belief. What they call conscientious non-militarists are permitted to serve not only in civilian state organisations but also in approved welfare organisations.

In Germany, which has gone down the road of militarism to its tragic conclusion, the law is now perhaps the most liberal of all: 'No one may be compelled against his conscience to render military service involving the use of arms.'

In what was then Rhodesia at the height of the civil war, which was to end with the establishment of Zimbabwe, the law allowed for both universal and selective conscientious objection although requiring that it be on religious grounds. Nevertheless, there was a clause which actually gave their objectors' board total discretion to exempt anyone, should they so choose.

Even in countries like East Germany where there is no patience at all for the conscientious objector, prison sentences for these men are much less punitive than the six years demanded in South Africa.

6 National service is more than military service

We need a wider definition of the national interest than the purely military one.

As far back as 1981, former head boy of Hilton College, Charles Yeats, presented a plan for non-military service. His proposal was for relief and development work in rural areas, and he cited just one - the Msinga area of the Tugela valley. Since then we have heard from organisations like Operation Hunger, enough statistics to remind us that many more people die of starvation in South Africa than from military and political violence.

Rather than spending state money on prosecuting, feeding and housing objectors for up to six years as well as sustaining the steady loss to the economy of those who emigrate, Yeats argued that the future of South Africa could be secured by an infusion of creativity and service in rural communities.

'The state must eventually recognise that conditions in certain rural areas present an equal, if not greater threat to any the country faces on its borders', he said. He saw a committee from each church denomination and each development project working with an official of the Department of Agriculture, with a task of screening conscientious objectors and projects, supervising their lives and work over a

three-year contract.

Mr Yeats went to jail and presumably the Msinga area of the Tugela valley remains a starvation zone.

South Africa has become a security state - which means just the opposite. Our true security lies not in military power but in development, justice and peace. Short-term military goals cannot secure our future and the best way to guarantee disaster is to put that future into the hands of the generals. Even the generals have been at pains to tell us that our problems are 20% military and 80% non-military. Why then do they want to run the 80% as well? Why not let at least a portion of the 100% of white young men they control for two years of their lives, make some contribution to the 80% problem?

We need to expose the propaganda fallacy that the hope for the future lies with the military. Let a growing number of committed, highly motivated young people of all races involve themselves sacrificially in development and service projects at minimum wages and under difficult conditions and there you will see a new South Africa in the making.

Let churches and welfare organisations list their needs and offer positions for these young people where their gifts are desperately needed and could make a positive difference.

Let business support this kind of enterprise in the same way as it pays national servicemen's salaries while they are away. If in law judges and magistrates are now permitted to sentence convicted criminals to 'community service', why in God's name do some of our finest young men have to go to prison for refusing to serve in the SADF?

The SADF may argue that such service can be done in uniform but true alternative service cannot afford to be identified with the SADF 'hearts and minds' policy which is reminiscent of that enunciated by President Nixon of the United States: 'Get them by the [expletive deleted] and their hearts and minds are sure to follow.' That is the SADF way but their problem is that when they let the [expletive deleted] go, so do the hearts and minds.

Of far more permanent value to group relations in this country would be a corps of committed and principled young people giving sacrificial civilian service in identification with the poor and marginalised people in our society.

Major churches in this country have been working together on an alternative programme which could provide immediate placement for young men who would otherwise emigrate or rot in jail. If our rulers could see beyond the narrow confines of their military priorities, the national interest would truly be served in this way. □

can war be stopped by those who are meant to wage it?

This is a question an increasing number of South Africans are asking as they face military conscription. Mark Swilling, lecturer and researcher at the University of the Witwatersrand's Centre for Policy Studies, examines the dilemma, from the conscript's perspective and that of the state.



Married Zyla

Johannes Rantete, a student in the Department of Politics who wrote a well-known booklet on the Vaal Uprising, woke one morning in October 1984 to find his township occupied by SADF soldiers. This was Operation Palmiet and the commencement of the nationwide military occupation of the townships.

Johannes had a white classmate who found the idea that he could have been one of those soldiers so morally repulsive that he decided to refuse to do his national service. That was David Bruce. At David's trial, Dr Motlana, speaking on behalf of many black South Africans, said that David was now seen as a hero in the

townships.

Motlana's statement made a deep impression on the conservative editor of Finance Week, who later wrote in his August editorial that the 'politicisation of the SADF' is due to a widespread view that 'to perform national service is to help uphold a political system to which the majority of South Africans are opposed'. He concluded by calling for alternative service.

These anecdotes capture the essence of the state's dilemma: on the one hand the past decade of black resistance has produced a consciousness in the townships that sees the security forces as the agents of the

white minority that refuses change; on the other these forces have become increasingly central in the formulation and implementation of government policy.

A key component of government policy is reform. By reform, the government means a top-down process managed almost exclusively by the Executive President's office.

The objectives are:

- 1 more land, houses and services for blacks;
- 2 the constitutional inclusion of blacks into a new, de-racialised structure of multi-ethnic representation - starting with local government;
- 3 privatisation and de-regulation to boost the size of the black entrepreneurial classes and withdraw the state from the economy.

To achieve this on its own terms the state does not want the so-called 'revolutionaries' to interfere. So for reform to work, 50 000 people have had to be detained since 1984; four States of Emergency had to be declared and 18 [now 32 -ed] organisations restricted.

This is the reform-repression of the National Security Management System.

The bottom-line for the state is simple; change is needed, but not by way of negotiations with legitimate leaders. It is from this simple formula that the complexity of our problems flow. Boiled down to basics the crisis consists in the following:

South Africa's two greatest developmental assets have always been capital and skilled person-power. We are now a net exporter of both which means, according to one recent economic survey, our growth rate for 1988/89 will be somewhere between 0,3% and one per cent. With seven million people homeless and 2,5 million unemployed, a growth rate like this amounts to a national disaster of unprecedented proportions.

The export of capital is directly determined by the political crisis - no stability, no investment. The export of persons, however, is directly linked to conscription.



According to the National Manpower Commission, within ten years there will be no less than 500 000 empty managerial, professional and technical posts. Why is this the case?

According to some accountancy and legal firms in Johannesburg, 80% of articled clerks leave South Africa after they qualify. The University of the Witwatersrand's Medical School estimates that one third of its graduates will emigrate. Fifty-three per cent of a sample of Rhodes students surveyed said they were going to leave - 28% because of conscription. Twenty-five out of 1988's 32-member M.B.A. class at the University of the Witwatersrand will be emigrating - most because of conscription.

Between 1981 and 1987, 10 500 professionals emigrated. If you assume it costs R50 000 to train a professional then this represents a net loss of R500 million in seven years, plus the secondary loss of lost tax and the cost of importing skills.

For many who go into the army, the moral and psychological costs are

so high that they may break down as useful human beings. The defence counsel for soldiers accused of murder in Namibia pleaded in mitigation that SADF soldiers are frustrated and hence murder because, in contrast to their enemy, SADF members were young men fighting in a compulsory national service, often against their will. It is not surprising, therefore, that whereas the suicide rate in South Africa is one in 10 000 - already the second highest in the world - amongst soldiers it is six in 10 000.

In another trial a camp commander said 25% of his personnel do not report for duty at any one time.

Where on earth are we heading? Our political structures are collapsing; our economy is going down the drain; our best minds are emigrating; our young men are being morally broken in a war, and one in six South Africans have no house to live in.

Contrast this to the bloated sumptuousness of the life in the rich white suburbs of our cities. But even in these areas violence is a way of life. Pretoria is the suicide and

divorce capital of the world. There are more family murders amongst South African whites than amongst any other group in the world.

Speaking as a white, instead of relinquishing our materialistic worship of privilege, we have chosen rather to kill our humanity and the country we rule.

When 143 white recruits stand up to say that they are not going to serve in the SADF, they are in fact saying, 'enough is enough'. We can take it no longer.

To conclude: I attended the 20th anniversary of the 1968 Columbia University sit-in in New York in April 1988. Mark Rudd, the famous national leader of the United States student rebellion of that year, was talking. He concluded his long emotional review of the youth revolt against the war in Vietnam with the words: 'What other war in history has been stopped by those who were meant to fight it?'

This is the challenge that faces white South Africans. Maybe our war can be stopped the same way. □



the very least I can do

Etienne Marais, who served as a Captain in the South African Defence Force in Angola, explains why his name is now among the list of 151 young men who have publicly stated their refusal to serve in the SADF.

I am speaking as a member of the group of 143 (now up to 151) who have publicly stated their refusal to serve in the SADF. As our reasons are varied and our decisions are our own I cannot speak on behalf of the 143, but will try to share with you some of my experiences and the reasons why I have refused to serve in the SADF.

I served in Namibia for a period of 14 months. When I was first conscripted I was 17 years old and had little idea what role the SADF played. Although I did not like apartheid I was not really aware of any links between the war and apartheid. I suppose I really believed that I was going to do my country a service by defending ordinary Namibian citizens from outside aggression.

After some time in Namibia I became aware that the SADF was responsible for a great deal of suffering and disruption of communities. The SADF is clearly neither liked nor respected in the areas where I served. I was at first surprised at the fear that the presence of the SADF sometimes elicited. I can remember walking into kraals where small children ran away in fear. The reason for this fear was the long history of occupation that the people had experienced, and occupation is a very neutral word; it encompasses none of the menace and sense of hostility that exists when an army of people - mostly indoctrinated into a racist ideology - arrogantly invade a community to forcibly uphold a political order, which happens to oppress the very people they are supposed to be 'protecting'.

Atrocities do occur on a wide scale - and they occur primarily because of the total disregard for blacks that apartheid teaches many young South Africans. Many of the

incidents that I witnessed or was aware of also reflect a total disregard for the local population. These included common acts of degradation and intimidation; like the driving down of kraal fences, men exposing themselves sexually to Owambo women and the theft of beer or chickens. They also include careless 'test' firing of mortars at night and the shooting of grenades into villages 'for the hell of it' - without first checking to see if there are any people inside.

In August 1988 P. W. Botha intervened in the legal process in Namibia where he set aside two cases of murder on the grounds that the soldiers were 'acting in good faith' in the interests of 'national security'. A member of my company shot a 13 year old girl dead. Is it in the national interest to hush it up? Was the torture of a young girl for several hours in the 'national interest'? Only a racist ideology can conflate the interests of white South Africans (or a particular perception of what white interests are) with the interests of all South Africans and the people of other countries - even when those people are suffering greatly, in the name of these 'interests'. I cannot accept that the incidents which involved the men I was with had any justification.

I was also involved in operation Protea in 1981. We were told that the operation was directed at SWAPO bases. I personally saw no signs of SWAPO forces. What I did see were thousands of refugees streaming north from Ongiva and the desolated remains of what were once thriving small towns. While I was there, we listened to the SABC news service denying that we were there. We also heard the BBC news describing fairly accurately what was happening.

To me it is clear that we were waging war without good reason. All this was supposedly on behalf of the Namibian people - but only a few weeks before an old Namibian man had pleaded with my platoon: 'Please leave us alone.'

What it boils down to and what I am angry about is that I was forced (or conned) into waging a war on people with whom I had no quarrel, and that I could have been killed in a war that the government was lying about. I am angry that I was made into something that struck terror into small boys in Owambo villages. It's clear to me that the war in Namibia is absurd - that we had no business in Angola.

Since leaving the army I have met and got to know members of our black communities. From this contact, and from information in the press, it is clear to me that the attitude to the SADF, here in South Africa, is not very different from that which I experienced in Namibia. I believe that we have inherited a terrible history of oppression against fellow South Africans. I do not believe that the army is defending South Africa as a whole, but is defending with brute force the system of apartheid. If we were to 'serve' in the townships I would be occupying the communities of many of my friends on campus - not just occupying - but occupying with the hostile threat of a loaded rifle. These are the same friends who, despite their experience of apartheid, have shown enormous tolerance and openness to their white colleagues. This tolerance - which in my experience is widespread - gives me enormous hope for the future.

On the other hand, many of the small boys who were once so frightened of my presence have now taken up arms against the South African occupation in Namibia - and I do not blame them. But what this tells us is that the answer to our problem - our society which is filled with violence - is **not** more security, more army, more blind patriotism and more war. The answer is a different kind of patriotism - a patriotism which includes love of, and trust for our fellow South Africans, trust which will enable us

to talk things out, a patriotism which tells us that we can not go to war against fellow South Africans. In Namibia the answer is clearly a democratic election, and I am glad that the South African government seems to have recognised this. But we must remind ourselves that the government is now accepting the same principles that the U.N. proposed **ten years** ago. Do we have to go through all the years of stupidity, arrogance and suffering before a negotiated peace can be reached here in S.A.? Is this not partly what the End Conscription Campaign was trying to say?

The reason the stand that David Bruce and Charles Bester took should serve as an inspiration to us all is that they held morality up high by saying that they were opposed to racism and therefore refusing to participate in its maintenance. The group of 143 men who recently stated their refusal to serve in the SADF are saying that, for varying reasons, their consciences tell them that they cannot participate in an army which upholds a racist and unjust system. I am against racism and feel bound to oppose all the injustices which go on in the name of racism. The very **least** I can do is not to participate in the support of a racist system.

I think that the major reason we made our stand in the way we did is because we want to be given a chance to stay and contribute towards our country. I do not want to leave South Africa but realistically that option may be all that those of us, without Dave Bruce and Charles Bester's courage, can do. We love this country and our stand is in a way an appeal to you to help us fight for the right to stay, and as patriotic citizens to serve our country in a way which we can be proud of.

It is illegal to call for an end to conscription, but I think it is still legal to call for people to act against apartheid - to refuse to be party to the racism and oppression which have made our country a pariah among nations.

I can also urge you to help to find a viable alternative to the extremely difficult choices that many conscripts face. □





Generals attending the inter armies conference of the American continent countries, held in Uruguay in 1975.

lessons from latin america

The militarisation of South African society has prompted comparisons with Latin America. David Fig, who has extensively researched developments in Latin America, points out the similarities - and differences.

The massive increase in repression since the declaration of the national State of Emergency on 12 June 1986 has prompted a number of comparisons with the extreme violations of human rights in Latin America over the past 25 years.

The comparisons are helpful in understanding the techniques a militarised state uses to deal with

political opposition and in examining the potential for further repression.

Repression: Reform or Revolution?

It is important to note that military rule in Latin America has not only been the tool of reactionary forces. In the case of Peru in 1968, for example, left-wing nationalists stepped

in from the military to implement a reformist policy when they perceived that the civilian politicians had become too weak and divided to effect badly needed land reforms and other fundamental changes.

Although somewhat exceptional, the Peruvian example demonstrated that military rule could have a progressive programme of reform. Nevertheless, it is important to note that military reform programmes are, by definition, arbitrary, not directly accountable and therefore undemocratic.

In some quarters, militarisation in South Africa has been perceived as crucial to the implementation of a reform programme. Through military control of unrest, the argument goes, it is possible to upgrade townships, stabilise a black middle class and pre-empt revolutionary change. The price of repressing popular struggle is seen as necessary in reaching these goals.

In sharp contrast, an alternative analysis describes South Africa's militarisation policy as an attempt to perpetuate ethnic minority control

through a combination of reformist and repressive measures. This perception underpins this article. Militarisation in South Africa is not regarded as an example of the 'Peruvian option'.

Limits to Reform

The most recent cycle of military rule in Latin America was triggered off in 1964. The coup of that year in Brazil aimed at blocking popular pressure on the civilian government to implement a package of social and economic reforms. These included the promise of a major land reform, the extension of trade union rights and the enfranchisement of illiterates who comprised over 60% of the adult population. Reforms such as these threatened the traditional interests of the landed oligarchy, and industrialists also feared the increased power of the working class. Since it was difficult to unseat the reformist government by electoral means, the propertied classes appealed openly to the military to intervene.

The radical reforms of the Allende regime in Chile also provoked a right-wing backlash. The political parties of the centre and right openly encouraged the military to assume power in September 1973. In Uruguay and Argentina there were military coups to pre-empt the left from extracting major reforms from crisis-ridden governments.

States of Emergency and Martial Law

To defeat their opponents the new military regimes sought to govern their countries without reference to existing parliamentary processes. They suspended constitutions, declared states of emergency and overrode judicial procedures. In most cases parliaments were closed or severely deformed. Military officers took over the task of running state-controlled industries and strategic regions of the country. The independent press was curbed through censorship, raids, prosecutions and closures.

Since 1954, when General Alfredo Stroessner became president of Paraguay, the country has been under a permanent State of Emergency. Every four years this was lifted

for 24 hours to enable elections to be held. Stroessner was regularly re-elected with polls of 90% in his favour. One out of every four Paraguayans has fled into exile in response to political or economic persecution. The permanent State of Emergency was finally lifted on the eve of the most recent presidential elections in February 1988. (General Stroessner was toppled in a coup d'état on 3 February by an opposing military faction. It is too early to state with certainty what the outcome will be.)

Since coming to power, Chile's General Pinochet has constantly resorted to rule by state of emergency or the more severe state of siege. Political parties, meetings and demonstrations were illegal for most of the past 15 years of military rule, and curfews regulated the movements of citizens. The popular uprisings of 1983 and an attempt on Pinochet's life in September 1986 extended the use of states of siege. Pinochet was forced to end them before conducting a plebiscite designed to confirm him in power for a further eight years.

It was rather ironic that despite the odds, the opposition forces in Chile succeeded in winning the plebiscite in October 1988. Pinochet will have to step down in favour of an elected civilian president in March 1990 instead of in 1997.

The Ideology of National Security

Under the more vicious regimes, those identified with the left had to be eliminated from the body politic. In most cases the left was defined very widely to include liberals, reformists, social democrats, and anyone who stood for human rights and the due process of law.

Opponents of the regime were seen as opposed to 'national security' and the most repressive legislation was couched in terms of defending this precept. Thus all radical political opposition was criminalised. To avoid automatic detention, many politicians, lawyers, students, journalists, trade unionists, human rights and church workers were forced to flee into exile.

The doctrine of 'national security'

developed during the height of the Cold War, when most Latin American military establishments were under the tutelage of their United States equivalents. The doctrine was taken up by those generals within the military colleges of Latin America who had received training from the US or had fought alongside the US in World War II. They saw the US as an ally against the progressive spread of socialist solutions to Latin America's problems.

They analysed international politics as the struggle between 'communism' and 'Western Christian values'. This struggle took the form of an undeclared third-world war, in which communism was to be defeated at any cost.

In South Africa the same doctrine has been promoted by the military in the guise of the 'total strategy' against a 'total onslaught'. All too often, enemies of apartheid are perceived as enemies of the state which is conducting a third-world war against communism.

In war it is legitimate to eliminate the enemy. Therefore the implications of the doctrine include the physical elimination of those who the state defines as its opponents.

Forms of Repression

a) Censorship

In an effort to control ideas, severe censorship was imposed. In Brazil, this took the form of press controls, the jailing and assassination of journalists, and the bombing of bookstalls selling alternative publications. In Chile, the regime arranged bonfires of all Marxist publications. Even books on Cubism - the painting style made famous by Picasso - were burned, since soldiers mistakenly believed that they promoted Castro's politics. The military took control of the universities and purged many academics. In Paraguay the government took exception to the teaching of the social content of the gospels, and has abolished the discipline of sociology.

b) Death squads

Assassination gangs, or death squads, came into existence where right-wing elements felt compelled to

eliminate their opponents without reference to judicial procedure. They were usually made up of fanatic off-duty police or military men and other sympathetic individuals with access to arms. Often their commanding officers would turn a blind eye to their activities, as would the military state. The death squads made use of unmarked cars, and decorated their victims' corpses with skull-and-crossbone logos. The victims of Brazilian death squads were usually riddled with numerous bullets and nicknamed 'slabs of ham', while in Central America victims were usually mutilated, with tongues, limbs, heads, breasts or genitalia being amputated. Death squads often alerted the media as to the whereabouts of their victims. The assassinations were aimed at eliminating the victims as well as deterring their sympathisers.

c) Torture and disappearances

Under most dictatorships, the power of the security apparatus was greatly enhanced. Kidnapping, secret imprisonment and torture of detainees became institutionalised and widespread. The testimony of thousands of prisoners subjected to torture may be found in the files of Amnesty International. The techniques that were adopted were gruesomely sadistic, and included electrodes, cattle prods, drownings and suffocation, suspension from the 'parrot's perch' whilst bound upside down, and so on.

One of the more notorious torture chambers was to be found in Argentina's Naval Mechanical School in Buenos Aires. Its torturers included Captain Astiz, who had infiltrated human rights organisations in order to single out victims. Astiz was later sent to Pretoria as his country's naval attaché, and underwent courses at Silvermine. His presence was exposed in the Sunday Tribune. He was sought by France and Sweden for having murdered nationals of those countries, including a 16-year-old girl and two nuns. Yet when captured by the British during the Malvinas (Falklands) war, extradition was impossible. Under the Geneva Convention war prisoners can only be repatriated to

their own country.

Many detainees died under torture. To avoid the possibility of inquests, the security apparatuses resorted to the secret burial or disposal of their victims. Thus arose the phenomenon of the 'disappeared', who, in countries like Argentina, Chile and Guatemala are numbered in tens of thousands. Families had no knowledge of their whereabouts whilst alive or dead.

The anguish which they felt was highlighted in the Costa Gavras film *Missing*, which dealt with the situation of the 'disappeared' in Chile. Many of those incarcerated in the National Stadium in Santiago after the 1973 coup were never seen again. In recent years many mass graves have been uncovered in Chile.

In Argentina, the mothers of the 11 000 disappeared gathered every week in the Plaza de Mayo in Buenos Aires. Shunned at first, they were nevertheless allowed to demonstrate because of traditional respect which conservatives accorded to the notion of 'motherhood'. Eventually they were to become symbols of the human rights movement. Even during the period of nationalist fervour associated with the Malvinas war, posters read: 'The Malvinas are Argentina's, BUT SO ARE THE DISAPPEARED!'

Particularly poignant is the case of the thousands of children of the disappeared who were offered for adoption to childless families in the armed forces or connected to the government. When the dictatorship ended, they were traced by relatives and in some cases restored to their own families. The psychological damage associated with the traumas of being uprooted will remain with these children all their lives.

d) Concentration camps

Such camps performed different functions in different situations. In Chile, they took the form of remote prisons in the extreme south of the country, and were set up in order to isolate opponents from contact with their families and supporters. In Guatemala, on the other hand, they took the form of resettlement villages for whole communities, to enable the

authorities to monitor their political activities. Curfews were imposed and contact with the Catholic church, seen as a progressive force, compulsorily reduced in favour of extremely conservative fundamentalist protestant sects encouraged by the Rios Montt government. Hence they resembled the 'protected villages' of Vietnam or the *aldeamentos* of colonial Mozambique, whereby the authorities attempted to sever contact between the people and the liberation forces.

e) Massacres and genocide

The carnage imposed by the National Guard in support of the Somoza regime in Nicaragua is well documented, and was one of the principal causes for the popularity of the Sandinista Front.

The night of San Juan in 1967 saw the army of Bolivia invading remote tin mining camps where the miners and their families had occupied underground shafts and radio stations. Hundreds of miners were butchered before the army restored the status quo.

In Guatemala and El Salvador there have been a number of instances of mass killings, not only directly on the part of the authorities, but also by semi-officially-supported rural militia groups reminiscent of what are known in South Africa as vigilantes. Known variously as *Mano Blanco* (white hand) and *Orden* ('order' - the acronym for National Democratic Organisation), they are sponsored by groups of right-wing landowners bent on stopping all land reform and rural agitation by use of terror tactics. Thousands of peasants and rural workers have been assassinated at the hands of such groups.

The Panzos massacre of 100 Kekchi Indians in 1978 in Guatemala was typical of many such incidents, but became widely known in the world press because of the huge demonstrations which resulted. Preparations for the massacre had included the advance placements of machine-gun nests in the village square to forestall protests against land grabs, and the day before the slaughter two mass graves had been prepared in advance by the authorities.

A delegation of peasants from El Quiche, protesting military occupation of their lands as well as assassinations and disappearances, unsuccessfully sought audiences with the president in Guatemala City in January 1980. When 22 members of the delegation went to the Spanish embassy to stage a sit-in in order to draw international attention to their problem, the police surrounded the building. Despite the delegation's agreement to withdraw peacefully, the embassy was stormed and set alight, with 38 deaths resulting. Almost all who died were relatives of previous victims of 'disappearance' and execution by the army.

In the same year in El Salvador the army attacked the mass funeral of Archbishop Oscar Romero, himself assassinated at the altar for speaking out against human rights violations of the regime. Hundreds died outside the cathedral where a mass for the late archbishop was in progress.

Redemocratisation

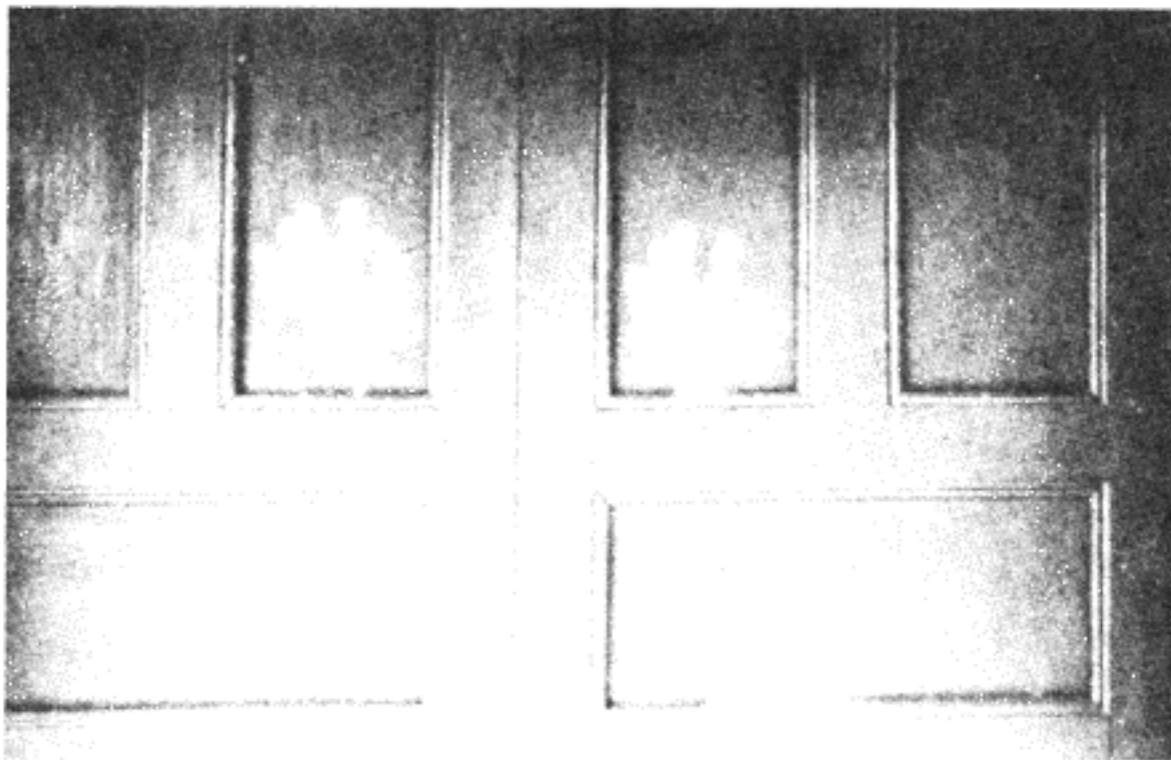
In most Latin American states, some form of democracy has now been restored. The nightmares of military rule and unbridled, arbitrary state repression are a thing of the past. Yet the military have remained powerful and, in countries like Uruguay and Argentina, have prevented civilian courts from bringing to justice known violators of human rights during the epoch of military rule.

Despite the restoration of civilian rule, the conflicts within Latin American societies still persist. In Brazil, for example, hundreds of assassinations of squatters and rural trade unionists at the hands of gunslings hired by large landowners continue to occur year after year. In Venezuela, which has enjoyed civilian rule for many years, the phenomenon of 'disappearance' has recently asserted itself, and

corpses of detainees have been discovered in dry wells south of the city of Maracaibo.

The military are back in the barracks, but still exercise the potential for intervention. An example of this was the slaughter of 350 rioting prisoners in the political jails of Peru, whose ruling social democratic party, APRA, was playing host at the time to a meeting of the Socialist International.

In El Salvador and Guatemala, the restoration of civilian rule has proved to be a façade in which the military continue to exercise supreme power at the expense of human rights. Civil war continues, and the region is further troubled by US-backed Contra attacks on the Nicaraguan people.



'Mano Blanco' left by para-military group after killing a peasant leader in his home.

Closer to Home

Gross violations of human rights in our own country prompt comparisons with those that occurred under military rule in Latin America. The massacres at Langa, Mamelodi and Queenstown, the unsolved deaths of Matthew Goniwe and his colleagues, the military invasions of the townships, the uprooting of Crossroads and KTC, the disappearance of many activists, the arbitrary mass detentions and subsequent restrictions placed on personal movement, the severe restrictions on our right to know what is happening - these are all symptoms of the increasing militarisation of repression.

But is South Africa under military rule? Under the State of Emergency, all 'forces' (including the SADF and

SAP) have extremely wide powers. These powers are decentralised so that different bans and curfews can affect different regions. Each region has a Joint Management Centre under the chair of senior SADF or SAP officers. The JMCs are answerable to the State Security Council, 'to co-ordinate joint government action at regional level'.

Security bills, opposed by a majority of individual MPs, have nevertheless passed into law. The tendency to override the rule of law and to run the country on the basis of decrees and other arbitrary actions has increased significantly. It can be argued that whilst coups are still possible, they have become unnecessary, since so much de facto power has been accorded to the security apparatus.

We should therefore be mindful of the Latin American experience, not only because of the excesses committed by its military regimes, but because despite the infliction of great suffering, these very excesses provoked a groundswell of opposition sufficient, in some cases, to bring an end to military rule. Even in Chile, one of

the most ruthless of military dictatorships, a popular coalition has defeated the attempt by Pinochet to remain in power, and set the country on the long path back to democracy.

In South Africa we have not yet reached the stage where the political advances of the military can be reversed decisively. Meanwhile the tasks of monitoring and resisting arbitrary rule and the militarisation of our society remain. For inspiration we can look to the great human rights records of the mothers of the Plaza de Mayo, of slain Archbishop Romero in El Salvador, of Sao Paulo's Cardinal Arns, of the justice and peace commissions led by Nobel peace laureate Adolfo Esquivel, and the many other nameless but heroic Latin Americans struggling for their rights. □

analysing south africa's future

(part two)

*In the last issue of SASH, we published the first in a two-part interview with R.W. Johnson, best known in South Africa for his book **How Long Will South Africa Survive?** Durban born and educated, Johnson left South Africa in the 1960s and is now a fellow of Magdalene College, Oxford. Heather Hughes, lecturer in the Department of African Studies at the University of Natal, asked him to turn his attention to the future.*



R.W. Johnson

Heather Hughes

HH: In terms of the big issues which any future government would have to tackle in this country, what would be at the top of your list?

RWJ: I shall have to play a bit of devil's advocate here. The whole of South African economic history for 300 years has worked on the basis of an inflow of foreign capital. That's the way the thing works best and the fact that the tap has been turned off is what's going to destabilise the whole thing. Any majority-rule government coming in, especially facing the needs they will want to meet, will want to turn that tap on again, and no matter how socialist they are, that will push them in a strongly capitalist direction. That will be their first dilemma. The second one will of course be that they will immediately find that they want to keep in place as many whites as they possibly can. This means they're going to restrain people in their own ranks, who will want, for example, to carry out Nuremberg trials. Now I can see an extremely good moral case in holding such trials but I can see a very bad political case for doing it, because it's just the sort of thing that will frighten whites either away, or into taking up arms to fight back, neither of which you want. I know it's very provoking because there are plenty of people who thoroughly deserve punishment. But we're going to have to try to be a bit more big-hearted about this than people feel at the moment.

HH: What about social issues, such as the one you have spoken about before, which is the intensity of urbanisation?

RWJ: Well, the truth is that a majority-rule government will face all the same problems of demographic growth and rapid urbanisation. In many African countries this leads to strong anti-squatter policies, and forced removals - rounding up the beggars and shipping them out to the country. This happens in Zimbabwe, and a number of other places. So a new government may find themselves doing just the same things that they condemn the present government for doing: there are going to be many ironies in this. They're going to find themselves with an Afrikaner civil service, having to do many of the same things which they resisted before. For example, things like birth control programmes are going to be absolutely vital. At the moment, you can't get anyone interested in that.

HH: On the issue of urbanisation: I understand, for example, that Durban is one, if not the most rapidly urbanising city in the world today.

RWJ: That's disputed. Those figures were actually gathered by the Inkatha Institute, and its former head, Peter Mansfield, says he thinks that the figures are misleading. The study on which they were based produced a growth

'South Africa is still a big country with not as many people as it can cope with. The constraints are still often to do with ownership of land rather than absence of land ...'

figure of roughly five percent per annum, which is rapid, but he thought it had been going on forever at that rate. What *has* changed is that influx control is gone. I think that one has got to be aware of white panic - about all this happening faster than you can possibly cope with. What has to be said is that while the urban situation will be transformed by what's going on, South Africa is still a big country with not as many people as it can cope with. The constraints are still often to do with ownership of land rather than absence of land, and they're to do with jobs.

HH: But leaving aside the question of white panic, don't you think that the degradation of the countryside is driving more and more people into the cities, and the fact of the matter is that while one can agree that South African doesn't have an enormous population in terms of its size and resources overall, the fact remains that there isn't a sensible urban strategy to cope with rapid urbanisation. It's hard to see how that's going to be resolved, and the cities themselves seem strained in terms of their resources, to cope with the massive influx of people. In Durban, for example, nearly half of the population lives without any formal services whatsoever. That's an enormous proportion of people by anybody's standards, and it's hard to know how any future government is going to cope with the backlog of this problem.

RJW: Well, the only way they can cope is by a very massive programme and large amounts of foreign capital.

HH: So it comes back to foreign capital?

RJW: Yes, and the political will to do something about it as well. If you're going to try to put sewage, and drainage and running water and electricity and telephones and buses and roads in all these areas - and you have to accept that that will only attract more people - then you need huge amounts of money.

HH: But the obverse will be a much more progressive policy towards rural areas and some form of rural renewal?

RWJ: Yes, certainly. I don't think you're going to make agriculture more labour intensive again.

HH: You don't think the 'peasant option' is open here? Similar to what is being attempted in Zimbabwe?

RWJ: It's hardly being attempted there. The government here, as there, is going to want to maximise production and exports, and they're going to want to keep the most efficient big farmers ... and a high gold price, and all the same things that this government wants. People don't re-ruralise. People may move into the suburbs and then smaller country towns - that does happen - but I really do not believe that people want to go back from being urban dwellers to peasants.

HH: What about people who in living memory - say since the 1960's - have been forcibly deprived of their land?

RJW: There might be some, but on the whole urbanisation is permanent. If you look at this country's history, the only period when the number living on farms went up, was the 1930s, the depression, because actually if you were starving in town, then you went back because maybe you could help on the farm if you had a family farm. You could grow *something* or have a few chickens, or something to eat. But it's a bad sign when you re-ruralise.

HH: Let me turn to the international scene: how do you read the government's renewed detente efforts, not only in Africa but intercontinentally?

RWJ: I don't see any signs that P.W.Botha has achieved that much in Europe. He will have talked to Swiss bankers and he may have achieved something there in terms of debt repayment but we don't know. But he hasn't actually had proper talks with any head of state, or prime minister. I know he saw Kohl at the Strauss funeral, but that's not the same thing. He saw the prime minister of Portugal but that's the smallest, weakest country in Europe. So I'm not sure how much he has achieved there. I think the whole point of an African initiative is that he has realised that it is actually easier in some senses to deal with Africa than it is to deal with the Western powers, because, to put it crudely, African leaders are much weaker, and some of them much more easily bought. And if you can dangle some promise, such as that they're going to get Mandela out, you may make it sound worth their while.

It seems to me that the problem is, where do you go from there? If you want to keep the African countries interested, you have got to really do something. It's not clear what that will be. Certainly the attempt to escape from a major confrontation with other major powers can't really be successful - at the end of the day, the African countries are only useful to you inasmuch as, if they're willing to meet Botha, it's harder for the Western powers or other powers to say they shouldn't. It's a break-out strategy based on Africa. He wasn't willing to make those concessions to the Eminent Persons Group - why is he willing now to make them to Mobutu of all people?

HH: Following on from that, to what extent do you see the renewed East-West detente as the necessary background to Botha's own detente initiatives? Could his initiatives be happening without that backdrop?

RWJ: As South Africa's Rhodesianisation process goes on, here will be many attempts to escape from its inexorable logic, to break out in one way or another. And *perestroika* leaves the 'total onslaught' theory exposed as non-

'... someone who can stroke the fevered brow of whites at the moment, and say, don't worry at all, everything's going to be fine, there won't be black rule and you can keep your money, has got a nice message to sell.'

sense. The point about the Angolan peace is precisely that the East has been willing to deal with the West. There is now the possibility of that extending to southern Africa in a more general way. That certainly means that a whole way of looking at things is gone.

HH: What will South Africa spend its money on now the war in Angola and Namibia is over?

RWJ: I fear that they're not probably saving that much. They've still got all those men under arms. And Magnus Malan has already said he doesn't want to cut the size of the army, I'm afraid the truth is that that money is already mortgaged, in terms of debt repayment and civil servants pay rises and so forth - it's probably already spent.

HH: Coming back to your book on South Africa: it was significant in different ways, but one was that it was the first contribution in what became a new genre of literature on South Africa - accounts restricted not only to contemporary events, but also providing tentative pointers - in some of it, positive prescriptions - about the future. I wonder if you would care to comment on the significance of the work that you did in that context, and the literature which follows from it?

RWJ: I haven't really kept up with the literature and when I look at some of it, I am deeply embarrassed. If I am in any way responsible I am sorry. I suppose Keppel Jones' book *When Smuts Goes* was actually the very first, but I had no idea it would become such an industry and a lot of it is deplorable. I think that the point really is - and you see it with the Leon Louw book most of all - that there are more and more worried people, whites especially, but other people too, in this country who are desperately uncertain about the future. This creates a potential market for people who will tell them what's going to happen with some certainty, especially if they can give them good news. And Leon Louw manages to say, if you do things my way, you can have your own little cantons so that Musgrave and Greenpoint and Houghton can all still govern themselves so you will never have black rule over these areas, and we will make it impossible in the constitution to nationalise anything, so you can all keep your money as well. It seems to me that someone who can stroke the fevered brow of whites at the moment, and say, don't worry at all, everything's going to be fine, there won't be black rule and you can keep your money, has got a nice message to sell. There are other people saying other things, but this anxiety is part of the market. At the same time, there are quite a lot of people wanting to hear that it's going to be bad news too, because it's very dramatic and you can have quite an orgasm of

pessimism, or revolutionary defeatism. At the same time I have to say that looking ahead is an intellectually worthwhile thing to do. The fact that inevitably you get some silly stuff shouldn't put one off trying. We know that there is going to be majority rule - that is quite certain - but we don't know the answers to a whole lot of other things, and it's about time we started focusing on some of them.

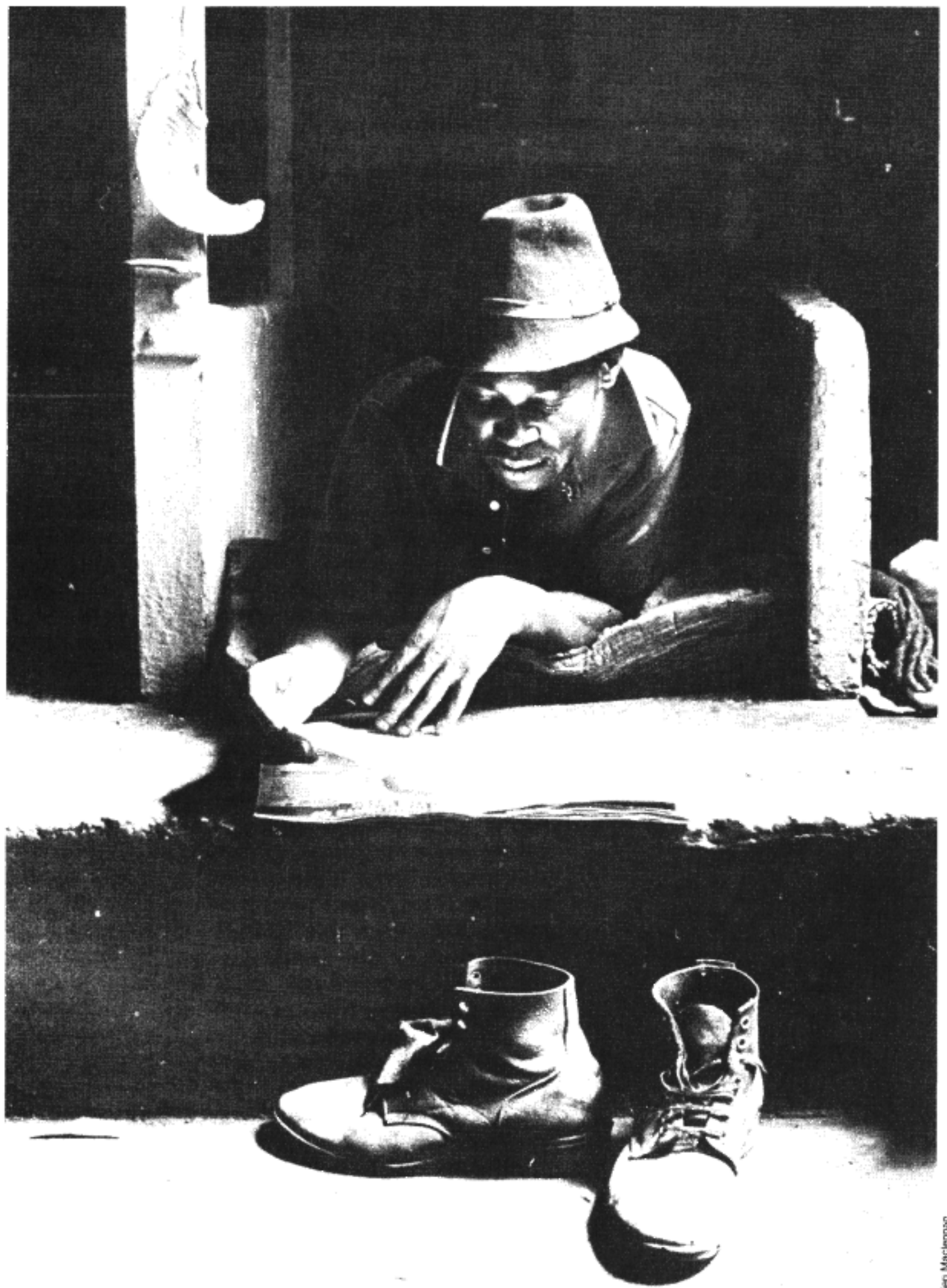
HH: So you think that particularly since late 1986, the conferences which were held abroad to consider post-apartheid South Africa, and the follow-ups internally, are in that sense quite legitimate, that we should be thinking about a post-apartheid society?

RWJ: Yes, I do. There are a lot of people who haven't given thought as to how they're going to run this economy, what they're going to be able to afford, what their priorities will be, and so on - actually very tricky stuff. I feel this about other aspects of the future too. Activists haven't thought through the implications of the vagueness which now exists. You may then find that some things you're doing now would be disastrous for the future, so you may want to stop, for example the troubles on the campuses of University of the Western Cape and University of Durban Westville. These battles can be fought in the name of anti-apartheid, but what they're actually guaranteeing is a generation of very badly educated students, who are the very people you'll be looking for to provide the managerial talent in 2000 and 2010, the key middle cadres. Either you're going to have terminally bad management or you'll have to rely on whites far longer than you wanted to - those are your choices.

HH: Reflecting on another aspect of the troubles on the campuses: Do you see much evidence of an Africanist tendency on the increase?

RWJ: Africanism stands in relationship to other political movements as syndicalism does to political socialism: when the Labour Party gets defeated, people then put their faith in the unions. It's an oscillating thing. Since this is not a good period for the UDF, since they've run out of steam, and they look back and realised they had big illusions, and that they didn't necessarily do things as well as they should have, this obviously creates an opening for those who didn't make the same mistakes, because they weren't in a position to do so. (That's possibly also true for Inkatha, by the way.) The problem is that it doesn't really lead you anywhere, this Africanism - it's mystical at the end of the day and it seems to me that ultimately it's the ideology of a rising bourgeoisie in a society ruled by whites. That's what it is for, so that you can push yourself forward, a form of leverage. In a society ruled

This picture, taken in 1980, shows a miner lying in his concrete compound bunk. '... There isn't a sensible urbanisation strategy.'



Ben Maclellan

by blacks it will have no meaning. But it will always be there, and concessions might have to be made to it. In other countries you see the same sort of thing: in France, the fifth biggest trading nation in the world, there's still an old-fashioned sense of nationalism, patriotism and parochialism, which the politicians have to play to. We're not different from anyone else in that sense.

HH: What of other more popular expectations of a future government?

RWJ: The African electorate - assuming there will be elections and there carry on being elections - will be quite demanding of its leaders to produce economic growth. A future majority government has got to avoid the possibility of people saying, Africans were served better under Botha. To do that it has got to manage the economy better, it has got to be good, competent, clean, and with no corruption. I am really concerned about that, but I expect to be disappointed. □



Although the Disclosure of Foreign Funding Bill has been hailed as a vast improvement on the Promotion of Orderly Internal Politics Bill, Sheena Duncan argues that the new Bill should be just as vigorously opposed as its predecessor.



The Disclosure of Foreign Funding Bill is the successor to the Promotion of Orderly Internal Politics Bill of 1988 which was withdrawn after considerable pressure had been exerted upon the South African government.

The new Bill does two things. It allows a state official, and eventually, through his reports being tabled in Parliament, the public, access to information about organisations, companies or persons and their work which goes far beyond that degree of information which is rightly insisted upon for the proper ordering of society and the protection of its members.



The Bill also gives a state official the power to control the work of organisations or persons who receive money from outside South Africa when that work is funded by foreign money.

The Bill should be as vehemently opposed as was its predecessor.

Comment

As it is, foreign money coming into South Africa is already reported upon. When a bank receives foreign money it requires the recipient to sign a form for the Reserve Bank which states in general terms what the money is received for. Now any organisation, including any church or religious organisation, which has been declared to be a *Reporting Organisation* will in addition have to inform the Registrar how much money has been received, who gave it, what it is to be used for, any con-

ditions attached to the grant e.g. the agreement or contract between donor and receiver, and *any other information which may be required.*

If, as must frequently happen, the organisation wants to use the money for any other purpose, it must get the Registrar's permission to do so. Because of the nature of work in South Africa, changes do have to be made. Let us take the mythical example of an organisation applying for money to open an advice office in a particular place. If, subsequent to the receipt of the money, it becomes clear that an advice office was not going to be possible in that place because of the detention of the committee of the organisation concerned and threats by vigilantes, or for any other reason, then permission would have to be sought to use the money in some other way or in the same way in another place even if the donor was perfectly agreeable to the change of plan.

When one considers the money given to the church for the relief of the victims of emergency situations in South Africa, it is impossible to predict what kind of emergency is going to arise in the future. Will the Registrar be satisfied with a generalised description such as 'for emergency relief' or will he demand exact detail of how the money is going to be used? On this government's previous record, one can be almost certain that detail will be demanded and permission will often be refused for changes of plan.

Another difficulty for *Reporting*



re-knotting the noose

Organisations will be establishing whether money has come indirectly from outside the Republic. It is evident enough when money is given by a foreign government through its embassy in South Africa, but how can one establish whether money given by a multinational company was sourced within or outside the Republic?

An organisation which has not been declared a *Reporting Organisation* may receive foreign money and choose to give it to a *Reporting Organisation*. In that case the *Reporting Organisation* will have received foreign money indirectly and will have to report it and fulfill the other conditions in relation to the money imposed by the Bill.

If one has any doubts about the government's motives in introducing the legislation one only has to look at the powers given to yet another set of officials to enter premises without notice and without warrant to search and seize, and the outrageously severe penalties which may be imposed on persons violating the provisions of the Bill.

The Bill enables the government to have access to the most detailed (and possibly privileged) information about organisations and persons and their day-to-day work. This information will become public knowledge once it has been tabled in Parliament by the Minister, as he must do. This does not refer only to the kind of information which is disclosed in Court proceedings when there has been wrongdoing, but to detailed

information about the lawful business of anyone or any group at all which has been declared a *Reporting Person or Organisation*.

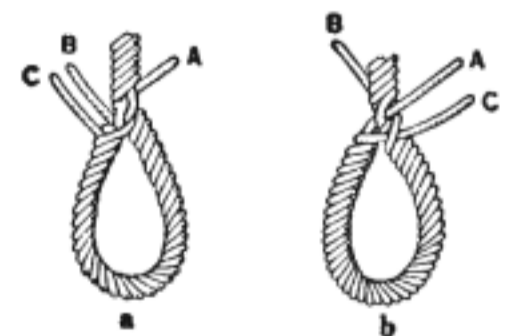
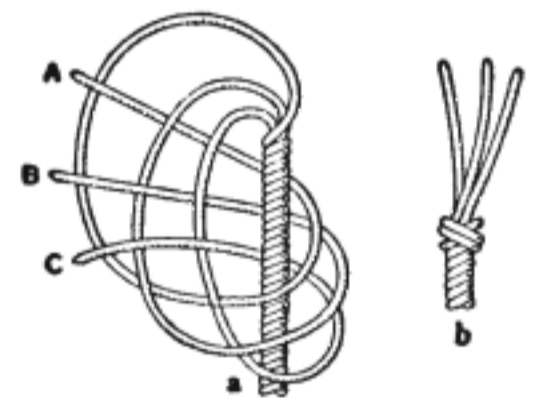
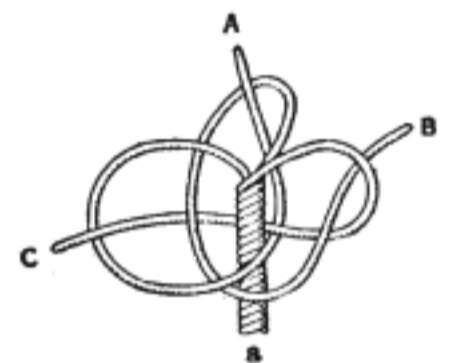
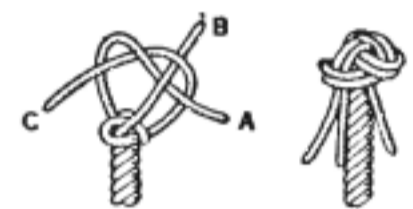
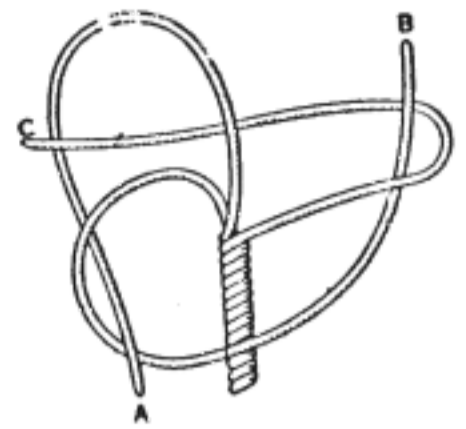
This government already has access to an unacceptable amount of information about its citizens through its security police files, its fingerprinting of all citizens and the computerised Population Register.

The difficulty in opposing this legislation is that it has been received as a vast improvement on the previous Bill. It is much more subtle and just as dangerous, if not more so. It sounds reasonable but it is not. It implies that 'innocent' people and organisations can have no objection to the full disclosure of all their activities and that the state is entitled to collect information in this way. It also implies that the state is entitled to control the lawful activities of organisations and creates a mechanism whereby that control can be exercised without drama or newsworthiness.

This is legislation that would be totally unacceptable in any of the western democracies and one hopes, that in their relief at the previous Bill being shelved, they will not allow this one to go by unopposed.

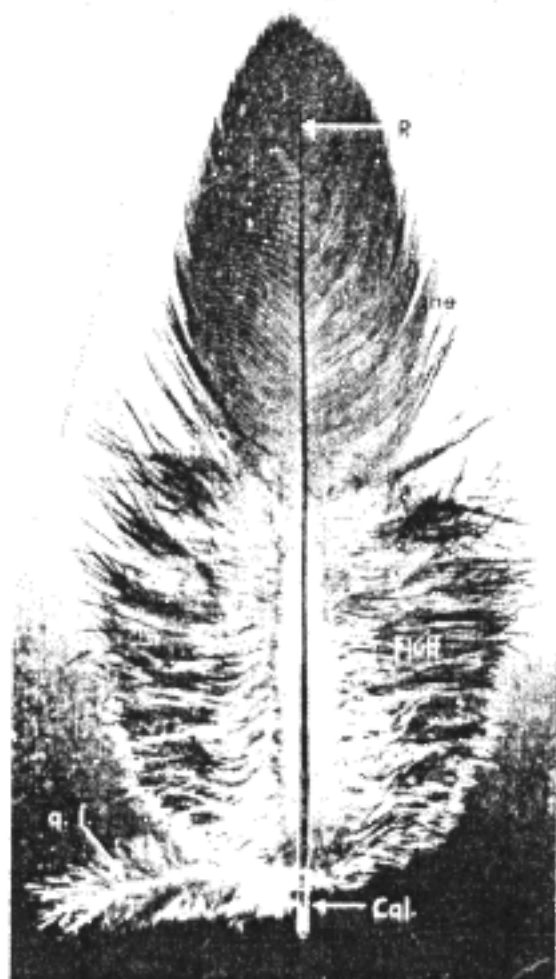
It goes far beyond legitimate demands for the disclosure of funding and for sound financial management and accounting.

The members of the Parliamentary Joint Committee need to be challenged as to why they so complacently approved the Bill. They clearly did not apply their minds. □



the 'soft option'

At a recent IDASA conference on 'Strategies For Change', Joyce Harris proposed that opposition organisations temporarily shelve their differences and support a 'soft option'. She explains the concept here.



Two views of a feather. Magnified 18 times (below), its barbs no longer look so soft.

We all agree that we need to get from apartheid to post-apartheid, and we don't know how. The means we use will affect the post-apartheid society. Therefore I would wish to rule out violence (which destroys people) and sanctions (which destroy the economy).

What then is left? I suggest what I have called the *Soft Option*, which is temporary, which involves extra-parliamentary constituencies as well as parliamentary ones, and which does not need a new party.

The *Soft Option* requires that the entire opposition co-operates temporarily to get this government out, peacefully, because it will never negotiate outside its own parameters, and to set in motion the process of real negotiation.

It requires all constituencies temporarily to shelve their differences and place their particular aims, objectives and principles in cold storage until they are once again free to take them out and bring them to the conference table.

In the meantime they ALL work together to devise a platform with a limited objective that is acceptable to all of them. The essence of this platform should be a clearly stated undertaking to create conditions in which the process of negotiation can begin, and, if desired, it can be quite specific in terms of ending the State of Emergency, releasing political prisoners, unbanning banned organisations etc. It should have only one non-negotiable - that a post-apartheid society must be governed with the consent of ALL the governed.

The *Soft Option* requires an in-

strument. That instrument is the ballot box - despite the fact that the vote is restricted to a very small percentage of our total population, despite a State of Emergency, despite all the factors which militate against free, fair and democratic elections. The ballot box is government-created space and it must be used.

Given a platform which the majority of the people must surely support - government with the consent of all the governed - what is required is the scuttling of long-established and out-dated attitudes. The participation/non-participation debate must be seen for what it is, a matter of strategy, not principle.

Close links must be forged and maintained between parliamentary and extra-parliamentary constituencies. All those who can vote must be persuaded to support the *Soft Option* platform, and that includes government supporters.

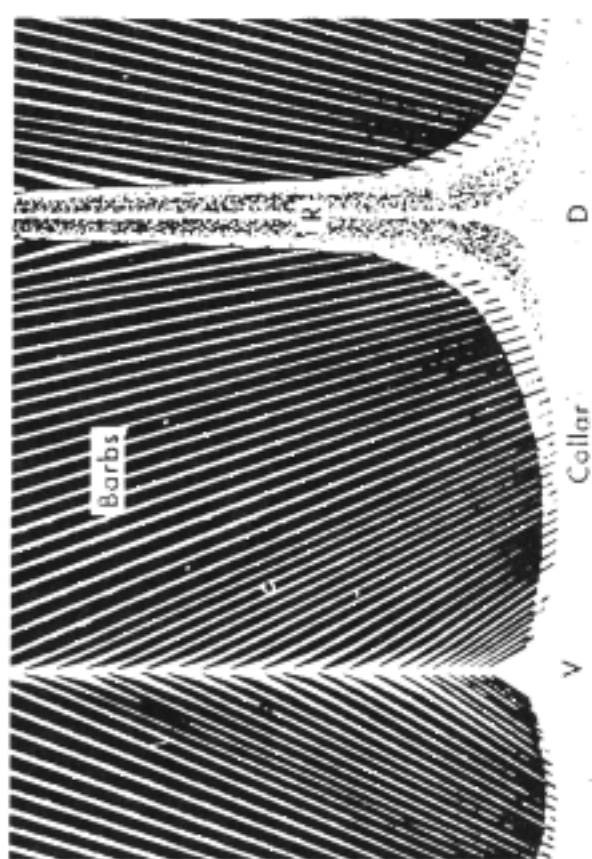
All those who cannot vote must be persuaded to give their platform their tacit and visible support, because it will be in their interests to do so. There are real advantages to this Option. It is temporary. No constituency need sacrifice its identity. It provides a simple platform, which, if well-marketed, could capture the imagination of the people. Its leadership could, if necessary, be a consortium, thus avoiding that thorny issue.

I am as aware as anybody of the obstacles facing such a project. I am not suggesting that any of this is easy to achieve. It needs a blind leap of faith, if you like.

But we all need hope. And to be able to hope we must believe that reason can prevail, that attitudes can be changed, that ruts can be climbed out of, that worn-out clichés can be ditched, in fact that people can work together in a common cause - that of getting this government out, peacefully, and replacing it with a just society where government enjoys the consent of all the governed and can be changed if it doesn't.

The *Soft Option* can be a means of getting there. I've given only the briefest outline, but I suggest that we try it. □

We would welcome a debate on this proposal - ed



Detention without trial hits directly at individuals, although the effects are often devastating - as they are meant to be - for the organisations with which detainees are identified.

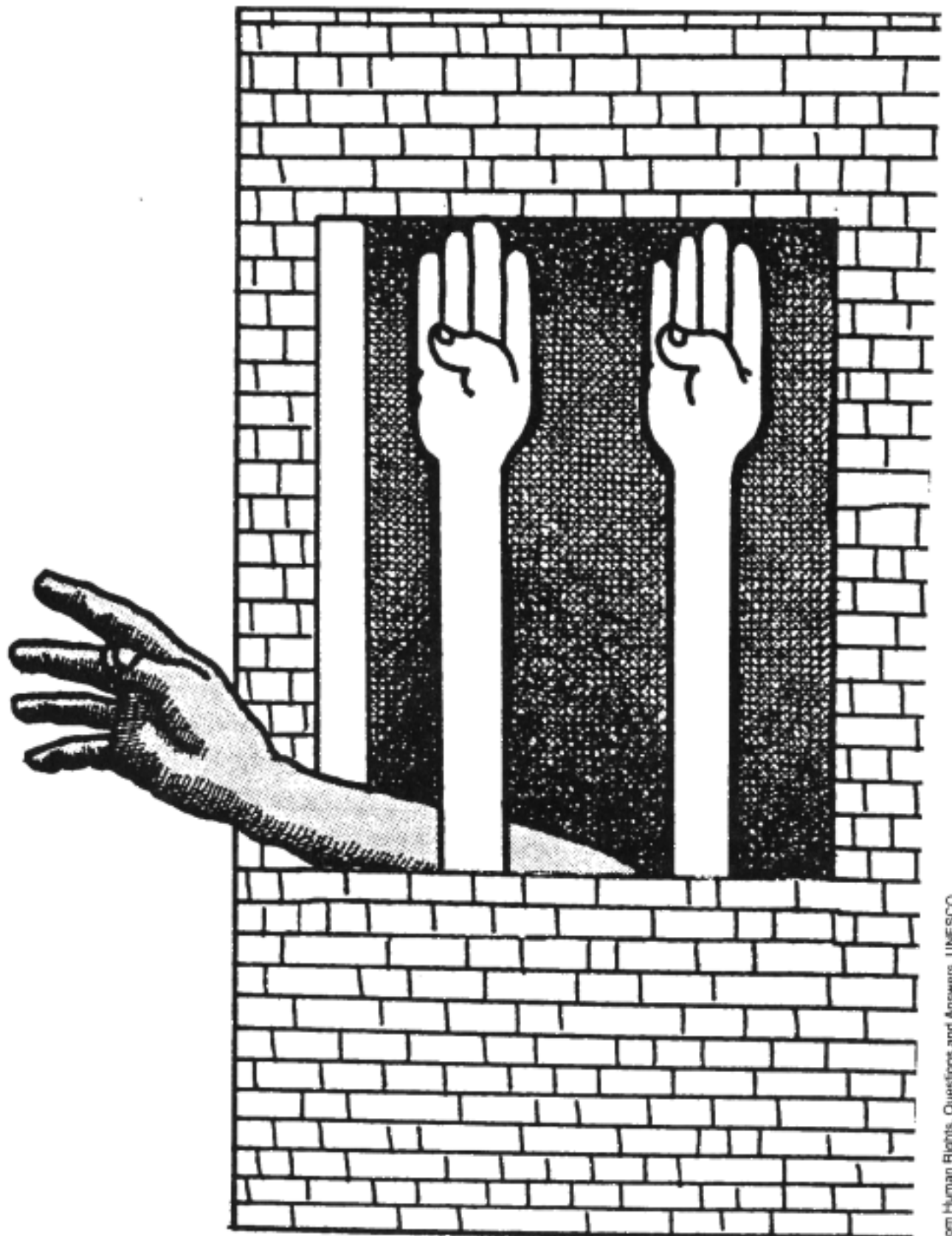
In December 1988 Albany Black Sash and Albany Dependants' Conference produced a list of Eastern Cape Emergency detainees held continuously since 1986. They aimed to bring to public notice the fact that, in one section of the country alone, 90 individuals, all but one of whom had never been charged with any crime were about to spend their third Christmas in jail.

In a brief report the authors point out:

- there were at least 224 people in detention on 7 December 1988 in the eastern Cape (excluding Ciskei and Transkei); of these, 90 had been held continuously since 1986;
- the 90 are part of a far larger group, many having been released before 7 December after long terms in detention;
- many long-term detainees are being held for the third or fourth time without any charges laid against them;
- a true record of long-term detentions should include those persons who are sporadically released and redetained but it had been impossible to compile that data;
- the list includes the main leaders of nonracial organisations in the eastern Cape;
- Emergency detainees are held merely on the subjective opinion of the Minister; the only chance for release through the courts is to prove that the Minister had not applied his mind properly to the case.

The detainees, 87 men and three women, are listed on the next page.

detention in the eastern cape



Eastern Cape men and women in detention

Cathcart

Thozamile Nkwentsha

Cradock

Mbulelo Goniwe
Madoda Jacobs

East London

Dalinxolo Jekwa
Thenene Jordan
Andile Ntiyana

Grahamstown

Phila Nkayi

Port Elizabeth

Sithembele Bono
Michael Bonya
Michael Captain
Buyiswa Fazzie
Henry Mutile Fazzie
Benson Fihla
Sipho Gadani
Sakhiwo Gaxa
Ivy Gcina
Sipho Gogela
Zandisile Gojela
Samson Gotyi
Luyanda Henene
Mkhuseli Jack

Mlungwana Jacob
Yongama Kaizer
Tango Lamani
Siseko Lutywantsi
Patrick Madalana
Themba Madoda
Mzwandile Magaba
Xola Makapela
George Mangali
Themba Mangqase
Phakamisa Maqaqa
Lulamile Matoto
Collin Mbikanye
Lungelo Mclean
Sandile Memani
Walter Menze (charged)
Zixolene Boyce Mini
Michael Mpofu
Temba Mpofu
Bonisile Mtana
Zola Mtatsi
Silas Mntongana
Thembekile Mtengwana
Majolandile Mvula
Dennis Neer
Themhani Ngcume
Edgar Ngoyi
Mangaliso Ngxokwana
Sizwe Nondumo
Michael Nzotoyi
Mpumelelo Odolo
Ihron Lester Rensburg
Mkhululi Sam
Sonwaba Siwula
Stone Sizani
Vuyisile Sojola
Brian Sokutu
Ayanda Somgqeza
Michael Tofile
Melile Teyise

Andile Patrick Tom
Mpumelelo Veto
Mbulelo Williams
Solomzi Williams
Michael Xhego
Archie Yana

Queenstown

Aaron Bobotyana
Vukile Feni
Lucky Makeba
Vuyisile Malangeni
Vuyisile Mciteka
Xolela Mdatyulwa
Michael Ngobongwana
Nomathemba Sidandala

Somerset East

Lindila Makana
Zola Tesana

Stutterheim

Wiseman Klimbasha

Uitenhage

Fikile Kobese
Mncedisi Sithotho

Home Town Unknown

Mtutuzeli Makupula
Dumo Mathabeka
Hartley Mbombo
Jackson Mdongwe
Nelson Winkie Ndlebe
Zwelakhe Ngesi
Lindile Ngxube
Khayaletu Nikani
Themba Tsoko
Nelson Twangu

IVY GCINA has had long and hard experience of detention. She was detained three times in 1985. After her redetention on 12 June 1986 she was held in solitary confinement for a month at Louis le Grange Square. She was transferred several times between prison and police stations in Port Elizabeth and is presently confined with one other detainee in Grahamstown Prison.

Throughout the years when Ms Gcina was active in community life she was subjected to harrassment, including kidnap attempts. She is now 52 years old and was with her husband in New Brighton in Port Elizabeth at the time of her arrest. The Gcinas had four sons and a daughter. All of the sons went into exile and two of them have since died in confrontations with the security police. The last death was in a shootout in October 1988.

A co-detainee who was recently released said Ms Gcina's health is declining with the strains of detention, now cruelly exacerbated by the news of her son's death. She refuses to take medicine from the district surgeon since various incidents have made her believe that she can trust only her private doctor. She is coping well, though, and appears calm at all times. □

LETTERS

Challenging school info on free books and stationery

From Taffy Shearing, Fraserburg:

I refer to 'Better but Hardly Rosy' [SASH Vol 31 No 2, September 1988 p. 31]

It is most distressing to read the comments on para. 3 col. 1: 'In the schools administered by the "coloured" Department of Education and Culture... there is a severe shortage of laboratories, libraries, films, videos, sports facilities, transport and even books and writing materials. This year free books and stationery were provided - a great step forward' (my emphasis). I run a farm school under the Department of Education and Culture but the system

is the same all over the country. Allocations for stationery, cleaning, general equipment, science, geography, etc. are made according to enrolment figures. By a certain date the school's allocation is received and in June, I have to make my annual requisition according to the allocation. My school is overflowing with equipment, stationery, text books, nearly 500 library books (for 12 children). If I had 50 children I would have a roneo machine; for 100 or more a photostat machine. Why is my school so blessed? Because, dear authors, take note, *I order on due date up to the last cent of my allocation.* Our allocations are worked out for enrolment + 10%, so if the school is in a mess and is giving you a yarn to cover up, please use more reliable information or learn the system before you rush into print.

The authors of the article intend to reply in the next issue of SASH.

About getting doctors to rural areas

From Norah Taylor, Johannesburg:

The SASH magazine is presenting interesting and thought-provoking information.

May I ask you to consider getting someone to write on a matter of importance concerning the staffing of African rural hospitals?

I feel that your journal could present an article on the importance of ensuring that doctors who qualify at our medical schools are obliged to

work for a certain time in rural hospitals before they are allowed to leave this country to work elsewhere.

South Africa is very short of doctors in the rural areas, yet many doctors who qualify here almost immediately take their skills to other countries:

South Africa needs doctors in large numbers for the rural areas. Therefore steps should be taken to see that young men and women who are admitted to medical schools agree to serve for a certain number of years in South Africa before taking their skills elsewhere.

We will do our best to follow up this suggestion - ed.

LIGHT RELIEF



"Goodnight, Miss Travis. I've finished my coffee but I've left my biscuit. Put it in my in-tray and I'll deal with it tomorrow."



"We'd agree to a merger if we could come up with a decent acronym."



"These are lean times, Adams, and we all have to cut back a little. Henceforth nothing in this office will be signed with a flourish."

must detainees starve for freedom?

“The bravery of the hunger strikers has established a momentum for change which must be maintained. Throughout the country and throughout the world concern is being expressed for the detainees . . . Why should detainees have to starve for their freedom?”

Mary Burton
National President
Black Sash